

Position Paper

UEAPME¹ position on the Commission proposal for a Council Recommendation on a Quality Framework for Traineeships

Introduction

On 4 December 2013 the European Commission adopted a proposal for a Council Recommendation on a Quality Framework for Traineeships, aimed at stimulating the quality of traineeships. The legal bases are Articles 153 TFEU on Social Policy, 166 TFEU on Vocational Training and 292 TFEU on Recommendations. Traineeships are one of the key measures of the Youth Guarantee aimed at facilitating transitions into work and tackling the high youth unemployment in Europe.

General Comments

UEAPME recognises the role of traineeships for fostering employability of young people and agrees with the objective of the proposal, which is to enhance the quality and transparency of traineeships by creating a European framework. In the replies to previous EC public and social partner consultations, UEAPME has indicated that it could accept such a framework, as long as it is sufficiently flexible and respects subsidiarity.²

UEAPME endorses the scope being limited to open-market traineeships³, that is traineeships focusing on the learning dimension outside of education and vocational courses, including those of a cross-border nature. Consequently internships in the context of apprenticeships are rightly excluded. Traineeships must not be confused with apprenticeships⁴ and not be promoted to the detriment of the latter.

However, certain aspects of the proposal need to be reviewed. We are in particular concerned about Article 153 which has the effect of trainees being considered as workers. It is normally used in the context of directives containing minimum standards on social policy and would mean applying an extensive range of social policy provisions to trainees such as health and safety, working conditions, information and consultation.

UEAPME insists on the need to keep the status of trainees and workers distinct from each other, in order to avoid any interference with the national status of workers. Similar to the worker status, the status of trainees should also be decided at national level in line with the respective industrial relations system.

Furthermore, using the term remuneration for trainees is not appropriate and should be replaced with compensation. UEAPME also disagrees with differentiating between “paid” and “non-paid traineeships” within the same category of traineeships and applying two different legal bases.

¹ UEAPME subscribes to the EC’s Register of Interest Representatives and to the related code of conduct. Our ID number is [55820581197-35](https://ec.europa.eu/economic-affairs/interest-representatives/register/ueapme).

² http://www.ueapme.com/IMG/pdf/UEAPME_reply_EC_consultation_quality_framework_traineeships_110712_F.pdf

³ The EC defines open-market traineeships as “a limited period of work practice, agreed between a trainee and a traineeship provider without the involvement of a third party, which includes a learning component, in order to obtain practical experience ahead of taking up regular employment”.

⁴ See key criteria of apprenticeships, DG EAC Working Group report on Mobility for Apprentices: it concerns Initial Vocational Education and Training; it is an alternate training scheme in which training takes place at the workplace, as well as in school; the enterprise plays an active role in the content and design of the training programme, but has not necessarily a contractual link with the apprentice.

UEAPME recalls that it is paramount to make traineeships more appealing for SMEs and crafts businesses, as they can benefit from the intake of well-qualified persons, including tertiary level graduates. An overly prescriptive approach must therefore be avoided. The particularities of SMEs should be more strongly recognised in the implementation of the framework, i.e. in relation to size and resources of the enterprise, avoiding disproportionate administrative burdens, as well as taking into account the economic realities and uncertainties.

Specific comments

On the principles of the framework

- Conclusion of a written traineeship agreement

UEAPME considers that a traineeship agreement outlining in particular the educational objectives, as well as rights and obligations are of value to both the traineeship provider and trainee. However, the term remuneration is not adapted for traineeships and should be replaced by compensation. The productivity of trainees cannot be compared to those of real workers.

Moreover, UEAPME calls for simple and concise model traineeship agreements to be made available notably for micro companies, in order to encourage the take up of trainees by all types of businesses.

- Learning Objectives

UEAPME agrees that outlining the aims of the learning experience contributes to the successful provision of traineeships. Nevertheless, such a requirement should not be too burdensome. For example, the allocation of a contact person/tutor for each trainee is not realistic in very small enterprises. Creating additional administrative requirements jeopardises the willingness of enterprises to offer traineeships.

- Working conditions

The proposal addresses working conditions extensively, such as maximum working time, minimum daily and weekly rest periods. UEAPME considers these provisions are too far reaching and conflict with the national worker status, which is mostly defined according to national labour law and/or collective agreements. The concept of working conditions should thus be deleted and instead refer to “conditions applicable for traineeships”.

- Rights and Obligations

We agree on the need to outline the rights and responsibilities of the traineeship provider and trainee in order to enable more transparency. It is fundamental for contributing to mutual commitment and respect.

- Reasonable duration

UEAPME recalls that traineeships serve a practical and educational purpose. We are thus opposed to the proposal that the reasonable length of a traineeship should not exceed 6 months. This should be decided at national level according to different factors, including purpose and goal of traineeship, sector, seasonal fluctuations, demands of SMEs and individuals or level of education and training of the young person.

We also do not support a two weeks’ written notice period to terminate the traineeship either by the provider or trainee. In some cases this notice period may be too long on the side of the trainee or employer, but more importantly such labour law provisions must remain outside of the scope.

Finally, on the provisions for successive traineeships UEAPME considers that they are reasonably flexible, namely the need to “clarify the circumstances and conditions under which a traineeship may be extended or renewed after the initial traineeship agreement expired”.

- Proper recognition of traineeships

In particular for SMEs and micro businesses the recognition of the learning outcomes requires support of external actors, such as VET providers, Chambers of Crafts and/or Commerce according to national specificities. The process must refrain from creating undue burdens for businesses. Otherwise it becomes counterproductive and risks reducing the traineeship offer.

- Transparency requirements

UEAPME agrees on the need for more transparency of information for the traineeship provider and trainee. It is an important task of the Commission to make this information more easily accessible and visible.

At national level some business organisations have already developed guidance, describing the national legal and social security provisions of traineeships. Among UEAPME's members the Federal Economics Chamber in Austria has designed information leaflets for its member enterprises, and in Germany the government has produced guidelines in cooperation with the social partners, including the Confederation of Skilled Crafts.

- Social partners and businesses

UEAPME underlines that traineeships require first and foremost a strong involvement of employers, including good arguments to motivate employers to take on trainees.

Social partners play an important role in facilitating implementation of the Quality Framework for traineeships. In the context of the follow-up to the Framework of Actions on Youth Employment, UEAPME and the other European social partners envisage taking further joint actions on traineeships.

- Cross-border traineeships

Transnational learning mobility is still very much underdeveloped, despite its decisive contribution in enhancing the knowledge, skills and competences of young people. UEAPME thus welcomes the inclusion of cross-border traineeships in the EURES portal to better promote the take-up of cross-border traineeships.

On implementation and EU funds

Key to implementation is to make traineeships more appealing for SMEs and crafts businesses, as they can benefit from the intake of well-qualified persons, including tertiary level graduates. By contrast an overly burdensome approach deters companies from offering more traineeships.

The European Structural and Investment funds should be used in a cost-efficient and timely manner to facilitate the provision of traineeships. Member States therefore must be strongly encouraged to actively involve the social partners and in particular business organisations, chambers of crafts or commerce, to support notably small enterprises with the placement and organisation of traineeships for young people.

Conclusion

Besides some necessary fundamental modifications, including the need to make the proposal less detailed, UEAPME considers that it can still be a step in the right direction to make the provision of traineeships more transparent. Last but not least, in view of tackling youth unemployment more effectively, UEAPME urges Member States to implement structural reforms improving the functioning of labour markets and relevance of education and training systems, as well as putting in place growth enhancing measures for job creation.

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