



## ETUC Assessment of the Council Proposal for the Traineeship Directive – April 2025

We note with disappointment the reluctance of Member States to broaden the scope of the proposed Traineeships Directive, seemingly prioritizing the protection of national systems that, in the majority of cases, exploit young workers. **Of particular concern is the directive's restrictive focus on vaguely defined open labour market traineeships—a term frequently used in EU discussions but absent from any of the 27 member states' labour codes or common practices.** This ambiguity creates confusion, enforcement challenges and risks undermining the very protections the directive aims to strengthen.

Furthermore, we urge policymakers to take into account the limited human and financial resources of labour inspectorates. A Directive that merely reinforces controls of existing national models without strengthening rules on quality, accessibility and fairness, would fail to deliver meaningful improvements for trainees.

A more comprehensive approach is necessary to ensure that all trainees, regardless of their specific status, receive adequate protection and fair working conditions.

### General Provisions and Scope

While the directive aims to establish minimum standards for traineeships, ETUC keeps raising alarms about **the lack of added value if we limit the scope to trainees who already have employment contracts.**

Trainees classified as workers are already within the scope of national labour laws and the EU's existing social acquis, granting them fundamental protections such as minimum wage, working hours regulation, and the right to social security.

Furthermore, the directive's narrow scope encompassing only **traineeships in the open labour market** (OLM) creates unnecessary confusion and requires significant adaptation of national laws, potentially undermining existing protections:

- In many EU member states, trainees already hold working status, meaning they are entitled to the same enforcement of working conditions and workers' rights as other employees. **Restricting the directive's enforcement to only the open labour market could lead to a dilution of existing protections, effectively lowering the standards currently in place for trainees.**

The definition of Open Labour Market Traineeship should respect the nature of the term -being open and accessible to everyone.

### Article 1

ETUC Amendment:

This Directive lays down a common definition of traineeships and sets out a framework of principles and measures to improve and enforce the working conditions of trainees and to prevent abusive practices arising from the use of traineeships

## **Definitions**

**Traineeships**, in their ideal form, are meant to serve as **bridges between education and the labour market**, offering young people the opportunity to gain meaningful work experience, build skills, and prepare for long-term careers

**Open labour market traineeships** must be defined based on their characteristics —open and accessible to anyone eligible to participate in the labour market and fulfil the requirements— rather than focusing on the profile of candidates who are accessing them.

## **Article 2**

ETUC amendment

(a) *‘traineeship’*

- i. is a limited period of entry-level work practice
- ii. aims at providing practical and professional skills through significant training, with a view to facilitating the transition from education to stable employment, or accessing a profession;
- iii. is being paid at least in line with the Adequate minimum wage directive

(f) *‘open market traineeships’* are traineeships offered in the open labour market via public vacancy notice

## **Equal treatment**

The ETUC opposes the inclusion of a new article in this part of the Directive referencing social partners’ existing rights to conclude collective agreements as a means for justifying different treatment. **Collective agreements play a vital role in advancing fair treatment and may be a better tool to implement and complement EU-legislative** initiatives according to national practices and frameworks.

Negative impact and misuse by employers or ‘yellow’ unions must be prevented, and therefore, the **non-regression principle** is crucial to maintaining the same or higher protection that is already in place in some national systems and is laid in the Directive.

**ETUC suggest moving the wording and essence of Art 3.3 to Chapter V. Article 11.4** (see below)

## **Article 3.3**

ETUC Amendment:

~~Member States may, on the condition that the national social partners jointly agree, give the social partners, at the appropriate level and subject to the conditions laid down by Member States, the option of upholding or concluding collective agreements establishing the objective grounds that are considered to justify a different treatment.~~

## **False traineeships**

### **Article 4**

**The mechanisms for inspections and measures against misclassification of workers are already well established within each member state.**

The proposed article fails to introduce any added value, as it does not specify concrete measures or new enforcement mechanisms.

### **Article 5.1**

ETUC believes that the indicators of false traineeships are crucial in guiding national competent authorities to detect and address abusive practices. These indicators serve as essential tools to distinguish between genuine learning opportunities and exploitative arrangements disguised as traineeships.

In particular, ETUC highlights several key factors that should be closely monitored: the lack of a meaningful training component, excessive duration or repetition of traineeships, **absence of fair remuneration, requirements for previous work experience, failure to publish transparent and accessible vacancy notices, and an unusually high ratio of trainees within an organization.**

#### ETUC Amendment

[...] For the purposes of Article 4, [...] competent authorities shall make an overall assessment of relevant factual elements [...], in accordance with national law or practice. That assessment shall take into account [...] the following [...] elements:

- (a) the absence of a significant learning or training component in the false [...] traineeship;
- (b) the excessive duration of the [...] false traineeship or multiple and/or consecutive purported traineeships with the same employer by the same person;
- (c) the equivalent levels of tasks, responsibilities and intensity of work for [...] false trainees and comparable employees;
- (d) **the absence of remuneration granted in line with Directive (EU) 2022/2041**
- (e) **the requirement for candidates to have previous work experience prior to taking up the traineeship**
- (f) **the high ratio of traineeships relative to the size of the establishment**
- (g) **the lack of a public vacancy notice for the traineeship**

## **Enforcement and supporting measures**

### **Article 6.**

Reports indicate that labour inspectorates in each Member State are currently understaffed, posing a significant barrier to the effective enforcement of the Directive. To uphold the Directive's

standards, and ensure the measures proposed in Article 4, it is essential that Member States commit to providing these authorities with sufficient human, technical, and financial resources. Properly resourced authorities are vital for monitoring compliance, addressing abuses, and ensuring that all trainees receive the protections guaranteed by the Directive. Without this investment, even the most robust Directive risks falling short in practice.

#### ETUC Amendment

**(d) ensure that the competent authorities are provided with the human, technical and financial resources necessary to perform effective controls and inspections and have the competence to impose effective, proportionate and dissuasive penalties;**

#### Article 8

ETUC welcomes the correct terminology: **workers' representatives**

#### Final provisions

ETUC strongly suggest the return of the text regarding the lowering protection of workers. This provision ensures minimum standards and prevents lowering the protection. In addition, to protect well-functioning system, we suggest including guarantees for social partners to have sufficient space for collective bargaining (11.4).

Furthermore, **ETUC firmly opposes the creation of a so-called "third status"** that would blur the line between employment and traineeships, as this risks undermining workers' rights and protections. However, the wording in the art. 11.3 remains ambiguous and open to interpretation, raising concerns about its implementation. The Directive states (Art 4) that "*Member States shall determine and implement appropriate corrective measures in accordance with national law and practice*", which could include, among other actions, reclassifying trainees and granting them proper employment status.

ETUC emphasizes that such corrective measures must prioritize the correct classification of trainees as employees where appropriate, ensuring they receive the full rights and protections they are entitled to under labour law. Clarity and strong enforcement are essential to prevent abusive practice and guarantee fair treatment for all.

#### Article 11

ETUC Amendment:

**11.1 No provision in this Directive shall be construed as lowering the protection of workers afforded by other instruments of Union law, national law, collective agreements or practice.**

11.2 This Directive shall not constitute valid grounds for reducing the general level of protection already afforded to workers, including trainees, within Member States

11.3 This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers or to encourage or permit the application of collective agreements which are more favourable to workers. ~~At the same time, nothing in this Directive shall be construed as imposing an obligation on Member States to introduce a specific employment relationship for~~

trainees in their national law.

**11.4 Member States may, on the condition that the national social partners jointly agree, give the social partners, at the appropriate level and subject to the conditions laid down by the Member States, the option of upholding or concluding collective agreements to implement and complement the same level of protections laid down in this Directive.**