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**POSSIBLE EU ACTION FURTHER IMPROVING THE
QUALITY OF TRAINEESHIPS IN THE EU**

**CONTRIBUTION TO A SECOND-PHASE
CONSULTATION OF SOCIAL PARTNERS**

The European Confederation of Independent Trade Unions (CESI) is a confederation of more than 40 national and European trade union organisations from over 20 European countries, with a total of more than 5 million individual members. Founded in 1990, CESI is a recognised European sectoral social partner and advocates improved employment conditions for workers in Europe and a strong social dimension in the EU. This consultation contribution has been developed in close collaboration with CESI Youth, CESI's statutory body representing young workers among its affiliates and members.

Answers to the questions put forward in the Commission's consultation document C(2023) 6610 final:

1. What are your views on the objectives of possible EU action set out in Section 6.1?
2. What are your views on the possible avenues for EU action set out in Section 6.2?
(joint answer)

CESI agrees with the scope of an EU measure to:

- a) support the prevention, detection and combating of the problematic use of traineeships and to support trainees in accessing the rights to which they are entitled,
- b) to improve the quality of traineeships by supporting fair working conditions, including remuneration and access to social protection, and an adequate learning and training component, and to
- c) foster the inclusiveness of traineeships and equal access to traineeship opportunities in the EU.

Concerning a), CESI considers that:

- a list of elements pointing at the misuse of a traineeship should be non-exhaustive and binding provided that this does not compromise on aspects of legal certainty.
- the existing recommendation of a maximum duration of a traineeship of no more than 6 months should be made binding, with exceptions only allowed if specified objectives reasons exist.
- the EU initiative should require Member States to ensure that their responsible national authorities carry out dedicated checks and inspections to detect and enforce the compliance of traineeships with EU law, national law or collective agreements.
- supporting measures to ensure that trainees can gain effective access to existing labour rights to which they are entitled should imperatively include an explicit reference to the role of trade unions and trade unionism in this regard.

With regards to b), CESI considers that:

- with a view to the Fixed-Term Work and Part-Time Work Directives, the EU initiative should specify at least for trainees who are classified as workers that being a trainee does not constitute an objective ground justifying less favourable treatment by reference to the employment conditions of a comparable permanent or full time worker.
- concerning pay/remuneration, the policy objective should remain that curricular internships should always need to include an allowance to cover the costs of living (transport, accommodation, food). CESI considers this an important aspect to achieve non-discrimination: The presence or absence of a financial capacity of the family of a young person should not condition his/her prospect and opportunities to take on traineeships to optimise career starts in labour markets. CESI notes that for all other traineeships that are not required by educational degree curricula, the minimum wage or alternatively an applicable collective bargaining agreement in place should be taken as guideline or reference for pay/remuneration.
- a binding access to adequate social protection remains imperative for trainees. At least all persons in traineeships that are not required by educational degree curricula should be covered by statutory social protection. CESI considers that the inclusion of trainees in statutory social protection systems would not alter the financial equilibrium thereof. A requirement for unanimous voting in the Council should not preclude a legislative proposal of the European Commission for this aspect.
- the EU initiative should turn the 2014 Quality Framework for Traineeships (QFT) principles on the conclusion of a written traineeship agreement, including information on educational objectives and working conditions, into a legal obligation applicable at least to trainees who are workers. CESI also considers that The EU initiative should strengthen the provision of information on mentoring, supervision and evaluation.

CESI stresses that it considers all further priorities for quality traineeships outlined in the response to the first phase of this consultation to remain valid.

3. What are your views on the possible EU policy instruments presented in Section 6.3?

In line with the priorities outlined above, CESI considers that – wherever the Treaties provide for this – a binding EU measure is the appropriate way to improve the quality of traineeships in Europe. Where unanimity in the Council is required for the adoption of a binding measures, the European Commission not take this reason to not issue a proposal for a binding measure in the first place.

Experience has shown that non-binding recommendations are often not effective. CESI does not consider non-binding measures as a promising way to bring tangible improvements in the Member States.

4. Are the European social partners willing to enter into negotiations with a view to concluding an agreement under Article 155 TFEU with regard to any of the elements set out in Section 6.1?

Unless the recognised European cross-sector social partners can come to an understanding on an ambitious agreement to addresses the identified challenges in a meaningful way, CESI calls on the European Commission to issue a proposal for a binding measure further improving the quality of traineeships in the EU for all aspects where the Treaties provide for this – ideally before the end of the current EU legislative term.

In case the European cross-sector social partners arrive at a social partner agreement, CESI expects the European Commission to propose without delay a legislative proposal for a directive to turn all those aspects into an EU-wide binding measures where the EU Treaties provide for this.