



## Temporary agency work: national reports

# Ireland

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# Preface

During a period of rapid labour market expansion and employment growth in Ireland, it would be tempting to set aside those difficult questions of employment relationships and working conditions. Temporary agency working poses some of those difficult questions. Who exactly is the employer? What do we know about this form of atypical working? Is it regulated in fact? While forms of non-standard working, such as part-time and temporary work, have gradually moved up the European discussion agendas, agency working has been sidelined as a minority and exceptional phenomena. In the course of preparing this study, the authors encountered considerable interest and appreciation of the decision of the European Foundation for the Improvement of Living and Working Conditions to fill a definite research gap in knowledge concerning this form of work relationship.

While it might seem that Ireland and the UK are similar in their approach to the treatment of temporary agency working, a closer scrutiny shows that this does not hold true. A part of the growing temporary agency business market in Ireland is regulated. Labour law in the nineties has increasingly, though not exhaustively, encompassed temporary agency working within its scope. Yet this light regulatory ensemble does not appear to have slowed the growth in the number of businesses engaged in the temporary placement of workers.

The report that follows has resisted the temptation to analyse and interpret the place which temporary agency working might have in the labour markets of the future. It has confined itself to a factual description of some core trends in agency working and has merely signalled some of the issues encountered in the course of the study. The use of the world wide web for recruitment, the role of international placement of agency workers, the charging of fees to workers for their own placement in jobs - these are some of the emerging issues.

As with so many forms of atypical working, the inadequacy of data sources stands out in Ireland. The statistical conceptualisation of atypical working is weak and there are no reliable and uninterrupted published data series. The data weaknesses deepen the marginalisation of minority forms of working relationship.

At a time when employment in Europe is expected and exhorted to provide a relationship of quality, the complexity of the temporary agency working relationship provides a definite challenge.

# Summary

In Ireland there is no specific legal code covering the statutory protection of temporary agency workers. The employment rights of temporary agency workers are covered under provisions in some but not all of the acts that comprise the net of statutory protection for employees. These rights are usually conditional on service qualifications. Since 1993 temporary agency workers have been progressively brought within the scope of protective employment legislation as statutes are amended or are updated to comply with the EU Directives. For the purposes of compliance with the various pieces of employment legislation, determining the employer is complicated. Under some Acts, responsibility lies with the employment agency whereas in others responsibility lies with the hiring company. There is generally a lack of information on working conditions of temporary agency workers in Ireland. Temporary agency workers are covered under legislation dealing with health and safety at work. They are also named in employment equality legislation, but there are restrictions and conditions attached to the rights of temporary agency workers under this legislation.

The Central Statistics Office does not collect data on temporary agency workers as distinct from other categories of temporary workers. The European Foundation's European Third European Survey on Working Conditions is one source of data indicating the proportion of those employed on a temporary employment agency contract in Ireland. It places Ireland as the country with the highest percentage of the employed with a temporary employment agency contact in the EU. Statistics generated by the Department of Enterprise, Trade and Employment (DETE) show that the number of persons placed annually in temporary employment in Ireland by employment agencies has increased more than four-fold between 1979 and 1999. This is coupled with a three-fold increase in the number of persons placed annually in temporary employment outside Ireland by licenced employment agencies in Ireland.

Employment agencies were first regulated in Ireland in the early 1970s. At the end of 1999, 447 licences were issued to employment agencies in Ireland, the highest number on record. Many but not all of these agencies are engaged in the placement of temporary agency workers. The Employment Agency Act, 1971, regulates the activities of employment agencies in Ireland and includes provisions covering licencing, monitoring, inspection and control. The Act does not apply to certain types of employment agencies, a number of exemptions have been granted and 'Internet employment agencies' are outside the scope of the legislation.

The government and the social partners have agreed a national programme for 2000-2002. The specific issue regarding the situation of temporary agency workers was not adopted as part of the programme. Officials at the DETE will be consulting the social partners as part of a review of the Employment Agency Act, 1971.

A number of issues emerged during the course of the research. These include the collection of data, non-ratification by Ireland of ILO C181 Private Employment agencies Convention, 1997, the recruitment and placement of temporary agency workers by 'Internet employment agencies', and the cross-border recruitment and placement of temporary agency workers at EU and international level.

# Introduction

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## Background

Ireland has one of the fastest growing economies in the EU and the OECD. After a long period of depression and emigration, the Irish labour market has been experiencing an extraordinary spurt of expansion (O'Connell, 1999). This expansion has taken the form of growth in both full-time and part-time employment. A large part of this economic growth is accounted for by the take-up of part-time employment by women in the services sector of the economy.

The labour force in Ireland is small at 1.7 million (2000) and relatively homogeneous. In recent years, there has been a dramatic reduction in the rate of unemployment. The unemployment rate, which stood at around 10% in 1997, is currently low and falling. In the first quarter of 2000, the unemployment rate had fallen to below 5% and had fallen again in the second quarter to 4.3%. The fall in long-term unemployment accounts for the most recent decreases.<sup>1</sup>

With the levelling-off of the increase in the labour force participation rate of women and the decrease in the number of long-term unemployed, the supply of available workers has fallen. There is continuing evidence of labour shortages.<sup>2</sup> Indicators show that the sources of labour supply are declining, despite a growth in the labour force.

Labour shortages are particularly affecting certain sectors of the economy, with companies in the software, retail, catering, hospitality and tourism sectors for example, finding it increasingly difficult to recruit workers. Labour market shortages in some locations, occupations and sectors have led to changes in recruitment practices. These include competitive poaching or head-hunting of workers through recruitment directly from third level colleges, pressures from employers for in-migration from third country nationals, the growth of recruitment and placement agencies, anecdotal evidence of the hiring of juveniles and children for unskilled work, and strategies to attract former emigrants or second generation Irish working outside Ireland to 'come home' to work.

Another feature of the Irish labour market is that flexible working is expanding. The desire to be economically competitive is one factor leading to increased flexibility being promoted across Europe. Numerical flexibility - the ability of an organisation to match its labour force to the scale of demand - involves the use of a variety of atypical working patterns. Concerns have been expressed that the general movement towards flexibility and atypical working is one-sided with employees bearing the costs of fluctuations, leading to calls for regulation of these forms of employment relationships at European level. The European Foundation for the Improvement of Living and Working Conditions (1998) has concluded that 'temporary employment provides a tool for problem-free management of employment and labour force flexibility'. This is supported by evidence that workers on atypical employment contracts experience poorer working conditions than those on permanent contracts.

Temporary work as organised by an employment agency, one form of atypical working,<sup>3</sup> is the subject of this report. This report is based on research examining the current situation regarding temporary agency work in

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<sup>1</sup> CSO, Quarterly National Household Survey, First and Second Quarters, June and September 2000.

<sup>2</sup> CSO, Quarterly National Household Survey, First and Second Quarters, June and September 2000.

<sup>3</sup> Other forms include part-time work, working on fixed-term or fixed-purpose contracts, casual work, seasonal work, zero-hours contracts as well as permanent temporary or temporary full-time work.

Ireland. The research was commissioned by the European Foundation for the Improvement of Living and Working Conditions (EFILWC) in 2000. The research coincides with European level negotiations between the social partners, which began in June 2000.

### Research Objectives

The objectives of the research were to provide an accurate description of the reality behind temporary agency work in Ireland, with the resulting report to be used in the compilation of a European consolidated report on the subject. The following relationships were examined during the course of the research:

- the relationship between temporary agency work and working conditions;
- the relationship between temporary agency work and labour market organisation;
- the relationship between temporary agency work and collective bargaining.

It became clear in conducting the research that the available data on temporary agency working in Ireland is fragmented, hidden and had not been assembled in one place heretofore. The information at hand was sometimes outdated, and sometimes inaccurate or incomplete. There is little analytical and interpretative work on temporary agency work in Ireland. Using secondary source analysis primarily, this research presents a description of temporary agency work in Ireland. The researchers also undertook to survey a sample of 34 businesses operating as employment agencies in Ireland to inform the study and validate some of the findings.

### Outline of the report

The rest of this chapter briefly examines the term temporary working and outlines the categories of temporary workers.

Chapter 2 outlines the employment conditions of temporary agency workers in Ireland and examines the relationship between such work and working conditions. There is little information in Ireland on the working conditions of temporary agency workers, but differences are clearly shown by the case of agency nurses. The chapter concludes with an examination of equality legislation as it relates to temporary agency workers.

Chapter 3 examines temporary agency work and the labour market in Ireland. The chapter examines data on trends in temporary working and data generated on the placement of temporary agency workers by licenced employment agencies inside and outside Ireland. The issues regarding the posting of temporary agency workers in Ireland from abroad is discussed. This is followed by a detailed description of the legislation governing the activities of temporary working agencies.

Chapter 4 examines the role of collective bargaining in Ireland in relation to temporary agency work.

Chapter 5 highlights the most significant issues emerging in Ireland in relation to temporary agency work.

## Temporary workers

The term “temporary” employment is not separately identified as a category in Irish law. The Irish Congress of Trade Unions (ICTU) has adopted the EU definition,<sup>4</sup> which states that:

‘a job may be regarded as temporary if it is understood by both employer and employee that the termination of a job is determined by objective conditions such as reaching a certain date, completion of an assignment or return of another employee who has been temporarily replaced’.

Temporary workers can be distinguished from other types of employees. One of the characteristics distinguishing temporary employment from other types of employment is that an employee is considered to be temporary if his or her position is not regarded as permanent. An employee is said to be permanently employed when (s)he is employed for an indefinite period on the regular staff of a particular employer as distinct from persons taken on casually for a temporary or defined period (Roche and Redmond, 1994, p. 9). As with employees on permanent contracts, employees on temporary contracts can be employed to work full-time or part-time. According to the European Foundation (1998), Ireland has a high proportion of employees working part-time on fixed-term contracts and a high proportion of employees working part-time on temporary contracts.

Temporary workers are a heterogeneous group. They can be classified according to the following criteria:<sup>5</sup>

- employed under a fixed-term contract;
- employed under a fixed-purpose contract;
- employed to carry out seasonal work;
- employed as a casual worker;
- employed to undertake temporary work as organised by an employment agency;
- employed in permanent temporary or temporary full-time work;
- employed under zero-hours contracts.

Employees can also have a temporary job if their contract covers a period of training or a probationary period.<sup>6</sup>

Definitions of the different categories of temporary worker are provided in Appendix I to this report.

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<sup>4</sup> Eurostat, Labour Force Survey: Methods and definitions, 1998 Edition, Theme 3: Population and social conditions, OOEPEC, Luxembourg.

<sup>5</sup> See Redmond, 1983, p. 11; Roche and Redmond, 1994, pp. 9-10; ICTU, 1995.

<sup>6</sup> These categories are used in ELFS questionnaire.

# 2 Employment and working conditions in Ireland

The material in this chapter was assembled for the purposes of the research.

## Specific features in employment conditions of temporary workers

The term “temporary” employment is not separately identified as a category in Irish law. According to Meenan (1999), the legal status of temporary working in Ireland is both ‘complicated and unfortunate’.

The employment conditions of temporary workers are covered in statute law and case law. The main feature of Irish employment law is that it is part of a legal system that comes from the common law tradition. As such, Irish labour law initially developed through case law and court decisions rather than through the establishment of legal codes or statutes. This meant that the original provisions of employment law were, largely, made by judges and, largely, fell under the heading of contract law. There is still no comprehensive code of employment law in Ireland. Statutes dealing with the individual employment relationship have been passed, although not all aspects of the employment relationship are governed by statute (von Prondzynski, undated).

## The contract of employment

In Ireland, the employment conditions of much of the labour force in Ireland are governed by the terms of their individual contract of service and the contract of employment forms the basis of all employment relationships.

A person who works for an employer for a regular wage or salary has automatically a contract of employment, which need not be in writing. In the case of a work contract of limited duration, the condition for its termination is generally mentioned in the contract.

The employer is usually determined by looking at the contract of employment or some other document such as an ‘offer of employment’ or pay slips. In the case of temporary agency workers, establishing the employer is less clear.

In the mid-eighties a decision taken under Irish case law (*The Minister for Labour v PMPA Insurance Co.* under administration (1986) 5 JISLL 215) deemed that the “agency temp” is not an employee of the hiring company and thus does not have any protection under the legislation. However, the inclusion of a provision in the Unfair Dismissals (Amendment) Act, 1993, reversed this decision. Under Section 13 the hiring company becomes the employer even if the agency is paying the wages. The reason for including this provision was to prohibit a company from evading its statutory obligations through the employment of a temporary agency worker.

ICTU (1995, p. 6) has noted that ‘Agency workers are progressively being brought within the scope of ... protective legislation as they are amended or updated to comply with the EU Directives’. Since 1993, new or amended statutes relating to employment protection began to specify that the contract of employment

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<sup>7</sup> The authors gratefully acknowledge advice received from O'Mara, Geraghty McCourt Solicitors, Dublin, 1 November 2000.



included agency workers. This is evidenced by the Maternity Protection Act, 1994, and the Organisation of Working Time Act, 1997. For example, the Organisation of Working Time Act, 1997, considers that an employee with a contract of employment includes a contract where an individual:

*'agrees with a person carrying on the business of an employment agency, within the meaning of the Employment Agency Act, 1971, to do or perform personally any work or service for another person (whether or not that other person is a party to the contract).'*

Whereas under the Unfair Dismissals (Amendment) Act, 1993, the employer is the person for whom the agency works, in other employment legislation - the Terms of Employment (Information) Act, 1994, the Maternity Protection Act, 1994, and Organisation of Working Time Act, 1997 - the person who pays the wages is considered to be the employer of the agency worker.

### **Statutes as they relate to temporary agency workers**

The Employment Agency Act, 1971, which governs the operation of employment agencies in Ireland, does not concern itself with the employment conditions of agency workers. There is no legal code covering the statutory protection of temporary agency workers. The employment rights of temporary agency workers, which are usually conditional on service qualifications, are extended under provisions in some (but not all) of the acts that comprise the net of statutory protection for employees.

#### **Service qualifications**

Most rights in Irish labour legislation require a service qualification, which has the effect of excluding many temporary workers, including temporary agency workers (Roche and Redmond (1994)). The following Acts require a fixed period of continuous service: Unfair Dismissals Act, 1977 - 1 year; Redundancy Payments Acts, 1967-85 - 2 years; the Minimum Notice and Terms of Employment Act, 1973 - 13 weeks.

#### **Principal employment legislation**

The following is an examination of the extension of rights to temporary workers and temporary agency workers under the principal employment legislation. The Acts examined are as follows:

- Unfair Dismissals Act, 1977 to 1993
- Minimum Notice and Terms of Employment Act, 1973
- Terms of Employment (Information) Act, 1994
- Payment of Wages Act, 1991
- Redundancy Payments Acts, 1967-1991
- Maternity Protection of Employees Act, 1981, 1994
- Organisation of Working Time Act, 1997

#### **Unfair Dismissals Act, 1977-1993**

The Unfair Dismissals Acts, 1977 to 1993, provide 'protection for employees from being unfairly dismissed from their jobs by laying down criteria by which dismissals are judged to be unfair and by providing an adjudication and redress for an employee whose dismissal has been found to be unjustified' (DETE, 1999, p. 28).

In order to fall within the scope of the Unfair Dismissals Acts, a temporary worker must be an employee working under a contract of employment and must be normally expected to work at least eight hours per week. The workers must have the requisite period of service of one year.

The Acts do not apply to employees employed on fixed-term or fixed-purpose contracts who are let go when the contract expires or the purpose ceases, provided the contract, signed by both parties, specifies that the Unfair Dismissals Acts do not apply. With effect from 1st October 1993, if a series of two or more of these contracts, between which there was no more than a three month break, is considered to have existed for the purposes of avoidance by the employer of liability under the Acts, they will be added together in calculating continuous service of an employee for eligibility under the Acts. Apart from this, any provision in an agreement, whether a contract or not, to exclude or limit the application of the Acts are void (DETE, 1999, p. 28).

The Unfair Dismissals (Amendment) Act, 1993, extended the scope of who may be considered as an employee for the purposes of unfair dismissals legislation. The amended Act provides that temporary agency workers placed by an employment agency under the Employment Agency Act, 1971, are covered by the scope of the legislation. For the purposes of the Acts, the party hiring the individual from the employment agency is deemed to be the employer, whether or not this third party pays the wages in respect of the work or service. Under the Acts, temporary agency workers shall be entitled to bring unfair dismissal claims for redress against the hiring company that is the employer with whom they are placed, provided they meet the necessary service qualifications.

### **Minimum Notice and Terms of Employment Act, 1973**

The Minimum Notice and Terms of Employment Act, 1973, as amended by the Workers Protection (Regular Part-Time Employees) Act, 1991, provides that employees in continuous service with the same employer for at least 13 weeks and who are normally expected to work at least eight hours per week are entitled to a minimum period of notice before the employer may dismiss them. The period of notice depends on the length of service (DETE, 1999, p. 20).

### **Terms of Employment (Information) Act, 1994**

The Terms of Employment (Information) Act, 1994, requires employers to provide employees with a written statement of certain particulars of the employee's terms of employment (DETE, 1999, p. 8).

The Act, in general, applies, *inter alia*, to any person working through an employment agency. In the case of agency workers, the party who pays the wages (the employment agency or the hiring company) is the employer for the purposes of the Act and is responsible for providing the written statement.

The Act does not apply to any person who is normally required to work for the employer for less than eight hours per week or who has been in continuous service to the employer for less than one month.

### **Payment of Wages Act, 1991**

The Payment of Wages Act, 1991, provides that every employee has the right to a readily negotiable mode of wage payment. The list of modes provided for in the Act include cheque, credit transfer, cash, postal order/money order and bank draft. Workers employed through an employment agency, *inter alia*, are covered under the Act. In the case of agency workers, the party who pays the wages is the employer for the purposes of the Act (DETE, 1999, pp. 10-11).

### **Redundancy Payments Acts, 1967-1991**

The Redundancy Payments Acts, 1967-1991, impose a statutory obligation on employers to pay compensation to employees dismissed for reasons of redundancy. This arises where an employee's job ceases to exist and (s)he is not replaced for such reasons as the financial position of the firm, because there is not enough work, the firm closes down altogether, or because of reorganisation (DETE, 1999, p. 22). The worker, including temporary employees, must have the requisite period of two years service under the Acts.

### **Maternity Protection of Employees Act, 1981, 1994**

Temporary agency workers are often engaged by companies to cover for a female employee who is absent from work on maternity leave. Under Section 3 (2) (c) of the Maternity Protection of Employees Act, 1994, an employer must inform the temporary worker in writing at the commencement of the employment that the employment will terminate on the return to work of the absent employee.

If an agency worker herself wishes to take leave under the Maternity Protection Act, 1994, she will serve the relevant notices on the agency because it is the agency that is paying her wages (Ellis and Joyce, 2000, p. 18).

### **Organisation of Working Time Act, 1997**

The Organisation of Working Time Act, 1997, sets out statutory rights for employees in respect of rest, maximum working time and holidays. Holiday pay is earned against time worked. All employees, full-time, temporary or casual, earn holiday entitlement from the time work is commenced. There is no qualifying period for holidays and all employees regardless of status or service qualify for paid holidays. Legislation on working time also concerns temporary work (DETE, 1999, pp.13-19).

In the case of agency workers, the person who is liable to pay the wages (employment agency or hiring company) is the employer for the purposes of the Act and is responsible for providing the holidays/public holiday entitlement.

The Organisation of Working Time Act, 1997, also provides a description of "zero hours" contracts. Zero hours working practices refers to practices where an employee is either asked to be available for work, without the guarantee of work or where an employee is informed that there will be work available on a specified day or days. Compensation is payable when an employee is not required by the employer to work even though the employee was required to make himself/herself available over the period without the guarantee of any work. Compensation is not payable when the employee is paid wages for making himself/herself available for work or if the employee has an on call liability. Compensation is not payable when an employee is sick, on short-time or lay-off or in the event of an emergency.

### **Occupational safety and health policies relating to temporary agency workers**

Before a licence is issued to an employment agency, inspectors from the Health and Safety Authority (HSA) visit the premises where job-seekers are to be received to ensure that they conform to the prescribed standards of accommodation (see Section 3.6 for further details). While there are no specific national level occupational safety and health policies dedicated to temporary agency workers, the occupational safety and health of temporary agency workers are protected under the Safety, Health and Welfare at Work Act, 1989, as outlined below.

### **Safety, Health and Welfare at Work Act, 1989**

The Safety, Health and Welfare at Work Act, 1989, extended legislative protection in safety, health and welfare matters to include all places of work and all employers, employees and the self-employed (DETE, 1999, p.35). The coming into effect of the Safety, Health and Welfare at Work (General Applications) Regulations, 1993, represented a significant enhancement of the provisions of the 1989 Act.

Under the Regulations, a temporary employee means ‘an employee in a temporary employment business which is the employer of that employee and where the person is assigned to work for and under the control of another undertaking making use of his service’. Temporary employment business means ‘a business which provides temporary employees to other undertakings making use of the services of such employees’.

Regulation 4 (2), which relates to fixed-term employees and temporary employees, states that

*‘Any duty imposed by the regulations on an employer in respect of any of his employees shall also apply in the respect of the use by him of the services of a fixed-term or a temporary employee’.*

Therefore, employers have the same responsibilities under the Regulations for temporary employees retained through an employment agency (and for fixed-term employees) as they have in relation to their own employees (HSA, 2000).

Regulation 11 places a duty on employers to provide information to employees on matters of health and safety in the workplace. Where an employer intends to hire a temporary agency worker, the employer is obliged give information to the employment agency on the level of skill necessary, taking account of risks to health and safety as well as the work carried out. The employer also has a duty to ensure that the employment agency has passed on the information to temporary agency workers.

*‘It shall be the duty of every employer -*

- *proposing to use the services of a temporary employee, to specify to the temporary employment business concerned the occupational qualifications necessary for and the specific features of the task for which such an employee is required, and to ensure that the temporary employment business duly informs such employees of such information,*
- *proposing to use services of a fixed-term employee or a temporary employee, to inform him, prior to his taking up any work activity, of the risks which he may face, including, in particular, information or any special occupational qualifications or skills or special medical surveillance required in the place of work, and any increased specific risks which the work activity may entail.’*

Temporary agency workers, therefore, must also be informed by the employer, prior to commencement of work, of the risks which (s)he may face as well as any particular skills or qualifications to cope with high risks in the workplace and whether any special medical surveillance is called for.

Whereas under the Unfair Dismissals Act, the employer is the person for whom the agency works, compliance with health and safety requirements is the responsibility of the employer for whom the agency worker is actually working (Ellis and Joyce, 2000).

## Working conditions of temporary agency workers

There is generally a lack of information on working conditions of temporary agency workers in Ireland. The number of agency nurses in the health sector has increased dramatically in recent years (see Box 1) and Box 2 illustrates some aspects of working conditions in respect of temporary agency nurses working in hospitals in Ireland.

The Second European Survey on Working Conditions, conducted in 1996 in the 15 EU member states by the EFILWC, found that the working conditions of precarious workers<sup>8</sup> are worse than for permanent workers (Letourneux, 1998). This is illustrated by findings that:

- a higher proportion of employees under precarious contracts have no fixed component in their pay;
- large numbers of temporary workers have very short working hours while full-time temporary workers have long working hours;
- part-time temporary workers and workers on full-time fixed-term contracts are most affected by night work;
- part-time temporary workers account for a large percentage of people who work on Sundays;
- temporary workers are most affected by shift work;
- precarious workers are more likely than permanent workers to work in painful or tiring positions, be exposed to intense noise, perform repetitive movements and short repetitive tasks.

An important issue highlighted by the survey is the ambivalent nature of part-time work. Part-time work associated with a permanent contract of employment appears to give workers better working conditions than those of full-time workers under a permanent contract of employment. In contrast, part-time work associated with a precarious contract of employment is more likely to be problematic and imply poorer working conditions than those of full-time workers on a precarious contract of employment.

The European Foundation survey includes workers in Ireland and therefore the findings pertain to a greater or lesser extent to Ireland.

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<sup>8</sup> Precarious workers are workers on full-time or part-time fixed-term contracts and workers engaged in full-time or part-time temporary work.

### Box 1: 'Agency Nurses' in the Health Services

Agency nurses are qualified nurses who are not directly employed by health boards or hospitals (HSEA, 2000). ICTU (1996, p. 41) provides the following description of agency nurses in the health services:

'These nurses register with Employment Agencies and pay a percentage of their fees to the Agency (5-7% in most cases). Agencies say they are not the employer as nursing fees are paid directly to the nurses. Many agency nurses are young graduates who cannot get work in hospitals. The agency can take a nurse off a case without notice and move a nurse from case to case.'

The number of nurses working in an agency capacity in the health services has increased dramatically in recent times, with the figures in the Dublin area alone currently estimated as being approximately 1,500.<sup>9</sup> According to the Irish Nurses Organisation (INO), 'the main reason for the increase is the added flexibility which working in an agency capacity gives the nurses concerned and thus enabling them to choose when and where they wish to work at any given time'. Nurses choose to work in an agency capacity for a variety of reasons:

- it gives nurses the flexibility to choose between night and day shifts;
- it enables nurses to combine work with training, education or travel;
- it enables nurses returning from work abroad to take up employment while looking for a permanent job;
- it enables nurses to combine work and family responsibilities.

A survey on nursing vacancies was conducted by the Health Service Employers Agency (HSEA) in 2000. The survey of 47 health service employers comprising health boards, voluntary hospitals and voluntary organisations in the learning disability sector found that many of the 1,388 vacant nursing posts in Irish hospitals are been covered by agency nurses (HSEA, 2000). Based on the finding that on average 414 agency nurses are engaged by the health boards/hospitals every day, the HSEA reports that 'the trend towards increased utilisation of agency nurses continues'. The report indicates an increased utilisation of agency nurses outside the Dublin area.

The high level of nursing vacancies has meant that in recent years fewer nurses employed by the health boards and hospitals are now leaving to become agency nurses as a means to facilitate combining work and family responsibilities.<sup>10</sup> Whereas, in the past, agency nursing enabled nurses to combine work and family responsibilities more easily, nowadays, nurses are able to organise more flexible working arrangements with the hospital at which they are employed, by choosing part-time work or working on a job sharing basis. Furthermore, a nurse who leaves hospital employment to become an agency nurse drops her pension. This is a disincentive for permanently employed nurses leaving their post to work in an agency capacity.

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<sup>9</sup> Communicated by Mr John Delamere, Industrial Relations Officer, INO, Dublin, November 2000.

<sup>10</sup> Communicated by a professional, working in an Intensive Care Unit in a Dublin hospital, October 2000.

### Box 2: Working Conditions of 'Agency Nurses' in the Health Services

There are variations in working conditions between agency nurses and those engaged directly by the hospital. For example:

- agency nurses can be 'cancelled' at short notice by the hospital, for example, if the requirements of the hospital change suddenly such as when a patient is discharged or on the sad occasion of the death of a patient.
- one concern of the INO<sup>11</sup> is that agency nurses do not normally receive the benefits that would be given at times of pay settlements to nurses in the broader public or private sector. An example of this would have been that all directly employed nurses were given a Lump Sum Payment of IR£1,250 in October 2000 to reflect the co-operation which they would be expected to give with the changes outlined in the Report of the Commission on Nursing. This payment has not been and, according to the INO, is unlikely to be given to agency nurses.
- a second concern raised by the INO<sup>12</sup> is that whilst agency nurses have gained access to Annual Leave Entitlements in recent times, they continue to be severely affected by non-access to a proper Sick Pay Scheme and the absence of any adequate Pension Scheme.

## Equal opportunities and temporary agency workers

### Employment Equality legislation

The Employment Equality Act, 1977, made it unlawful to discriminate between individuals on the grounds of sex or marital status in recruitment for employment, conditions of employment (other than remuneration or pension schemes), training or work experience, or in opportunities for promotion. While the 1977 Act was aimed primarily at eliminating discrimination by employers, it also outlawed discrimination in activities which are related to employment - such as discrimination by organisations providing training courses, trade unions or employment agencies, as well as prohibiting, display or publication of discriminatory advertisements.

The Employment Equality Act, 1998, is considered to be the most significant development in the area of Irish employment equality law in the past two decades. The Act prohibits discrimination in employment on the grounds of gender, marital and family status, sexual orientation, religion, age, disability, race, membership of the Traveller community and involvement in an action for redress under this legislation.

The Act provides a definition of agency workers (Section 2 (1)). For the purposes of the Act, "agency worker" means an employee whose contract of employment is a:

*'contract whereby an individual agrees with a person carrying on the business of an employment agency, within the meaning of the Employment Agency Act, 1971, to do or perform personally any work or service for another person (whether or not that other person is a party to the contract).'*

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<sup>11</sup> Communicated by Mr John Delamere, Industrial Relations Officer, INO, Dublin, November 2000.

<sup>12</sup> Communicated by Mr John Delamere, Industrial Relations Officer, INO, Dublin, November 2000.

The Act also defines the employer. Section 2 (3) (c) states that:

*'In relation to an agency worker, the person who is liable for the pay of the agency worker is deemed, under the Act, to be the employer.'*

Employment agencies are within the scope of the Employment Equality Act, 1998, and are specifically mentioned in the Act. Section 11 (1) of the Act states that:

*'Without prejudice to its obligations as an employer, an employment agency shall not discriminate against any person -*

- who seeks the services of the agency to obtain employment with another person, or
- who seeks from the agency guidance as to a career or any other service (including training) related to the employment of that person.'

With regard to employment discrimination against agency workers, there are some restrictions under the Act. Section 7 relates to equal pay for work of equal value, and in relation to an agency worker, "the comparator" can only ever be another agency worker and can never be a non-agency worker. Subsection (2) states:

*'In relation to the work which an agency worker is employed to do, no person except another agency worker may be regarded under subsection (1) as employed to do like work (and, accordingly, in relation to the work which a non-agency worker is employed to do, an agency worker may not be regarded as employed to do like work).'*

While discrimination by the hiring company against an agency worker is also prohibited under the Act, there are conditions attached to this. Section 8 (2) provides that a provider of agency work<sup>13</sup> shall not discriminate against an agency worker in relation to access to employment, conditions of employment, training or experience for or in relation to employment, promotion or re-grading, or classification of posts. However, discrimination, on one of the discriminatory grounds, against an agency worker by a provider of agency work is only considered to be discriminatory if the agency worker is treated less favourably than another agency worker is, has been or would be treated.

### **Discrimination against asylum seekers**

As mentioned above, race is one of the grounds of discrimination under the Employment Equality Act, 1998. Discrimination is considered to occur if an individual is treated differently because that individual is of different race, colour, nationality, or ethnic or national origin.

Recent research examining, inter alia, the barriers faced by asylum seekers in obtaining employment in Ireland found that a main site of discrimination against asylum seekers was in access to employment (Fanning et al.,

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<sup>13</sup> For the purposes of the Act, a "provider of agency work" is a person who, under contract with an employment agency, within the meaning of the Employment Agency Act, 1971, obtains the services of one or more agency workers but is not their employer for the purposes of the Act.



2000, pp. 46-47). The study found that, in addition to facing discrimination from employers, asylum seekers faced discrimination from 'recruitment consultants'. The study concluded that research evidence suggests that employment agencies in Ireland may be either co-operating uncritically with instructions from employers not to send them black and ethnic minority staff or voluntarily channelling ethnic minority applicants away from firms which they suspect would reject such applicants<sup>14</sup> for reasons of culture or colour. The study points to similar findings in some other EU member states.

### **Conclusion**

The employment of temporary agency workers is being regulated in Ireland. The material assembled for the purposes of this chapter shows that the status of temporary agency workers is increasingly being rendered partially equivalent to workers with a standard form of contract. Temporary agency workers are progressively being named in general employment legislation provisions, which in turn has brought forward the objective of equality of treatment between temporary agency workers and other categories of workers.

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<sup>14</sup> Based on findings of a study conducted by the EFILWC.

### Trends in temporary working in Ireland

Permanent employment is the main form of employment in Ireland, as in many other EU member states. As the EFILWC has pointed out, there is a common thread in the EU 'towards a growing proportion of part-time and non-permanent jobs, leading to the erosion of the full-time permanent standard' (Goudswaard and de Nanteuil, 2000, p. 11).

The Central Statistics Office (CSO) in Ireland collects data on whether jobs are permanent or temporary in the Quarterly National Household Survey (QNHS).<sup>15</sup>

Using CSO data, the European Labour Force Survey (ELFS) estimates that in Ireland there were some 87,000 employees in temporary employment in 1998.<sup>16</sup> According to the ELFS, 'temporary work', as a percentage of overall employment in Ireland stands at 7.7% of employees (1998). Separate data on temporary agency work cannot be derived from the ELFS.

Figures cited in the ELFS are not consistent with those cited in Employment in Europe Report, which are taken from the European benchmark employment series. The Employment in Europe Report, 1998,<sup>17</sup> gives figures in relation to percentage of overall employees on fixed-term contracts. The figures reported in the Employment in Europe Report are useful in that they can be used to follow the trend in fixed-term employment over the nineties. According to the Employment in Europe Report, the proportion of employees holding fixed-term contracts in Ireland rose slowly but unsteadily during the 1990s - rising and falling between 1994 and 1996 - to a level of 9.4% in 1997 (see Table 1).

The questions on temporary jobs in the CSO's QNHS do not include a question that would distinguish the number of persons engaged in temporary jobs as organised by an employment agency from persons engaged in other categories of temporary jobs. The data, when available, will not therefore shed light on the numbers of employees engaged in temporary agency work in Ireland. Data from the Third European Survey on Working Conditions (carried out in 2000) is an indicator of the proportion of the employed on a temporary employment agency contract.<sup>18</sup> The survey indicates that Ireland has the highest percentage of workers employed on a temporary employment agency contract (5.2%) in the EU, whereas the average across the 15 member states is 2.2%. According to the survey, Italy is the only other country with a similarly high proportion of workers employed on a temporary employment agency contract.

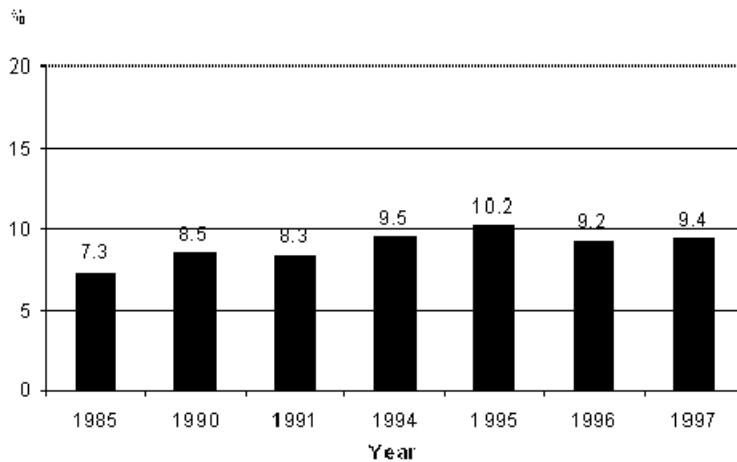
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<sup>15</sup> At the time of writing, there is no data on permanent or temporary employment available from the CSO QNHS. The CSO is currently undertaking work on the permanent and temporary variables and data is expected to be available in 2001.

<sup>16</sup> Eurostat, Labour Force Survey: Results 1998, 1999 Edition, Theme 3: Population and social, OOEPEC, Luxembourg.

<sup>17</sup> European Commission, Directorate for Employment and Social Affairs (1999) Employment in Europe, 1998, OOEPEC, Luxembourg.

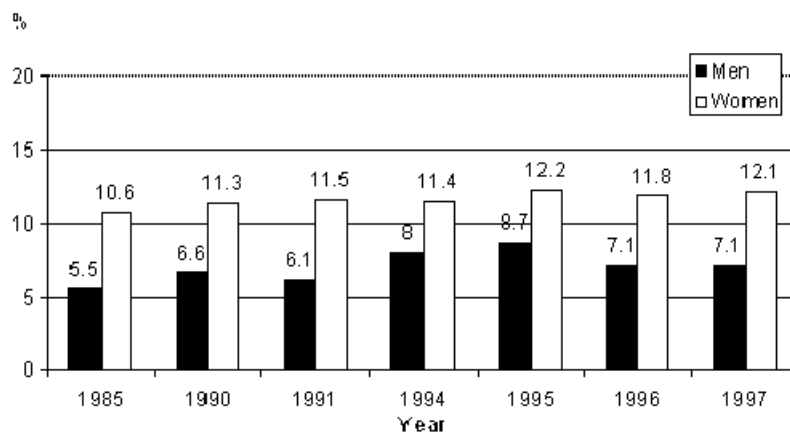
<sup>18</sup> The Third European Survey is a survey on working conditions. It is based on a relatively small sample of 21,500 workers (1,500 workers in each Member State apart from Luxembourg where 500 were interviewed). As such, the data arising from the survey relating to the proportion of temporary agency workers as a proportion of those employed should be treated with caution.

Table 1: *Employees on fixed-term contracts in Ireland (1985 and 1990-1997)(%)*

Source: *European Commission, Directorate for Employment and Social Affairs (1999) Employment in Europe, 1998, OOEPC, Luxembourg, p. 156.*

#### Gender breakdown of employees on fixed-term contracts

Table 2 compares men, as a proportion of total men employees in fixed-term contracts, against women, as a proportion of total women employees in fixed-term contracts. The proportion of men in Ireland in fixed-term jobs, at 7% in 1997, is below the European average of 11% for men. The 1997 rate fell slightly from a peak of 8.7% in 1995. In contrast, the proportion of women in Ireland in fixed-term jobs, at 12% in 1997, is closer to the European average of 13% of all women holding fixed-term contracts. The rate of women in fixed-term contracts rose slightly over the nineties from 11.3% in 1990. However, permanent jobs made up the greater part of the net increase in jobs for women employees during the nineties.

Table 2: *Employees on fixed-term contracts in Ireland by gender(1985 and 1990-1997)(%)*

Source: *European Commission, Directorate for Employment and Social Affairs (1999) Employment in Europe, 1998, OOEPC, Luxembourg, p. 156.*

<sup>19</sup> European Commission, Directorate for Employment and Social Affairs (1999) *Employment in Europe*, Luxembourg, 1998, page 47 table 34.

In the framework of these statistical definitions, fixed-term contracts are more significant for women's employment than for men's employment in Ireland. In terms of absolute numbers, more men hold fixed-duration contracts than there are women holders of such contracts.

Consistently with the Employment in Europe Report, 1998, the ELFS 1998 shows that a higher proportion of women employees are in temporary employment compared to the proportion of men employees in temporary employment.

### Temporary employment and age

ELFS figures also indicate that of employees in the age group 14-25 years a higher proportion (3.7%) were in temporary employment than the proportion of employees in temporary employment in either of the age groups 25-39 years (3.3%) or 50-64 years (0.6%). Of those in temporary employment, 48.5% are in the age group 15-24 years, 43.1% are in the age group 25-49 years and 8.4% are in the age group 50-64 years.

A survey on Employment Options for the Future carried out by the EFILWC found that of those interviewed in Ireland, 76% of the employed population held a permanent employment contract, while 23% held a temporary employment contract.<sup>20</sup> The survey found that across Europe, the younger the person interviewed the more likely he/she was to be on a non-permanent employment contract.<sup>21</sup>

### Turnover of temporary employees

As the figures above show, temporary work constitutes only a small percentage of employment in terms of labour volume. However, It has been noted that temporary work has a larger share when it comes down to labour turnover (or transactions). de Koning et al. (1999) have pointed out that since employment services have to do with transactions (helping job-seekers to find jobs and employers to fill vacancies) temporary work as a share of labour turnover gives a better illustration of the significance of temporary work than its share in employment. de Koning et al. also note that temporary work is often the first step to a 'permanent' job. Figures on temporary work as a share of labour turnover in Ireland are not available.

## Placement of temporary agency workers in Ireland

The Department of Enterprise, Trade and Employment (DETE) generates statistics in relation to temporary workers applying to and placed by employment agencies. The data is generated as a result of the six-monthly returns that licensed employment agencies are required to submit to the DETE, under Regulation 9 of the Employment Agency Regulations, 1972. Licenced employment agencies make half-yearly returns on a prescribed form. The form is set out in Schedule 4 of the Employment Agency Regulations, 1972. The returns include:

- the number of persons who applied to the agency for employment during the half-year;
- the number of persons who were placed in employment during the half-year;
- details of persons placed outside the State.

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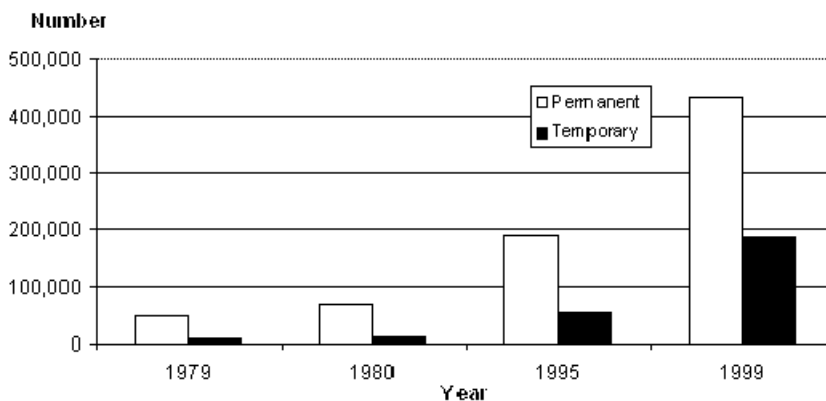
<sup>20</sup> European Foundation for the Improvement of Living and Working Conditions Leaflet: *Full-time or Part-time Work: Realities and Options*, OOEPEC, Luxembourg.

<sup>21</sup> In the survey temporary employment is defined as non-permanent employment and includes fixed-term and temporary agency contracts.

Table 3 provides information in relation to the number of job applicants to licenced employment agencies for permanent employment and temporary employment for the years 1979, 1980, 1995 and 1999. As outlined above, licenced employment agencies have been required to make six-monthly returns since 1972. However,<sup>22</sup> it is important to note that the DETE cannot make a complete series of data from 1972 to 1999 available. Data for a whole year is only currently available from the Department for the years 1995 and 1999. For this reason, these years have been chosen to illustrate the number of job applications to employment agencies in Table 3 below. Data obtained from secondary sources for the years 1979 and 1980 has been used for comparative purposes.

The available data shows that the numbers applying to licenced employment agencies for temporary employment has increased substantially over the 20 years between 1979 and 1999 from 7,907 to 189,273. In recent years, the numbers of job-seekers applying to licenced employment agencies for temporary employment has risen sharply: the figures recorded in 1999 show that there has been more than a three-fold increase in the numbers since 1995 (from 55,490 to 189,273).

Table 3: Job applicants to licenced employment agencies seeking permanent and temporary employment (1979, 1980, 1995, and 1999) (n)



Source: Compiled by Maria Pierce, Ralaheen Ltd, Dublin.

Data for 1979 and 1980 - Manpower Information Quarterly (March 1982) as cited in Redmond, M. (1983) 'Beyond the Net - Protecting the Individual Worker' in Journal of the Irish Society of Labour Law, Volume 2, 1983, UCD, Dublin, pp. 1-21.

Data for 1995 and 1999 - Supplied by the Employment Agencies Section, DETE, Dublin.

In noting the trend, it is important to point out this may not be a true estimation of the number of job applicants to employment agencies. On the one hand, there may be an overestimation of the throughput of job applicants to employment agencies, as persons applying to employment agencies for both permanent jobs and temporary agency work often register their application with more than one employment agency. This is illustrated by the comments of one temporary agency worker (see Box 3). On the other hand, there may be an underestimation, since the figures do not reveal the numbers of job applicants who are making applications to employment agencies that are operating outside the scope of the Employment Agency Act, 1971 (see pp. 29-30).

<sup>22</sup> Personal communication from the Employment Agencies Section, DETE, Dublin, September 2000.

## Temporary Agency Work: Ireland

It is interesting to note that the growth in the number of job applicants to employment agencies coincides with the growth of licenced employment agencies (see Section 3.7).

### Box 3: Comments of a Temporary Agency Worker, Dublin, September 2000

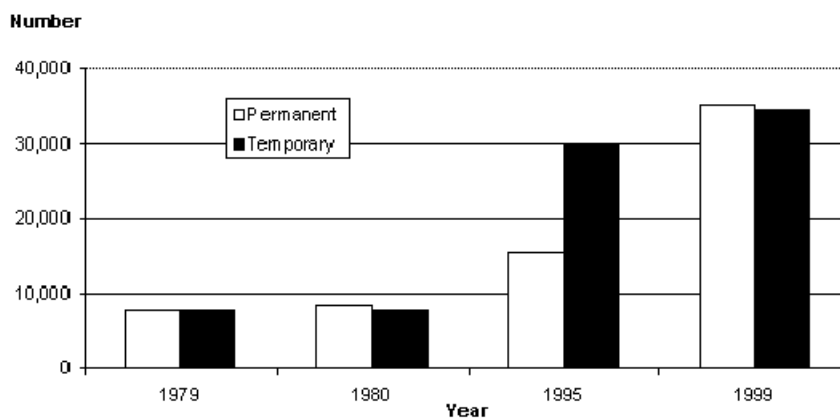
This temporary agency worker is moving between jobs in two major banks in Dublin.

*'I went to four agencies. They are all pretty similar and all have a temporary department. One of them found me work. They [the agency] give me my wage each week. I'm not sure if that's the case for my new contract, which is longer. I am waiting for it and haven't signed it yet. Usually for a week or two, the agency pays, the agency takes your bank details and pays you - it's handy like that ... but if it's longer than that, it can be different.'*

*'I heard that if a company wants to "buy" you from the agency, it could cost them IR£1,400 to the agency. I've heard that more than once.'*

Table 4 shows the number of job placements in permanent employment and temporary employment by licenced employment agencies for the years 1979, 1980, 1995 and 1999. The available data shows that the numbers of employees placed by employment agencies in temporary employment has increased over the 20 years between 1979 and 1999 from 7,903 to 34,571, more than a four-fold increase. In recent years, the increase in the numbers placed by employment agencies in temporary employment (15% between 1995 and 1999) is not as sharp as the increase in the number of job applicants for temporary employment.

Table 4: Job placements by licenced employment agencies in permanent and temporary employment (1979, 1980, 1995 and 1999)(n)



Source: Compiled by Maria Pierce, Ralaheen Ltd, Dublin.

Data for 1979 and 1980 - Manpower Information Quarterly (March 1982) as cited in Redmond, M. (1983) 'Beyond the Net - Protecting the Individual Worker' in Journal of the Irish Society of Labour Law, Volume 2, 1983, UCD, Dublin, pp. 1-21.

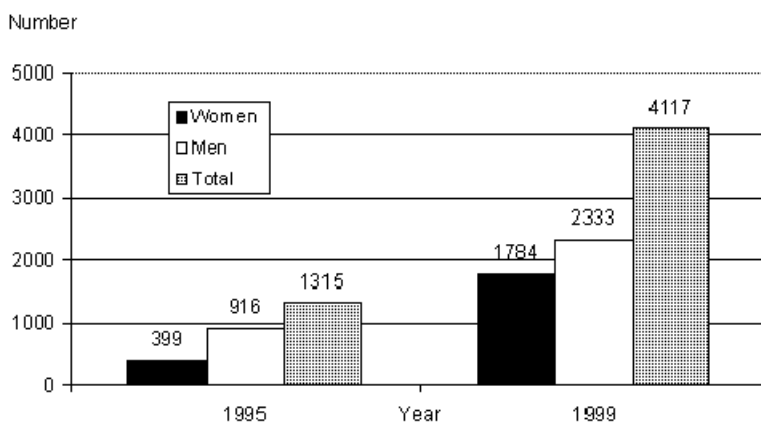
Data for 1995 and 1999 - Supplied by the Employment Agencies Section, DETE, Dublin.

## Placement of temporary agency workers across borders

### Posting of temporary agency workers outside Ireland

In Ireland the posting abroad of temporary agency workers by licenced employment agencies is authorised. Under the Employment Agency Act, 1971, the employment agency is required to notify the Minister for Labour of placements outside Ireland. Based on six-monthly returns from licenced employment agencies, the DETE generates statistics on the numbers of workers placed in temporary jobs outside the state. Data is available for the years 1995 and 1999.

Table 5: *Placement of job-seekers by licenced employment agencies in temporary jobs outside Ireland (1995 and 1999)(n)*



Source: *Compiled by Maria Pierce, Ralaheen Ltd, Dublin, using data supplied by the Employment Agencies Section, DETE, Dublin.*

Table 5 shows the number of job-seekers that have been placed by licenced employment agencies in temporary jobs outside Ireland for the years 1995 and 1999. The figures show that there has been a threefold increase in the number of job-seekers placed in temporary jobs outside Ireland between 1995 and 1999. It is interesting to note that in 1995 the job-seekers placed by licenced employment agencies in temporary jobs outside Ireland amounted to 56% of all job-seekers placed by licenced employment agencies outside Ireland. This proportion rose to 73% by 1999.

### Posting of temporary workers in Ireland from outside Ireland

Labour shortages affecting certain sectors of the economy in Ireland such as IT, fishing and seafood, retail, catering and tourism, construction and health sectors have led to changes in recruitment practices. These include recruitment drives to attract workers to Ireland from EEA<sup>23</sup> and non-EEA countries.

Freedom of movement exists for nationals of EEA countries. There are no requirements under the Employment Agency Act, 1971, for employment agencies to notify the Minister for Labour of the number of workers from EEA countries that have been posted in employment in Ireland (see p. 29). As such, data is not available on the number of such postings.

<sup>23</sup> The European Economic Area (EEA) comprises the European Union member states together with Norway, Iceland and Liechtenstein.

A work permit, granted by the DETE, is required by an employer to employ any person who is not a national of an EEA State. Between 1995 and 1999, some 28,463 work permits were granted.<sup>24</sup> Employment agencies cannot seek work permits for non-EEA nationals. However, they can and do make representations on behalf of employers seeking work permits for non-EEA nationals, in the form of a covering letter accompanying an employer's application for a work permit.<sup>25</sup> Work permits are granted to employers hiring non-EEA nationals for the duration of between one month and one year. Applications for renewal of a permit can be made on the expiry of the relevant period. Employers can offer non-EEA nationals full-time employment, but because of the limited duration of work permits, it would appear that employers are not in a position to offer non-EEA nationals a permanent job. Therefore, it would follow that all non-EEA nationals working under this work permits system are employed in temporary jobs. It is not known what types of contract of employment exist between employers and non-EEA nationals. The DETE does not request a copy of the contract of employment between the employer and non-EEA national worker.

While in general non-EEA nationals working in Ireland are presumably working legally with a work permit, there is the possibility that some foreign workers are hired illegally and end up working in the underground economy in Ireland. Because of its nature, the extent of illegal trafficking of workers is not known. The Council of Europe (1985) has pointed out that the incidence of illegal activity in a country depends to a certain extent on the economic conditions prevailing in the country. According to the Council of Europe (1985, p. 54):

*'Where for instance there is an exceptionally high demand for temporary workers in a country in a particular sector, such as during a boom in the construction industry, which cannot be met locally, then the conditions may be ripe for the development of illegal traffic.'*

Evidence of malpractices in respect of Irish-based employment agencies operating across borders is anecdotal. However, there are areas of concern, as follows:

- contrary to the Employment Agency Act, 1971, employment agencies operating without a licence may be bringing non-EEA nationals into Ireland.
- the activities of businesses operating as Internet employment agencies, which are outside the scope of the 1971 Act, cannot be monitored.
- employment agencies may be charging non-EEA nationals large sums of money for placement in employment in Ireland. Particular attention has been focused on Filipino workers,<sup>26</sup> including nurses, who are allegedly being charged large fees by recruitment agencies in the Philippines to come to work in Ireland.<sup>27</sup> It is clear that some Irish-based recruitment agencies have offices based in the Philippines and are using licenced agencies in the Philippines to recruit Filipino workers into Ireland. In some third

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<sup>24</sup> Data supplied by the Work Permits Section, Department of Enterprise, Trade and Employment, Dublin. The number of annual work permits granted has risen since 1995 with 6,260 work permits granted in 1999.

<sup>25</sup> Communicated by the Work Permits Section, Department of Enterprise, Trade and Employment, Dublin.

<sup>26</sup> The recent financial crisis in Asia has affected Filipinos working abroad in Asia. As a result of the decline in the outflow of migrant workers to Asia, the Philippine authorities are actively seeking to identify market niches abroad where the Filipino workers have an edge (OECD, 2000).

<sup>27</sup> See for example: Dáil Debates Official Report, 12 October 2000; Irish Times Business Supplement, 10/11/00, p.32.



countries, licenced employment agencies are permitted to charge fees to workers. This would mean that workers forced to emigrate by lack of opportunities and low pay are arriving in Ireland - via an employment agency licenced in Ireland - with debts owed to licenced recruitment agencies in their country of origin. Irish law regulating employment agencies does not have extra-territorial effect and ILO C181 Private Employment Agencies Convention, 1997, which states that 'Private employment agencies should not charge directly, or indirectly, in whole or in part, any fees or costs to workers', has not yet been ratified by Ireland (See Section 3.5) or many other countries. At 13 November 2000, 10 ratifications of Convention 181 had been registered with the ILO.<sup>28</sup> Reliance on the laws regulating employment agencies in third countries will not always protect migrant workers. Other means of protecting migrant workers, for example bi-lateral agreements between governments, must therefore be sought.

- there is also concern that some agency workers from abroad are been paid lower rates of pay than local workers.

Questions in relation to the first three issues highlighted above have been raised in Dáil Eireann (Irish Parliament).<sup>29</sup>

## Temporary working agencies

There are both Public Employment Services (PES) and Private Employment Services (PRES) (de Koning et al., 1999). Both of these types of employment services operate in Ireland. PES are state-sponsored employment services. An example in Ireland is FÁS - the State Training and Employment Authority. Local Employment Services - local area based employment services - also belong to the category of PES. There are a number of features that distinguish a PES from a PRES. A PES offers its services free to employers, is traditionally focused on permanent employment and is often interested in providing employment services for disadvantaged groups, for instance, the long-term unemployed. Temporary working agencies fall into the category of PRES.

In Irish law, there is no legal definition of a temporary working agency, although legislation governing the licensing of employment agencies, in general, has been in existence since 1971. Under Section 1(2) of the Employment Agency Act, 1971, an employment agency is defined as follows:

*'the business of an employment agency means the business of seeking, whether for reward or otherwise, on behalf of others, persons who will give or accept employment, and includes the obtaining or supplying for reward of persons who will accept employment from or render services to others.'*

The Safety, Health and Welfare at Work Act, 1989, provides a definition of temporary employment business, which is different to the above and means:

*'a business which provides temporary employees to other undertakings making use of the services of such employees'.*

<sup>28</sup> Standards Policy and Information Branch, ILO, Geneva.

<sup>29</sup> Dáil Debates Official Report, 12 October 2000.

Solicitor, Redmond (1983, pp. 17-18) distinguishes between two types of private employment businesses. According to Redmond:

*'the fee-charging employment agency is, strictly speaking, a placement agency, i.e., the agency acts as intermediary in the supply of labour and once a work contract has been established between the worker and his prospective employer the relationship between him and the placement agency terminates'.*

In contrast, Redmond states that a temporary employment business:

*'connotes a firm whose business it is to enter into contracts with persons looking for a temporary job in order to make such persons available to third parties who require the services of a temporary worker'.*

The ILO (1996) has defined temporary work agencies as follows:

*'any natural or legal person, who under legislation, is qualified to recruit workers who then become its legal employees, with a view to making these workers available to a third-party user who supervises this work and with whom the agency has signed an assignment contract'.*

Gunnigle (1999) has also defined temporary working agencies:

*'Temporary Working Agencies are employment agencies that specialise in temporary workers and can provide cover for coping with unexpected absences (e.g. through illness), workload peaks, once-off or temporary requirement for skills (e.g. installation of specialist equipment) or new developments in the organisation'.*

Gunnigle has classified commercial employment agencies into four categories, according to the employer market towards which the agency is directed, that is:

- providing hiring companies with contract and temporary staff;
- providing hiring companies with general/permanent staff;
- providing hiring companies with specialist permanent staff;
- consultancies undertaking executive search and selection.

It is not easy to classify firms into one of these categories, as in reality an agency may belong to more than one category and there may be some overlap in an agency's core functions.

The International Labour Organization (ILO) distinguishes between three types of Private Employment Services: intermediaries (analogous to Redmond's fee charging employment agencies), skill providers (of which temporary work agencies are the most important), and suppliers of direct services.

The ILO divides Temporary Work Agencies into four sub-categories: international, national and specialised, non-specialised. By non-specialised, the ILO means firms that cover a broad spectrum of the market.

## International regulation of temporary working agencies

The regulatory framework of temporary working agencies is influenced by international labour standards of the ILO. The most important of these is the ILO C181 Private Employment Agencies Convention, 1997, which replaces the old ILO C96 Fee-Charging Employment Agencies Convention (Revised), 1949. While Ireland ratified ILO Convention 96, it has not ratified the new ILO Convention 181 replacing it.<sup>30</sup> According to the DETE, ILO Convention 181 is not in conformity with Irish law and it is not expected that Ireland will ratify the Convention in the near future.

## State regulation of temporary working agencies

The Employment Agency Act, 1971, is the statutory framework for controlling and regulating the operation of private employment agencies in Ireland. Employment agencies would have existed prior to 1971, but since 1971, employment agencies carrying on the business of an employment agency are required to obtain a licence. The statutes governing the operation of employment agencies are listed in Box 4 below.

Box 4: *Irish Statutes Governing Activities of Employment Agencies (including Temporary Working Agencies) at September 2000*

- Employment Agency Act, 1971 (No. 27 of 1971)
- Employment Agency Regulations, 1972 (S.I. No. 255 of 1972)
- Employment Agency Act, 1971 (Commencement) Order, 1972 (S.I. No. 256 of 1972)
- Employment Agency (Exemption) Order, 1972 (S.I. No. 257 of 1972)
- Employment Agency Regulations, 1976 (S.I. No. 318 of 1976)
- Employment Agency Regulations, 1978 (S.I. No. 288 of 1978)
- Employment Agency Regulations, 1988 (S.I. No. 319 of 1988)
- Employment Agency Regulations, 1993 (S.I. No. 49 of 1993)

The Act covers a wide spread of employment agencies from those that are dealing with hundreds of job applicants and placements to those, for example accountancy firms, which might place just one person in employment in a year. The 1971 Act does not concern itself with the employment conditions of agency workers, which are covered by substantive employment legislation (see Section 2.3).

### Non-application and exemptions

The Act does not apply to a number of employment services. It does not apply to Civil Service Commission and Local Appointments Commission. It does not apply to any scheme or service relating to employment or the recruitment of staff and administered or operated by or under the direction of a Minister of State, which includes public employment services, for example, FÁS and the area based Local Employment Services.

<sup>30</sup> Confirmed by Mr. John McDonnell, DETE, Dublin, October 2000.

Some exemptions from the Employment Agency Act, 1971, have been granted by the Minister for Labour under the Employment Agency (Exemptions) Order, 1972:

- organisations which have a special responsibility for, or the work of which is specifically devoted to, physically and mentally handicapped persons;
- educational and training establishments, which as part of their operation helps to place their pupils, graduates or trainees in employment;
- organisations which are primarily engaged in charitable or social work;
- a trade union or an organisation of employers.

### **Application for licence**

Under the 1971 Act, persons wishing to carry on an employment agency business must apply to the Minister for a licence using a statutory application form (see Appendix II). The person must insert a notice of intention to apply for a licence in at least one Irish daily newspaper with a national circulation, as prescribed in Schedule 1 of the Employment Agency Regulations, 1972 (see Appendix III). A fee of IR£400 is currently charged in respect of the application.

If a person carrying on a licenced employment agency wishes to set up an office or branch at a second premises, they must apply for a separate licence and insert a notice of intention as before for that premises. An application fee is not charged for applications to carry on an employment agency at second or subsequent premises.

### **Granting of a licence**

The criteria for granting a licence relates to premises and applicants, as follows:

1. the premises must conform to the prescribed standards of accommodation, as laid down under Employment Agency Regulations, 1972, which are as follows;
  - (a) the means of access and egress shall be adequate have respect to the anticipated volume of business;
  - (b) the premises shall be kept in a clean and tidy condition, equipped with adequate heating, lighting and ventilation and shall not constitute a danger to persons using them;
  - (c) the premises shall contain accommodation to enable persons to be interviewed in privacy;
  - (d) the premises shall be equipped with adequate seating for the number of persons likely to attend at the premises.
2. the applicant must conform to the prescribed standards of suitability and fitness, as laid down under Employment Agency Regulations, 1978, which are as follows:
  - (a) he shall be either the owner or a tenant of the premises in respect of which he has applied for the licence;
  - (b) he shall not have been an undischarged bankrupt;
  - (c) he shall not have been, during the five years immediately preceding the date of his application for a licence, convicted of an offence under the Employment Agency Act, 1971;

- (d) he shall not have been the holder of a licence which was revoked or be a person who was refused confirmation of a licence on appeal of the High Court, other than on grounds of unsuitability of premises;
- (e) he shall in the opinion of the Minister be a person of good character and repute.

Upon receipt of an application for an employment agency licence, inspectors from the HSA visit the premises concerned. Inspectors must report that the premises conform to the prescribed standards of accommodation before a licence is issued. Clearance from An Garda Síochána (Irish Police Service) for (a) person(s) applying for the licence is also sought before the licence is granted. The person(s) applying for a licence must submit the names and addresses of two persons who are unrelated to the applicant, who are resident in the State and who are prepared to furnish references to support the application.

Licensed employment agencies are required to renew their licence annually. In recent years, non-renewal of licences has become uncommon.<sup>31</sup>

#### **Fee-charging by employment agencies**

In making an application to carry on an employment agency, a statement of fees in respect of the various type of staff which the agency intends to place (permanent and/or temporary) must be furnished to the Department. Agencies are not permitted to charge fees in excess of a scale approved by the Minister.

Section 7 (2) of the Employment Agency Act, 1971, states that:

*'A person carrying on the business of an employment agency shall not charge any fee solely for agreeing to seek employment for another person or solely for agreeing to seek persons who will give or accept employment.'*

This means that agencies are not legally permitted to charge any fees to persons 'seeking' employment. In addition to enforcing this provision, the DETE discourages employment agencies from charging fees to persons 'placed' in permanent or temporary employment.

Concern has been raised about the charging of fees to employees by employment agencies. Discussions and debates are ongoing in relation to the strengthening of Section 7 (2) of the 1971 Act. The Minister of State at the DETE has acknowledged that an improvement to this section is needed and the Act needs to be updated<sup>32</sup>. As part of a review of the 1971 Act being carried out by the DETE, the 1971 Act will be examined with a view to amending it to outlaw the practice whereby agencies charge fees to job seekers 'placed' in employment.

In 1983, the (then) Minister for Labour signed a Ministerial Agreement which permitted licenced employment agencies to charge fees to certain categories of agency workers, for example home helps. The agreement was made in order to avoid a situation in which an elderly or disabled person hiring the services of, for example, a home help or care nurse through an employment agency would pay the agency a fee as well as paying the wages of the agency worker.

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<sup>31</sup> Personal communication from the Employment Agencies Section, DETE, Dublin, October 2000.

<sup>32</sup> Dáil Debates Official Report, 12 October 2000.

## Temporary Agency Work: Ireland

Table 5 provides examples of systems of payments to two separate employment agencies placing temporary care workers in private households.

Chart 1: *Systems of Payments for Temporary Agency Work: An Example of Home Care Workers*

	Payment to Carer (IR£)	Payment to agency (IR£)	VAT (IR£)	Total (IR£)
Agency A: placing care workers in private households, Mon-Sat (January 2000)	6.00 per hour (p/h)	0.75 p/h	0.15 p/h	6.90 p/h
Agency B: placing care workers in private households, Mon-Fri (March 2000)	6.00 p/h	1.00 p/h	included	7.00 p/h

Source: *Agency brochures*

The payment system is complex. Households receiving a temporary agency worker make two payments under the above system: firstly, a payment directly to the carer at the end of each week and, secondly, a payment in advance to the agency each month on receipt of an invoice.

### Monitoring, inspection and control

Employment agencies are required to keep records and make six-monthly returns to the Minister, as contained in Schedule 4, Regulation 9 of the Employment Agency Regulations, 1972.

As mentioned above, inspections by the HSA are carried out when an application for a licence is first made. Inspections of premises are not carried out annually. After the initial inspection at the application stage, further inspections of licenced employment agency do not usually occur. An inspection will take place when a licenced employment agency moves offices to a different premises or if a licenced employment agencies sets up an office or branch at a second premises or subsequent premises.

The DETE receives complaints about licenced employment agencies. Employment agencies or employees who are concerned about the practices of an employment agency can make complaints. An inspection of an employment agency, and its premises, records and books, may take place if a complaint is made against an employment agency or if personnel at the DETE become suspicious that an employment agency is contravening the Employment Agency Act, 1971. If necessary, inspectors from the HSA make a report, but this is not in the public domain.

Complaints are also received from agency workers about employment agencies.<sup>33</sup> As already mentioned, the 1971 Act does not concern itself with the employment conditions of agency workers. The latter are referred to the Employment Rights Section of the Department, which deals, amongst others, with complaints relating to non-payment of wages or holiday entitlements (see Chapter 2 for legislation concerning employment rights of temporary agency workers).

<sup>33</sup> Personal communication from the Employment Agencies Section, DETE, Dublin, October 2000.

The Employment Agency Act, 1971, grants the Minister for Labour the power to make a regulation requiring licenced employment agencies to display licences in their premises. Such a regulation has not been made. The display of licences would be one way of enabling job applicants to distinguish between licenced employment agencies and those operating outside the scope of the 1971 Act.

There are specific regulations for agencies placing employees abroad. As discussed earlier (see pp. 21-22), concerns have been raised recently about recruitment agencies bringing non-national job-seekers into Ireland without licences contrary to the Employment Agency Act, 1971.<sup>34</sup>

#### **Refusal to grant or decision to revoke licences**

An employment agency licence can be revoked, if the holder is deemed to no longer be a suitable person to carry on the business of an employment agency, or if the premises no longer conform to the prescribed standards. Few, if any, licences have been revoked in recent years, although the DETE is prepared to revoke a licence in the event of a serious breach of the legislation.

An appeal system to the High Court is in place in the event of a refusal to grant a licence or a decision to revoke a licence. This is provided for in Section 5 (1) of the Employment Agency Act, 1971.

Unlike some other EU member states with a licensing system, there is no provision for social partners to be involved in the decision of granting or revoking a licence to businesses carrying on an employment agency.

#### **Employment agencies operating without a licence**

As mentioned above, employment agencies carrying on the business of an employment agency are required to obtain a licence. It is likely, however, that there are some employment agencies operating without a licence in the State. The DETE has put in place a monitoring system to detect such employment agencies. Personnel at the Department examine the national daily and Sunday newspapers and contact employment agencies that are uncovered, asking them to apply for a licence in order to comply with the Employment Agency Act, 1971.

A criminal prosecution can be, and has been, brought against persons carrying on an employment agency without a licence and who refuse to comply with the legislation.

#### **Computerised job database agencies outside the scope of the Act**

With the emergence and development of new technologies, there have been changes in the way the business of recruitment and placement of workers is conducted, especially in recent years. Licenced employment agencies have the Internet at their disposal as an extra channel to communicate their vacancies. Firms too are using the Internet to advertise their job openings.

There are also new players in the field who are trying to develop a new market, operating the business of an employment agency entirely over the Internet and without a premises ("Internet employment agency"). In Ireland, this is a 'grey area' in relation to the law. The DETE has received queries from "Internet employment agencies" in relation to licencing requirements. On the advice of the Attorney General's Office, the DETE does not require employment agencies that operate in this way to obtain a licence under the Employment Agency Act, 1971.<sup>35</sup>

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<sup>34</sup> Dáil Debates Official Report, 12 October 2000.

<sup>35</sup> Personal communication from the Employment Agencies Section, DETE, Dublin, October 2000.

The non-licencing of “Internet employment agencies” means that an inspection by inspectors from the HSA does not take place. More significantly, because employment agencies operating without a premises are not required to make an application for a licence, references are not sought nor is clearance from An Garda Síochána (Irish Police Service) obtained. This raises serious issues about the suitability of the persons carrying on such businesses. Without a licence system of “Internet employment agencies”, there is no way for the State to safeguard against such agencies carrying out unlawful activities, including at one extreme the trafficking of persons or the placement of job applicants in prostitution. A person who has been convicted less than five years ago under the Act is deemed unsuitable to carry on the business of a “premised” employment agency and is not permitted to be a holder of a licence for this business. It is conceivable that a person convicted under the Employment Agency Act, 1971, can nonetheless escape the arm of the law by carrying on a business of an “Internet employment agency”, which does not come within the scope of the legislation.

### **Legislative review**

At the beginning of the 1990s, the Irish Government agreed with the social partners that the Minister for Labour would examine the legislation relating to the control of employment agencies during the course of the Programme for Economic and Social Progress (1990-1993).<sup>36</sup> No review report or document was produced as a result of this agreement. Neither have any amendments to the Employment Agency Act, 1971, been laid before the Oireachtas (Irish Parliament).

There is clearly a pressing need for a review of legislation relating to the control of employment agencies given:

- the need for improvement of Section 7 (2) of the 1971 legislation in relation to the charging of fees to job applicants ‘placed’ by employment agencies;
- the dramatic changes that have taken place in the business of recruitment and placement of permanent and temporary employees since the legislation was drafted in the early 1970’s;
- the apparent non-application of the 1971 legislation to “Internet employment agencies”.

Changes in the licencing law will also be needed if Ireland is to ratify ILO Convention 181.

At the request of the Minister of State at the DETE, officials at the DETE are currently carrying out a review of the 1971 Act. As part of that review, the social partners and other interested parties will be consulted. Best practice in other EU countries will also be examined with the possibility, where appropriate, of introducing improvement to the current legislation.<sup>37</sup>

### **Trends in relation to licences issued**

The DETE keeps records in relation to the number of employment agency licences issued under the Employment Agency Act, 1971. The figure for each year includes licences issued to persons for the first time and renewed licences.<sup>38</sup> The number of licences issued in any year is equivalent to the number of licenced

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<sup>36</sup> Programme for Economic and Social Progress 1990-1993 (1990) Stationary Office, Dublin, p. 83.

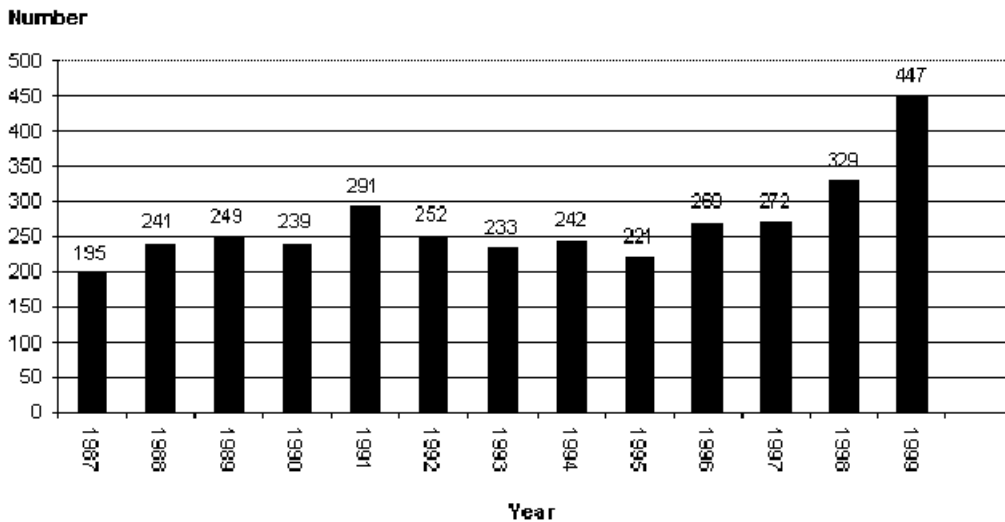
<sup>37</sup> Dáil Debates Official Report, 12 October 2000.

<sup>38</sup> Persons carrying on a licenced employment agency are required to renew the licence annually.



employment agencies operating in that year. Statistics from records for the years 1987 to 1999 are available from the DETE (see Table 6).

Table 6: *Licences issued under the Employment Agency Act, 1971*



Source: *Compiled by Maria Pierce, Ralaheen Ltd, Dublin, from data supplied by the Employment Agencies Section, DETE, Dublin, Ireland.*

Table 6 shows that 447 licenses were issued in 1999 compared to 195 in 1987. This means that more than twice as many licences were issued in 1999 compared to 1987. Up to 1997 the annual number of employment agency licences issued did not exceed 300. Since then, however, there has been a proliferation in the number of licenses issued, with 329 licences issued in 1998 and a record number of licences (447) issued in 1999.

Data on the number of licences issued prior to 1987 under the Employment Agency Act, 1971, is not available from the DETE.<sup>39</sup> However, in an article published in 1983, Redmond (1983, pp. 11-12)) states that temporary work as organised by an employment agency 'has become an increasing phenomenon in the Irish labour scene over the last decade'. According to Redmond, there were 132 private employment agencies in Ireland operating either as placement agencies or as employment businesses.

In 1983, Redmond reported that 20% of private employment agencies were engaged in the placement of temporary staff only and 36% place both temporary and permanent staff. The proportion of licenced employment businesses currently engaged in the placement of temporary staff only or in the placement of both temporary and permanent staff is not currently available.

The DETE does not gather information on the proportion of employment agencies that are engaged in the placement of temporary staff only, in the placement of permanent staff only, or in the placement of both temporary and permanent staff. The form for applying for an employment agency licence does not currently require a statement in relation to this.

<sup>39</sup> Personal communication from the Employment Agencies Section, DETE, Dublin, September 2000.

### Box 5: Validation survey

In order to arrive at an estimate of the proportion of employment agencies that are engaged in the placement of temporary staff, a survey of a sample of businesses operating as employment agencies, as defined under the Employment Agency Act, 1971, was carried out by Ralaheen Ltd (see Appendix IV for a more detailed account of the survey).

A total of 34 businesses operating as employment agencies took part in the survey. The survey found that 22 or 65% of licenced employment agencies surveyed were engaged in the placement of either temporary staff only or the placement of temporary staff and permanent staff. The majority (20) were engaged in the placement of both temporary and permanent staff. Twelve licenced employment agencies were engaged in the placement of permanent staff only.

The survey also found that:

- of the 22 licenced employment agencies placing temporary workers 17 placed temporary workers across a broad spectrum of sectors compared with 5 licenced employment agencies, which concentrated on placing temporary agency workers in a specialised sector - modelling, catering, engineering, accountancy/banking and IT.
- the majority of respondents in the 22 licenced employment agencies placing temporary workers replied that the wages of temporary workers were paid by the licenced employment agencies.
- 48% of 34 licenced employment agencies in this survey are members of IFPS. It is interesting to note that a small number of respondents did not know whether the employment agency was a member of IFPS. This most likely arose due to the varied position or status of the respondents to the survey.

### Employment agencies by county

There are currently licenced employment agencies in 24 of the 26 counties in Ireland.<sup>40</sup> The exceptions are Counties Leitrim and Roscommon. Sixty-four per cent of licenced employment agencies are based in Dublin. Most counties have less than 20 licenced employment agencies. Counties Cork, Limerick and Galway - all counties with major urban centres - each have in excess of 20 licenced employment agencies.

## Self-regulation of temporary working agencies

In Ireland, state regulation of employment agencies is complemented by self-regulation. The Irish Federation of Personnel Services (IFPS),<sup>41</sup> founded in 1971, is the umbrella organisation for recruitment consultants and employment agencies. The primary objectives of IFPS are to represent the industry and to provide services for its members.

The mission statement of IFPS is to maintain high standards at every level of service provided by its members to employers and job applicants alike.<sup>42</sup> IFPS has developed a Code of Conduct (see Appendix V), by which IFPS member organisations are governed.

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<sup>40</sup> Based on list supplied by Employment Agencies Section, DETE, Dublin.

<sup>41</sup> The Irish Federation of Personnel Services has now been renamed the National Recruitment Federation.

<sup>42</sup> Irish Federation of Personnel Services Information Pack.

IFPS has a number of other important functions,<sup>43</sup> including:

- it is a representative body, recognised as the body speaking on behalf of the industry and represents members' interest in Government, with representatives working on various Government Committees;
- offers advice and information to member organisations;
- fosters training and development through its links with the Institute of Personnel and Development and through purpose-designed programmes with the Irish Management Institute;

Registration of recruitment consultants and employment agencies is voluntary, not mandatory. There is conflicting data about the proportion of licenced employment agencies that are affiliated to the IFPS. A recent report by the ETUI<sup>44</sup> reported that 80% of employment agencies in Ireland were affiliated to the IFPS.<sup>46</sup> However, the IFPS reports to currently have a membership<sup>45</sup> of approximately 120 employment agencies, which would amount to about 20% of licenced employment agencies.

IFPS has direct membership of Irish Business Employers Confederation (IBEC), Small Firms Association (SFA) and Confederation Internationale des Entreprises de Travail Temporaire (CIETT).

## Companies and sectors using the services of temporary agencies

According to Gunnigle (1999, p. 572) it has become commonplace in recent years 'to find employers offering potential employees alternatives to the traditional employment contract in order to satisfy a number of the employers' objectives in recruiting.' From the employers' point of view, the advantages of using agencies that can specialise in temporary workers is that 'they can provide cover for coping with unexpected absences (e.g. through illnesses), workload peaks, once-off or temporary requirements for skills (e.g. installation of specialist equipment, or new developments in the organisation of work' (Gunnigle, 1995, p. 126).

Traditionally, temporary agency workers in Ireland were secretarial workers. Current labour shortages in Ireland mean that firms in the software, retail and tourism sectors and fishing and seafood construction industries are using temporary agency workers. The health sector has seen a dramatic increase in the employment of agency nurses. According to a survey carried out for this study, the majority of licenced employment agencies in Ireland engaged in the placement of agency workers placed them across a broad spectrum of sectors.

## New forms of tripartite working arrangements

In Ireland, companies are exploring new models of atypical employment contracts, as shown by the following examples. Box 6 relates to the telecommunications company, Eircom Ireland. Box 7 illustrates how new

<sup>43</sup> Irish Federation of Personnel Services Information Pack.

<sup>44</sup> Clauwaert, S. Survey of Legislation on Temporary Agency Work, ETUI, Brussels.

<sup>45</sup> Membership includes a small number of employment agencies based in Northern Ireland.

<sup>46</sup> Personal communication from Patrick Dwyer, Vice-President, IFPS, Dublin. October 2000.

practices have grown up in relation to hiring of temporary agency nurses by hospitals. Box 8 illustrates a triangular relationship in the education sector between schools, teachers and a trade union.

### Box 6: *Eircom 'Atypical Contract Model'*

Eircom has declared that it is under pressure to reduce employee numbers and is in negotiations to introduce a strategy to meet this objective. The proposed strategy will put Eircom in the precarious position of losing the valuable skill base that has been built up over the years. Eircom is planning to meet the former objective and at the same time retain its skill base by introducing a scheme of atypical work contracts.

Under the first phase of the scheme, the company will "migrate" up to 1,200 workers into a new licenced employment agency. The employment agency will then contract the employees to new joint ventures being set up by Eircom. The new agency will hire out the staff services to one or more of the enterprise companies at an agreed rate. The staff will be guaranteed a three-year contract with the agency. The net result of the new model is that the staff will come off the payroll but Eircom will retain some control over the skill base.

The new work arrangements, if approved, will be structured so that the staff will continue to be members of the Eircom employee share option programme (ESOP). The proposed Eircom employment agency, still under negotiation, is expected to operate as a stand-alone business. According to Cathal Magee, the eircom employment agency may also diversify, ultimately, into the general recruitment market.

Source: *The Sunday Tribune*, 'Eircom shows hand on fixed line strategy', 8 October 2000.

### Box 7: *New arrangements in relation to Hiring Agency Nurses*

The hospital unit in question is an Intensive Care Unit of a large Dublin hospital. The hospital tends to use one employment agency for the purposes of hiring temporary agency nurses. The agency sends out the agency nurse to the hospital on request. If the staff in the unit finds the agency nurse to be 'good' and 'suitable' for the work, the staff then asks the agency nurse if she would be interested in putting her name, contact details and availability in the 'book'. If the unit requires an agency nurse on a particular night and the agency nurse is listed in the 'book' as being available on that night, she is contacted directly by the hospital unit. Once the agency nurse has confirmed her availability, the unit books her, and the employment agency is informed of the booking. The hospital pays the employment agency for hiring the agency nurse. The agency nurse pays a percentage of gross income earned to the employment agency as well.

Using this arrangement, staff in the hospital unit takes back some control over the hiring and placement of agency nurses. The hospital has advance notice of which agency nurse will be working on a specific shift. The hospital feels reassured, knowing that the agency nurse is competent and suitable for the nursing requirements of that particular unit. The arrangement appeals to the agency nurse, because the nurse too has advance notice of where she will be working, and that she will be placed in a hospital unit that she knows and in which she feels comfortable working.

Source: *Communicated by a professional working in an Intensive Care Unit in a Dublin hospital, October, 2000.*

Box 8: *The placement of substitute teachers in the educational sector*

The Irish National Teachers' Organisation (INTO) operates a Substitute Placement Service in the Dublin area to accommodate teachers having difficulties in obtaining positions in schools and likewise for primary school principals having difficulties finding substitute teachers to replace teachers who are absent for work.<sup>47</sup> Under the Employment Agency (Exemptions) Order, 1972, trade unions offering employment services are exempt from the Employment Agency Act, 1971 (see Section 3.6).

To be eligible for placement by the INTO, it is necessary for a teacher to submit a copy of teaching qualifications, a teaching reference, and a completed application form. The substitute teacher must become a paid up member of the organisation within two months of registration, currently £25 per annum. Substitute teachers are classed into two categories by the INTO: qualified primary school teachers and all other teachers. The former is given priority for the purposes of placement. Those in attendance at INTO's Head Office are placed before those who can be reached at their home telephone.

When a vacancy arises, the substitute teacher is placed in a school by the INTO. The period of placement by INTO can be for one day up to four weeks. INTO requests teachers to contact a school directly for placements that are longer than four weeks. Once a short-term or long-term placement ends, the teacher returns to the INTO seeking a further placement. The INTO acts as an intermediary between substitute teachers and schools.

Substitute teachers are paid by the Department of Education and Science (DES). Before paying a substitute teacher in respect of a placement, the Payments Section of the DES must be in receipt of a salary claim form completed by the principal of the school in which the substitute teacher is placed. A medical certificate from the absent permanent or temporary teacher specifying the circumstances of leave or absence must accompany the salary claim form.<sup>48</sup>

To secure prompt payment, substitute teachers depend to a large extent on the co-operation of the Principal of the school in which they are placed and the absent teacher whom they are replacing. Without this co-operation, substitute teachers can end up chasing school principals and teachers to get the forms completed.<sup>49</sup> Delays in payment to substitute teachers can also arise when the DES receives incomplete or incorrect salary claim forms or medical certificates. Such forms and certificates are returned to the relevant school, a situation that is not always communicated to the substitute teacher. Delays can also occur if the DES has incorrect information about a substitute teacher's qualifications or if the DES incorrectly registers the status of a substitute teacher as that of temporary teacher. Substitute teachers receive a higher per diem rate than temporary teachers and unlike temporary teachers substitute teachers do not receive payment over the summer holiday period. As a rule, the INTO does not get involved in cases where such delays in payment to substitute teachers arise.

<sup>47</sup> INTO Substitute Placement Service, Information Sheet, 07/2000, INTO, Dublin.

<sup>48</sup> DES Circular 44/98.

<sup>49</sup> Communication from a teacher engaged in substitute teaching in primary schools.

# 4

## TAW and collective bargaining

The increase in the number of temporary employment contracts including the increase in the number of those in temporary jobs as organised by private employment agencies has created a need for labour market policies to respond to the resulting issues raised. Collective bargaining systems and outcomes are also of relevance.

Ireland fits into a typology of EU member states in which the employment conditions of much of the labour force are governed by the terms of their individual contract and where collective bargaining is less important (Weber and Foster). National Partnership Agreements have however significantly influenced public policy-making since the late 1980s.

### **National partnership agreements and agency working**

The government and social partners have negotiated five national programmes since 1987, each covering a three-year period. Contained in the programmes are agreed pay increases for the period covered together with agreements on labour conditions and on a wide variety of social and economic policy areas.

The Programme for Economic and Social Progress (PESP), covering the period 1990-1993, contained a clause specifying that the Minister for Labour would examine the position of agency workers and the legislation relating to the control of employment agencies (see Chart 2). In the succeeding partnership agreement, the Programme for Competitiveness and Work (PCW), covering the period 1994-1996, reference was made to the review of the position of agency workers. The agreement stated that the review was at an advanced stage and would be subject to further consultations prior to its completion. Despite the inclusion in the PESP and PCW of clauses referring specifically to temporary agency workers, no review report or document was produced as a result of the 1990 agreement. Neither have any amendments to the Employment Agency Act, 1971, been laid before the Oireachtas (Irish Parliament).

The government and social partners agreed to examine the taxation arrangements for atypical workers in the subsequent national partnership agreements, but the issue regarding the position of agency workers specifically was not adopted as part of the Partnership 2000 agreement or the current Programme for Prosperity and Fairness.

### **Social partners and agency workers**

ICTU (1996) established a high-level working group on minimum standards and atypical work in 1995. The working group was chaired by Ms Inez McCormack and co-ordinated by Ms Patricia O'Donovan, Assistant General Secretary of the ICTU. Membership included representatives of unions representing bank employees (IBOA), shop and retail workers (MANDATE) and industrial workers (ATGWU). The report of the working group stated that trade unions in Ireland are not opposed to atypical forms of work but are opposed to the exploitation and discrimination associated with them. An exception is made in the case of zero-hours contracts, where the ICTU calls for their banning by law. Atypical employment in Ireland is addressed by ICTU in both a global and European framework.

Chart 2: Ireland - National Partnership Agreements and Temporary Agency Work

<b>Programme for National Recovery, 1987-1990</b>	<p>Section VI of the national agreement deals with labour protection issues and states:</p> <p><i>“The Minister for Labour will publish a Discussion Document shortly which will review legislative provisions in relation to unfair dismissals, employment equality and the payment of wages, and will identify the character of changes which may be required in existing legislation. The Discussion Document will address issues of job security and the status of part-time workers.”</i><sup>50</sup></p> <p>The agreement makes no specific mention of temporary workers.</p>
<b>Programme for Economic and Social Progress, 1990-1993</b>	<p>Section IX states:</p> <p><i>“The Minister for Labour will undertake the following measures during the course of the Programme for Economic and Social Progress:</i></p> <p>[...]</p> <p><i>Employment Agencies/Agency Workers: The Minister for Labour will examine the position of agency workers and the legislation relating to the control of employment agencies”.</i><sup>51</sup></p>
<b>Programme for Competitiveness and Work, 1994-1996</b>	<p><i>“Under existing labour legislation, part-time, temporary and fixed term contract workers have broadly equivalent entitlements to those enjoyed by full-time employees. The review of the position of employment agency workers under labour legislation is at an advanced stage, and in this regard, there will be further consultations with the social partners and other interested parties prior to its completion. The importance of atypical workers to the economy needs to be recognised and that recognition should be reflected in consultations involving the social partners, when proposals for change involving such workers are being considered.”</i><sup>52</sup></p>
<b>Partnership 2000 for Inclusion, Employment and Competitiveness, 1997-2000</b>	<p><i>“The changing nature of work arrangements and the growing number of workers who may not work on a continuous basis or whose income may fluctuate significantly over the course of their employment have implications for the way in which such income can be fairly and efficiently taxed. The Social Partners have agreed that the appropriate taxation arrangements for atypical workers should be examined jointly in greater detail during the course of this Partnership to see how the income tax system might be adapted to cope with this change in the nature of employment and activity.”</i><sup>53</sup></p>
<b>Programme for Prosperity and Fairness, 2000-2002</b>	<p>This agreement<sup>54</sup> makes no specific reference to agency workers. A reference is made to a legislative instrument to permit implementation of the EU Directive on Fixed Term Contracts by July 2001.</p>

<sup>50</sup> Programme for National Recovery 1987-1990 (1987) Stationary Office, Dublin, p. 27.

<sup>51</sup> Programme for Economic and Social Progress 1990-1993 (1990) Stationary Office, Dublin, p. 83.

<sup>52</sup> Programme for Competitiveness and Work 1994-1996 (1994) Stationary Office, Dublin, § 1.126, p. 35.

<sup>53</sup> Partnership 2000 for Inclusion, Employment and Competitiveness, 1997-2000 (1996), Stationary Office, Dublin, § 3.13, p. 14; see also § 6.12, p. 39.

<sup>54</sup> Programme for Prosperity and Fairness 2000-2002 (2000), Stationary Office, Dublin.

The following definition of agency work, which is discussed as a category of temporary work, is used (ICTU, 1996, p. 6):

*'Agency workers are workers employed indirectly via an employment agency which is usually responsible for their pay and charges the user employer a fee.'*

ICTU has not published any documents specifically on temporary agency working. This is also the case for IBEC.

### **Unionisation of temporary agency workers**

A study conducted, in 1992, on the use of atypical forms of employment in unionised and non-unionised Irish, UK and US companies based in Ireland, singled out the use of fixed-term contracts in the questionnaire. The study found that fixed-term contracts were more likely to be found in unionised than non-unionised working environments. Conversely, casual temporary work was more likely to be found in non-unionised than unionised environments (Morley, Gunnigle and Heraty, 1994).



# Issues at stake in negotiations and agreements

## **Data collection**

In Ireland, consistent data on the proportion of employees engaged as temporary agency workers is lacking, an issue which could be addressed primarily by the CSO in its QNHS. There are issues in relation to the emphasis placed on the responsibility that rests with government departments and bodies to maintain records and archive a data series.

## **Ratification of ILO Convention 181**

Ireland is one of 11 EU member states that has not ratified the ILO C181 Private Employment Agencies Convention, 1997.

## **Fee-charging**

The research has highlighted concerns about the charging of fees to agency workers by employment agencies both inside and outside Ireland. The issue of fee-charging is to be addressed in the forthcoming review of the 1971 Act, being undertaken by the DETE. The DETE actively discourages the practice whereby employment agencies charge job-seekers a percentage of their wage for placing them in employment in Ireland. The charging of fees to workers by agencies from non-EEA countries to come to work in Ireland is an issue that has transpired during the period of this research.

## **Internet recruitment**

Persons who operate the business of an employment agency in Ireland which are entirely over the Internet and without a premises are outside the scope of the Employment Agency Act, 1971. Such businesses are therefore not subject to inspections from the DETE or clearance from the police authorities. Furthermore, safeguarding against illegal activities, for example trafficking of persons, by such businesses cannot be guaranteed.

## **Cross-border recruitment and placement at EU and international level**

Irish-based employment agencies are placing an increasing number of agency workers with employers outside Ireland. An unknown number of workers are posted by Irish-based agencies with employers in the EU, but outside their own country of residence. This is part of the free movement of labour. There is a lack of clarity around legislation concerning the posting of temporary agency workers outside Ireland.

An unknown number of workers are also posted by Irish-based agencies with employers outside the EU. This is the case for personnel, for example in engineering, computer and medical professions. Irish domestic law and European Community law does not have extra-territorial effect. In the absence of a social chapter attached to the World Trade Organisation (WTO), such workers can be protected either by reliance on the labour law of the host country which may be precarious, or by bi-lateral agreements between governments.

## **Views of interested parties**

The view was expressed during the course of the study that the difference in status between temporary agency workers and employees with standard contracts has diminished over the second half of the nineties. The reasons for this shrinkage are twofold. Firstly, many significant labour market regulations have taken account of temporary agency working by citing temporary agency workers specifically in legislation clauses and sections. These offer additional protection to agency workers, rendering their status partially equivalent to

employees with standard contracts. Secondly, some standard employment contracts now make provisions for flexible working. The net effect of these two interacting trends is that the gap between temporary agency workers and employees with standard contracts is not as great as in previous decades.

Overall, there is a view that the extent to which temporary agency workers may be regarded as 'atypical' may be reduced. In this regard, the Irish practice of licencing and regulating temporary agencies has not functioned as a constraint on the labour market.

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# Abbreviations

<b>ATGWU</b>	Amalgamated Transport and General Workers Union
<b>CIETT</b>	Confederation Internationale des Entreprises de Travail Temporaire
<b>CSO</b>	Central Statistics Office
<b>DES</b>	Department of Education and Science
<b>DETE</b>	Department of Enterprise, Trade and Employment
<b>EEA</b>	European Economic Area
<b>EFILWC</b>	European Foundation for the Improvement of Living and Working Conditions
<b>ELFS</b>	European Labour Force Survey
<b>ESOP</b>	Employee Share Option Programme
<b>ETUC</b>	European Trade Union Confederation
<b>ETUI</b>	European Trade Union Institute
<b>EU</b>	European Union
<b>FÁS</b>	Foras Áiseanna Saothair
<b>HSA</b>	Health and Safety Authority
<b>HSEA</b>	Health Service Employers' Agency
<b>IBEC</b>	Irish Business and Employers Confederation
<b>IBOA</b>	Irish Bank Officials Association
<b>ICTU</b>	Irish Congress of Trade Unions
<b>IFPS</b>	Irish Federation of Personnel Services
<b>ILO</b>	International Labour Organisation
<b>INO</b>	Irish Nurses Organisation
<b>INTO</b>	Irish National Teachers' Organisation
<b>IPA</b>	Institute of Public Administration
<b>MANDATE</b>	The Union of Retail, Bar and Administrative Workers
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OOPEC</b>	Office for Official Publications of the European Communities
<b>PCW</b>	Programme for Competitiveness and Work
<b>PES</b>	Public Employment Services
<b>PESP</b>	Programme for Economic and Social Progress
<b>PNR</b>	Programme for National Recovery
<b>PPF</b>	Partnership for Prosperity and Fairness

<b>PRES</b>	Private Employment Services
<b>QNHS</b>	Quarterly National Household Survey
<b>S.I.</b>	Statutory Instrument
<b>SFA</b>	Small Firms Association
<b>SIPTU</b>	Services, Industrial, Professional and Technical Union
<b>UCD</b>	University College Dublin
<b>UK</b>	United Kingdom
<b>US</b>	United States
<b>WTO</b>	World Trade Organisation

# Glossary

<b>An Garda Síochána</b>	Ireland's National Police Service
<b>Dáil Eireann</b>	House of Representatives, the lower of the two houses of Ireland's National Parliament
<b>Eircom</b>	Irish telecommunications company
<b>European Economic Area</b>	the European Union member states together with Norway, Iceland and Liechtenstein
<b>FÁS</b>	Ireland's Training and Employment Authority
<b>Internet employment</b>	an employment agency which operates its business agency entirely over the Internet and without a premises
<b>Labour force</b>	comprises persons in employment and unemployed persons
<b>Licenced employment</b>	a business seeking, whether for reward or otherwise, on agency behalf of others, persons who will give or accept employment, and includes the obtaining or supplying for reward of persons who will accept employment from or render services to others, which has been granted a licence under the Employment Agency Act, 1971
<b>Local Employment Service</b>	a local area-based response to long-term unemployment operating in areas of high unemployment
<b>Oireachtas</b>	National Parliament of Ireland
<b>Precarious workers</b>	workers on full-time or part-time fixed-term contracts and workers engaged in full-time or part-time temporary work.
<b>Quarterly National Household Survey</b>	a survey of 3,000 households who are surveyed each week and from which is produced quarterly labour force estimates and occasional reports on special social topics.
<b>Third country national</b>	national of non-EEA country



# Appendix I

## Definitions

**Temporary agency workers:** In Ireland, temporary agency workers have been defined in a number of ways:

‘Temporary agency workers are temporary workers undertaking work as organised by an employment agency.’ (Redmond, 1983; Roche and Redmond, 1994).

‘Temporary Agency Workers are workers employed indirectly via an employment agency, which is usually responsible for their pay and charges the hiring company a fee’. (ICTU, 1995).

Solicitor, Frances Meenan (1999), defines Temporary Agency Workers as ‘persons who are registered with employment agencies that make temporary workers available to a third party (the hirer), the classic example being “agency temps”, often secretaries’.

‘An agency worker is a person who has an agreement with an agency to do work for another person’ (Ellis and Joyce, 2000). Ellis and Joyce provide the example of a secretary who may have an agreement with a secretarial agency to do work for an office in need of a stand-in which another person is on maternity leave.

The Employment Equality Act, 1998, provides the following definition: “agency worker” means an employee whose contract of employment is a ‘contract whereby an individual agrees with a person carrying on the business of an employment agency, within the meaning of the Employment Agency Act, 1971, to do or perform personally any work or service or another person (whether or not that other person is a party to the contract).’

**Fixed-term contract work:** This is where an employee has an employment contract with a fixed duration or lifetime. The contract terminates when a specified date is reached. It is one of the commonly used alternatives to traditional forms of employment.

**Fixed-purpose contract workers:** This is where an employee has an employment contract with a fixed lifetime, which expires upon the completion of a specific task or the occurrence of a specific event.

**Employed in permanent temporary or temporary full-time work:** This form of atypical work arises from the continued renewal of temporary employment contracts. According to ICTU (1996), such workers are usually differentiated from permanent workers in relation to seniority rights, selection for redundancy and access to occupational benefits.

**Seasonal work:** Seasonal work is where employers take on workers on a seasonal basis. This may be in response to the seasonal cycle of production such as in the agriculture and food sector or seasonal cycle of market demand such as in the catering industry.

**Casual work:** Casual workers are workers who are on standby and brought in to work as and when required. They undertake work on an hourly, daily, weekly, monthly or seasonal basis. They do not have fixed hours or attendance agreements, but are considered to be ‘employees’ within the meaning of protective legislation (Meenan, 1999). ICTU (1995) points out that a common feature of casual work is that it often consists of very short periods of employment interspersed with periods of unemployment.

A definition of casual workers is provided for in Irish social protection legislation. The Regulation on casual workers states that employees will be treated as being engaged in casual employment where:

- they are normally employed for periods of less than one week;
- the number of days and the days of the week on which they are employed vary with the level of activity in their employer's business;
- they have no assurance of being re-employed with the employer after the period of employment.

The decision as to whether an employee is a 'casual employee' or not is a matter for a Deciding officer in the Department of Social, Community and Family Affairs based on a number of factors considered. An important consideration in deciding whether a person is in casual employment or not is the manner in which they are paid. Casual employees would not normally have a set weekly payment, but their payment will be related to the number of days and hours worked.

**Zero hours working:** Since 1997, there is a provision under the Organisation of Working Time Act, 1997, for a description of "zero hours" contracts. Zero hours working practices refers to practices where an employee is either asked to be available for work, without the guarantee of work or where an employee is informed that there will be work available on a specified day or days. Compensation is payable when an employee is not required by the employer to work even though the employee was required to make himself/herself available over the period without the guarantee of any work. Compensation is not payable when the employee is paid wages for making himself/herself available for work or if the employee has an on call liability. Compensation is not payable when an employee is sick, on short-time or lay-off or in the event of an emergency.

### **Part-time work**

The Worker Protection (Regular Part-time Employees) Act, 1991 defines part-time employees as an employee who has worked for an employer for 13 continuous weeks or more and who is normally expected to work not less than 8 hours per week.

# Appendix II

## **Survey of Businesses Licenced under the Employment Agency Act, 1971**

The Department of Enterprise, Trade and Employment keeps records in relation to the number of employment agency licences issued under the Employment Agency Act, 1971. The Department, however, does not gather information on the proportion of employment agencies that are engaged in the placement of temporary staff only, in the placement of permanent staff only, or in the placement of both temporary and permanent staff. The form for applying for an employment agency licence does not require a statement in this regard.

In order to arrive at an estimate of the proportion of licenced employment agencies engaged in the placement of temporary and/or permanent staff, a survey of a sample of businesses operating as employment agencies, as defined under the Employment Agency Act, 1971, was carried out by Ralaheen Ltd.

### **Methodology**

#### **Questionnaire**

A questionnaire comprising five short questions was drawn up. The questions were constructed with a view to determining the proportion of licenced agencies that place temporary and/or permanent workers. Where applicable, agencies were also asked a question about each of the following:

- the sector in which they placed temporary staff;
- the match of temporary agency workers to needs hiring companies;
- whether the agency pays the wages of temporary staff

In addition, all agencies were asked about their affiliation to the umbrella organisation for recruitment consultants and employment agencies, the Irish Federation of Personnel Services.

#### **Sample**

A list of businesses operating as employment agencies and licenced under the Employment Agency Act, 1971, was supplied by the Department of Enterprise, Trade and Employment. Over 80% of licenced employment agencies are based in the four major urban centres in Ireland - Dublin, Cork, Limerick and Galway. For this reason, the list of 470 licenced employment agencies that are based in these four counties was selected as the sampling frame. Each case was given a unique number starting at one and a 10% sample was selected from this list giving a sample of 47 licenced employment agencies. The sample was selected using systematic random sampling.

Telephone numbers for the agencies sampled were obtained using telephone directories, Golden Pages and directory enquiries. In some cases, it proved impossible to ascertain the telephone numbers. In these cases, a substitute employment agency on the listing was randomly selected instead.

#### **Questionnaire administration**

The questionnaire was administered in October 2000 by social scientists using telephone calls to the selected employment agencies. The calls were made over a three-day period. Up to three calls were made in an attempt to reach each agency.

Respondents were informed before questioning commenced that the agency would remain anonymous and that all answers given would be confidential. Respondents held a variety of positions in the employment agencies surveyed.

### Response rate

Interviews were carried out with 34 out of 47 licenced employment agencies. The reasons why the remaining employment agencies were not interviewed are as follows: interview refused, agency no longer operating in this country; agency has moved to new address and there is no forwarding number, telephone not answered.

In summary,

- Interviews with 34 employment agencies were conducted;
- Interviews with a further 4 employment agencies were refused;
- Contact was never made with a further 4 employment agencies.

A response rate of 72% was achieved.

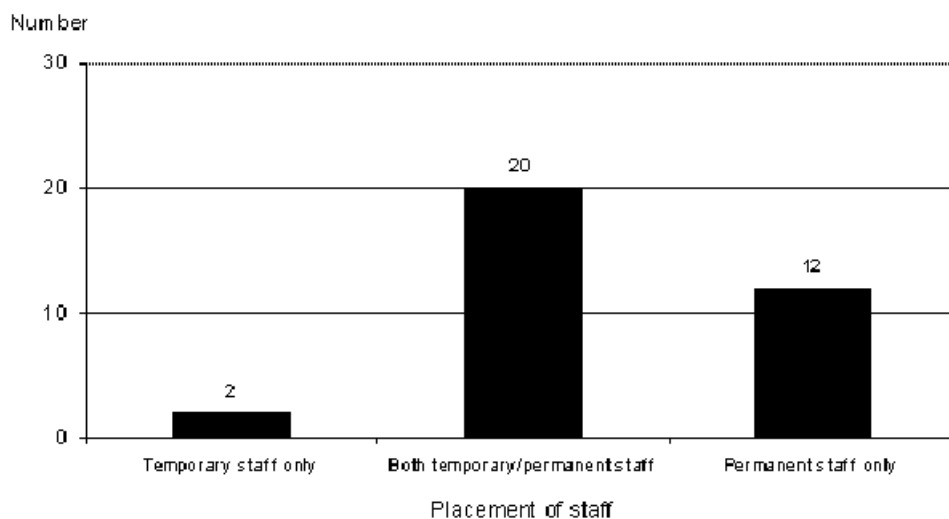
## Findings

The data collected was analysed using SPSS Base 10.0. The findings are as presented below under five headings.

### Employment agencies engaged in the placement of temporary staff

The survey found that 22 or 65% of licenced employment agencies surveyed were engaged in the placement of either temporary staff only or the placement of temporary staff and permanent staff. The majority (20) were engaged in the placement of both temporary and permanent staff. Twelve licenced employment agencies were engaged in the placement of permanent staff only (see Table 1).

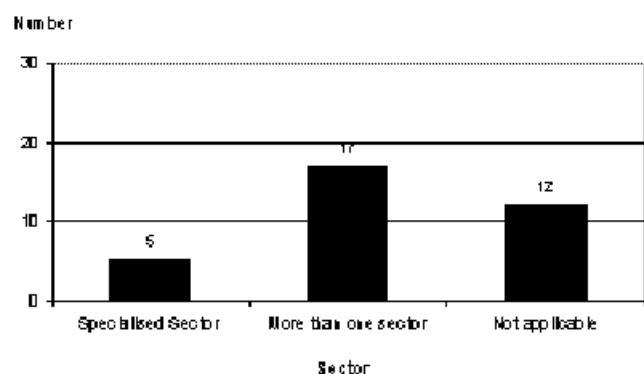
Table 1: *Licensed employment agencies by placement of staff (n) (n=34)*



### Sectors in which temporary agency staff are placed

Table 2 shows that 17 licenced employment agencies placed temporary agency workers across a broad spectrum of sectors compared with 5 licenced employment agencies, which concentrated on placing temporary workers in a specialised sector - modelling, catering, engineering, accountancy/banking and IT.

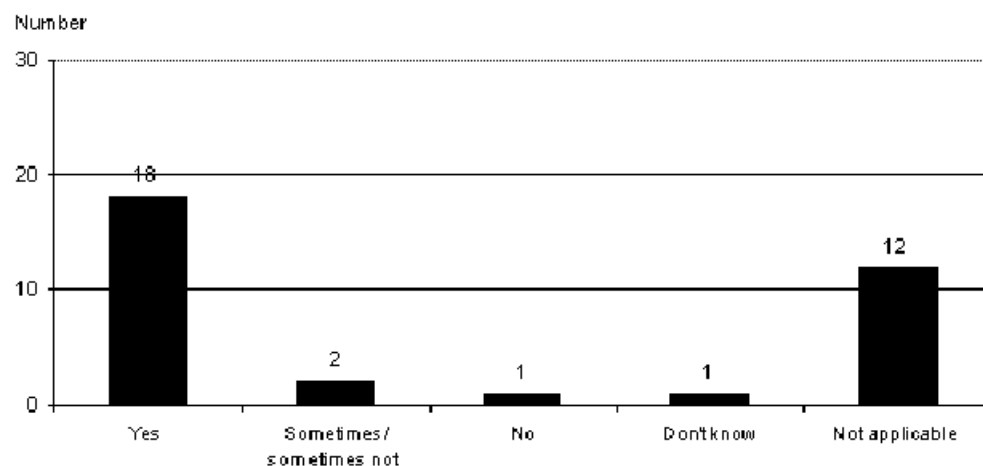
Table 2: *Licensed employment agencies and the placement of temporary agency workers by sector (n) (n=34)*



### Suitability of temporary agency workers to needs of client companies

In general, licenced employment agencies that are engaged in the placement of temporary staff considered that the temporary agency workers currently available to them were suitable to the needs of client companies (see Table 3).

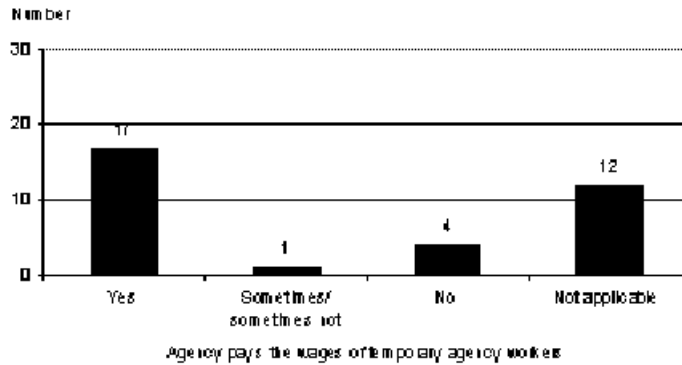
Table 3: *Suitability of temporary agency workers to the needs of client companies (n) (n=34) Q. Are temporary agency workers suitable to the needs of client companies?*



### Who pays the wages of temporary agency workers

Table 4 shows the number of licenced employment agencies engaged in the placement of temporary agency workers according to who pays the wages. The majority of respondents replied that the wages of temporary agency workers were paid by the licenced employment agencies.

Table 4: Licenced employment agencies by payment of wages of temporary agency workers (n) (n=34)



**Affiliation to IFPS**

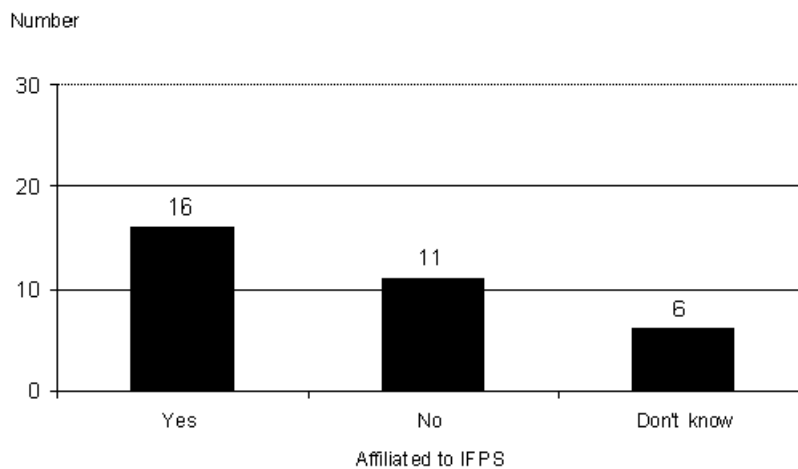
There is conflicting data about the proportion of licenced employment agencies that are affiliated to the Irish Federation of Personnel Services (IFPS), the umbrella organisation for recruitment consultants and employment agencies in Ireland.

A recent report by the European Trade Union Institute<sup>55</sup> reported that 80% of employment agencies in Ireland were affiliated to the IFPS. However, the IFPS reports to currently have a membership<sup>56</sup> of approximately 120 employment agencies,<sup>57</sup> amounting to about 20% of licenced employment agencies.

Table 5 shows that 48% of licenced employment agencies in this survey are members of IFPS. It is interesting to note that a small number of respondents did not know whether the employment agency was a member of IFPS.

It should be noted that the response ‘don’t know’ could arise due to varied status of respondents in the employment agencies.

Table 5: Proportion of licenced employment agencies affiliated to IFPS (N=33)



<sup>55</sup> Clauwaert, S. Survey of Legislation on Temporary Agency Work, ETUI, Brussels.

<sup>56</sup> Membership includes a small number of employment agencies based in Northern Ireland.

<sup>57</sup> Personal communication from Patrick Dwyer, Vice-President, IFPS, Dublin. October 2000.

# Appendix III

## Irish federation of personnel services code of conduct<sup>58</sup>

- To maintain high standards in the provision of professional staff selection services to employers and employees.
- To safeguard confidential client information and to protect job applicants' rights to privacy and courtesy.
- To apply equitable and fair selection procedures to all recruitment activity and to comply with the spirit as well as the substance of employment legislation.
- To ensure that all interviews, tests and selection procedures are administered by properly licensed and trained personnel.
- To work within the IFPS fee guidelines and to inform clients of terms and conditions of business before undertaking assignments.
- Not to 'poach' or approach applicants they have placed in permanent employment with alternative job offers.

**M. Pierce and P. Conroy, Ralaheen Ltd**

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<sup>58</sup> The Irish Federation of Personnel Services has been renamed the National Recruitment Federation.

**EF/02/29/EN**