Brussels 19/07/2023

**ETUC draft response to the 1st phase of the Social Partner Consultation on a possible action further improving the quality of traineeships.**

The European Commission has invited the Social Partners to answer the following questions in relation to its consultation documents dated 11 July 2023:

(1) Do you consider that the issues and possible areas for further EU action are correctly identified in this document?

(2) Do you consider that EU action is needed to address the identified issues? If so, what should be the direction and scope of that action?

(3) Would you consider initiating a dialogue under Article 155 TFEU on any of the issues identified in this consultation?

Before answering the concrete questions ETUC would like to highlight that both the European and national levels of the trade union movement were fully involved in the evaluation of the Council Recommendation on Quality Framework for Traineeships [[1]](#footnote-2). Following its publication (January 2023) and together with the results of the EU Barometer[[2]](#footnote-3) (May 2023) we believe there is an urgent need to both **improve the quality of traineeships** and address the situation when traineeships replace entry-level jobs which lead to social dumping and open the spiral of precarity.

We believe that the SP consultation will clarify the correct path against the ongoing discriminatory practices that prevent young people from quality opportunities in the labour market with paid living wages. Considering the legacy of the **European Year of Youth**, the principles enshrined in the **European Pillar of Social Rights,** the commitments made at the **Conference on the Future of Europe**, but also the ongoing **cost-of-living crisis** and the **labour market shortages** young people must be guaranteed quality traineeships that will help them to make the transition from their studies to the labour market and nothing less than that.

On the first question: ***Do you consider that the issues and possible areas for further EU action are correctly identified in this document?***

The ETUC would like to stress that the European Parliament report on Quality Traineeships ( 2020/2005(INL)) cited in the European Commission’s consultation paper, identifies the main **criteria for quality traineeships** and possible areas for further EU action. The ETUC believes that the European Parliament has struck the right balance in its selection of issues and relevant instruments. However, we are pleased that the European Commission consultation paper (further only Consultation Paper) presents additional arguments on which we are pleased to further elaborate below.

The data on youth unemployment, long-term youth unemployment, the rise of precarious work and the rate of NEETs, show that (although slightly declining) young people represent extremely vulnerable groups in the labour market. This should be further complemented by the data on **over-qualification** whereby it is estimated that in the EU 21% of young people are over-qualified for the requirements of the job they occupy[[3]](#footnote-4). This argument further supports our argument that young people do not need additional training, they are in urgent need of quality jobs that correspond to the level of their skills and interest.

The European Year of Skills has a goal to bring more women and young people into the labour market. Offering quality traineeships in the sectors where they are relevant can certainly contribute to that goal if we ensure that traineeships offered to young workers under active labour market policies are not threatening their incomes to make them accept any working conditions or low-quality jobs, but rather guide them to the right profession.

The number of young people in **involuntary part-time employment** (21% in 2022)[[4]](#footnote-5),is also relevant as it shows a lack of full-time job opportunities and therefore young people being pushed into precarious positions such as bogus traineeships. This is further demonstrated by the Eurobarometer findings according to which the main obstacles to finding a first work experience are finding suitable/interesting vacancies (38%), followed by lack of, or too low remuneration (29%), expectations of employers being too high (24%), high competition with other candidates (24%), lack of networks/contacts (24%) and lack of necessary skills (22%).

The Consultation paper reminds the results of the Evaluation of the Quality Framework for Traineeships (adopted in 2014) that ETUC fully shares. While its principles remain relevant the main shortcomings are coming from the non-binding nature of this instrument and its scope. The instrument outlined a set of principles that (when updated) can still provide a guideline for employers and Member States about some aspects of quality traineeships, **however, this instrument has no potential to stop the exploitation of young people and set a level-playing field for young graduates across Europe**.

The exploitation and misuse of the traineeship are perfectly documented in the previously mentioned Eurobarometer. The Consultation Paper rightly mentions that over 50 % of respondents completed two or more traineeships, 37% of those with the same employer. This goes completely against the main objectives of traineeships and the narrative about the transition from education to the labour market while **employers are hiring graduates with documented skills and proven working experience on traineeship contracts.**

Other findings from the Eurobarometer that are unfortunately not mentioned by the Consultation Paper state that **69% of respondents reported that, apart from their pay, their working conditions (equipment, working hours, workload, treatment etc)** **were equivalent to those of regular employees.** This not only contributes to the argument of replacement of workers by trainees while saving money on salaries and social contributions, but it also points to a very important topic of professional training.

The right to free professional training is a right of every worker in Europe, regardless of the sector and regardless their age. With the digital and green transition lifelong learning must become a strong principle in any career guidance or skill shortage conversation.
**All professionals need an onboarding period** in the new position and further training along their carrier path. Young people cannot be treated as exceptions, being required to complete traineeships (and even many of them) before the employers are ready to treat and pay them as regular employees. This approach is discriminatory and creates double standards and unfair competition.

The challenges in implementing QFT further described in the Consultation Paper are relevant and present an excellent compass for future actions to be relevant and effectively contribute to quality jobs across Europe.

ETUC believes that further action is, therefore, necessary and would further elaborate on details in the answer to the second question: ***Do you consider that EU action is needed to address the identified issues? If so, what should be the direction and scope of that action?***

To address the issue of the low quality and the issue of bogus traineeships replacing workers, ETUC wants from this point on firmly distinguish the two different proposals for actions with two fundamentally different scopes.

**The Directive on Quality Traineeships,** as the current data show, a needed tool that would end the exploitation of young people, who finished their degree and are entering the labour market with the aim to earn decent living wages and to emancipate and contributing as active member in the society.

**The strengthened Quality Framework for Traineeships** on the other hand is a useful tool to guide traineeships providers when they offer the possibility to students enrolled in the education to acquire a working experience. Those quality traineeships with limited duration, limited responsibilities and strong mentorships cannot be fully regulated by the labour code, however strong recommendations, including on the level of allowance, should be in place in order to avoid discrimination.

1. Directive On Quality Traineeships

The data presented above prove that traineeships often replace entry-level jobs. This cost-effective solution available to employers without any limitations on the duration or number of consecutive traineeships they can offer to the same person regardless of their qualifications, skills and experience acquired in the previous period of a traineeship, is a discriminatory practice that is only available to a small number of applicants, those with a solid financial background, from a large pool of diverse talents present in Europe. **The Directive on Quality Traineeships should cover all traineeships that are offered by employers on the (a) open labour market, in the context of (b) active Labour market policies and as the (c)mandatory part of professional training.**

1. open market traineeship means a non-mandatory, bilateral, private agreement agreed upon between a trainee and a traineeship provider without the involvement of a third party and without a formal connection to an educational or training establishment.

According to the Eurobarometer, the traineeships on the open labour market are likely to be paid (56% 'paid' vs 42% 'unpaid').
Such a high number of unpaid traineeships offered to graduates is alarming on its own and presents a sufficient reason to adopt a binding measure that would end this exploitation. However, this monitoring does not take into account the level of remuneration. Trainees being paid less than regular employees and **below the level of the minimum wage** while carrying out the same tasks and the same level of responsibilities (69% of respondents according to Eurobarometer) is likely much bigger.

1. Traineeships in the context of active labour market policies means a traineeship organised by a public employment service in cooperation with a traineeship provider, based on an agreement between the three parties with the aim of helping the unemployed people or into employment.

Such traineeships for young people are often a part of the Reinforced Youth guarantee, which guarantees to provide an unemployed person below the age of 30 with further training, traineeship or job offer within four months of becoming unemployed.

**Too often,** the offers provided by the Youth Guarantee are limited to low-paid and temporary positions. For many young people who find themselves stuck in cycles of insecure temporary work like bogus and unpaid traineeships, these offers are failing to provide the much-needed security and support of quality jobs.

Since we believe that **EU and public budgets cannot fund precarity** it is necessary that the subsidised traineeships young people receive in the context of ALMPs are quality traineeships with no risk replacing entry-level jobs.

The Directive on quality traineeships should distinguish between the traineeships targeting young people entering the labour market and other forms of ALMP offering work-based learning to vulnerable groups in the framework of inclusion programs.

1. Mandatory part of professional training means a traineeship that is a mandatory introduction into the professional practice of a specific field of work.

According to the Eurobarometer paid traineeships are higher for traineeships that are obligatory to access a profession (64% 'paid' vs 35% 'unpaid'). A Consultation paper notes that these trainees are often workers, already covered by EU and national labour law. A Consultation paper also notes those traineeships are not covered in a Quality Framework for Traineeships and therefore lack any quality framework.
It is therefore relevant to include this specific traineeship in the scope of the Directive making sure that trainees undertaking it have the same rights across the EU.

The Directive on quality traineeships should not be limited solely to the important question of adequate remuneration, access to social protection and other rights and protections enjoyed by workers across Europe, but it should clearly set the minimum standards in regard to other criteria such as:

* Duration and Renewal
* Learning objectives
* Mentoring and supervision
* Transparent information and procedures
* Monitoring and reporting channels

1.1 Avoiding replacement of entry-level jobs

To ensure that traineeship contracts are not replacing entry-level jobs and trainees are not used as cheap (underpaid or even unpaid) labour, or have lower working standards, trainees should have access to workers’ rights and protections enshrined in a number of European Directives. (Directive on Adequate minimum wages; Directive concerning certain aspects of the organisation of working time; Directive on transparent and predictable working conditions in the European Union; future Directive on Telework & right to disconnect among others;)

The available data, reported also in the Consultation Paper show that many trainees are subject to the same working conditions (equipment, working hours, workload, treatment etc) as workers employed in the same workplace and it is therefore clear that they should benefit also from the same rights and protections, including remuneration. They are the de facto workers, although not recognised by the national legislation in most of the Member states.

The Consultation paper raises the question of whether Article 153 TFEU can be used as a legal basis not only with regard to paid but also unpaid trainees. ETUC argues that the purpose of this legislative initiative should be to tackle the abuse of unpaid traineeships as a form of unfair practices in the labour market, often used as a means to circumvent applicable labour standards.

To this end, it should, first of all, be noted that Article 153 provides a basis for improving a number of conditions of key relevance for ensuring quality traineeships. In this sense, the quality of traineeships cannot solely depend on whether trainees are remunerated or not.

Secondly, the ETUC recognises there are various types of traineeships, including those done as part of educational or training curricula and done in exchange for university credits. Such traineeships should therefore be excluded from the personal scope of application from a dedicated EU Directive under Article 153, as it is a prerogative of Member states to address the topics of educational systems. Quality Framework for Traineeships (with its non-binding nature) should serve as a useful recommendation framework to ensure greater harmonisation in this matter.

Nevertheless, introducing such kind of a negative definition of the personal scope should at the same time have as its consequence the inclusion of all other forms of traineeships within its scope of application. In other words, traineeships falling within the scope of this EU Directive would have to comply with a certain number of minimum standards and conditions, including in terms of remuneration, in order to be considered as lawful under EU law. Such an approach is key to tackle unpaid and bogus traineeships as forms of undeclared, underdeclared and wrongfully declared work.

**This reading of Article 153 TFEU and the concept of ‘worker’ under EU law is supported also by the case law of the Court of Justice of the European Union, as well as by the need to guarantee the effective enjoyment of the rights and protection afforded by EU labour law to everyone de facto falling within its remit.**

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| As made clear by the CJEU in its case law, also trainees are covered by the EU concept of ‘worker’ for the purposes of Article 153 TFEU, provided that *“the training period is completed under the conditions of genuine and effective activity as an employed person*” (*Kranemann* [C-109/04](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcuria.europa.eu%2Fjuris%2Fdocument%2Fdocument.jsf%3Ftext%3D%26docid%3D54123%26pageIndex%3D0%26doclang%3DEN%26mode%3Dlst%26dir%3D%26occ%3Dfirst%26part%3D1%26cid%3D1494274&data=05%7C01%7Clsusova%40etuc.org%7C8cd76a88aac748defb7908db7d2f7c36%7C7a57d45075f34a4da90dac04a367b91a%7C0%7C0%7C638241415126314346%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=nC214%2BMa%2B56amP7y0aSt9FkyeuiFm5b6yLgjUR0pfk4%3D&reserved=0), § 13). In essence, this requires that the trainee for a certain period of time performs **services** for and under the **direction** of another personin return for **remuneration**(*Lawrie-Blum* [66/85](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Feur-lex.europa.eu%2Flegal-content%2FEN%2FTXT%2F%3Furi%3DCELEX%253A61985CJ0066&data=05%7C01%7Clsusova%40etuc.org%7C8cd76a88aac748defb7908db7d2f7c36%7C7a57d45075f34a4da90dac04a367b91a%7C0%7C0%7C638241415126158121%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=KCVOR6C4GdPi2HhA6AKPp%2FWGvY3jjZs9JMH2lcbS1ao%3D&reserved=0), § 22). This reasoning is also reflectede.g. inRecital 8 of the EU Directive on Transparent and Predictable Working Conditions ([2019/1152](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Feur-lex.europa.eu%2Flegal-content%2FEN%2FTXT%2F%3Furi%3DCELEX%3A32019L1152&data=05%7C01%7Clsusova%40etuc.org%7C8cd76a88aac748defb7908db7d2f7c36%7C7a57d45075f34a4da90dac04a367b91a%7C0%7C0%7C638241415126158121%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=RmQE220I0rBFyzQJvkC0BeVU3AwA4wVFS6gD4ZPxGfg%3D&reserved=0)), “*Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could fall within the scope of this Directive.*”While the CJEU has acknowledged remuneration as one of the constitutive elements for considering also trainees as a workers for the purposes of EU law, the Court has made equally clear that the amount or sources of that remuneration is irrelevant. “*That conclusion cannot be invalidated by the fact that the trainee's productivity is low, that he works only a small number of hours per week and, consequently, receives* ***limited remuneration***” (*Bernini* [C-3/90](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcuria.europa.eu%2Fjuris%2FshowPdf.jsf%3Ftext%3D%26docid%3D97241%26pageIndex%3D0%26doclang%3DEN%26mode%3Dlst%26dir%3D%26occ%3Dfirst%26part%3D1%26cid%3D1488082&data=05%7C01%7Clsusova%40etuc.org%7C8cd76a88aac748defb7908db7d2f7c36%7C7a57d45075f34a4da90dac04a367b91a%7C0%7C0%7C638241415126314346%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=y6xWsOIsJsh7NZAI2WVoZY%2BmUq6QVMVnA28O6Ww6c1g%3D&reserved=0), § 16). Likewise, “*it is also clear from the Court’s case-law that neither the* ***legal context of the employment relationship under national law****, in the framework of which the vocational training or internship is carried out, nor the origin of the funds from which the person concerned is remunerated and, in particular, in the present case, the funding of that remuneration through* ***public grants****, can have any consequence in regard to whether or not the person is to be regarded as a worker*” (*Balkaya* [C-229/14](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcuria.europa.eu%2Fjuris%2Fdocument%2Fdocument.jsf%3Ftext%3D%26docid%3D165652%26pageIndex%3D0%26doclang%3DEN%26mode%3Dlst%26dir%3D%26occ%3Dfirst%26part%3D1%26cid%3D1495506&data=05%7C01%7Clsusova%40etuc.org%7C8cd76a88aac748defb7908db7d2f7c36%7C7a57d45075f34a4da90dac04a367b91a%7C0%7C0%7C638241415126314346%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=x0cjgCHoN8gGKT8TIjWp4TP53%2BFFvGdswTt6DwUFEXY%3D&reserved=0), § 51). This conclusion is supported also by the rulings in cases *Bettray* ([C-344/87](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcuria.europa.eu%2Fjuris%2FshowPdf.jsf%3Ftext%3D%26docid%3D95709%26pageIndex%3D0%26doclang%3DEN%26mode%3Dlst%26dir%3D%26occ%3Dfirst%26part%3D1%26cid%3D1497378&data=05%7C01%7Clsusova%40etuc.org%7C8cd76a88aac748defb7908db7d2f7c36%7C7a57d45075f34a4da90dac04a367b91a%7C0%7C0%7C638241415126314346%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=TuW09G9vO8y9DYbvaBEnS09WPvDD%2BgHBvJG4ENEBsJs%3D&reserved=0), § 15), *Birden* ([C1/97](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcuria.europa.eu%2Fjuris%2Fdocument%2Fdocument.jsf%3Ftext%3D%26docid%3D43748%26pageIndex%3D0%26doclang%3DEN%26mode%3Dlst%26dir%3D%26occ%3Dfirst%26part%3D1%26cid%3D1497327&data=05%7C01%7Clsusova%40etuc.org%7C8cd76a88aac748defb7908db7d2f7c36%7C7a57d45075f34a4da90dac04a367b91a%7C0%7C0%7C638241415126314346%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=UzuOACyf4KhxcApneyhKeUU4BKEdKs8kwN37tKFoEV8%3D&reserved=0), § 28), *Kurz* ([C188/00](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcuria.europa.eu%2Fjuris%2Fdocument%2Fdocument.jsf%3Ftext%3D%26docid%3D47516%26pageIndex%3D0%26doclang%3DEN%26mode%3Dlst%26dir%3D%26occ%3Dfirst%26part%3D1%26cid%3D1497248&data=05%7C01%7Clsusova%40etuc.org%7C8cd76a88aac748defb7908db7d2f7c36%7C7a57d45075f34a4da90dac04a367b91a%7C0%7C0%7C638241415126314346%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=cyjqoYIPy95AbDlk7t0pvrHT1mnPr8G%2BAq47MoQUOdU%3D&reserved=0), § 34) and *Mattern* (, § 22). Independetly of any remuneration, however, certain types of protection must be ensured to all persons **regardless of the status of the worker** and independently of whether they are paid or not. E.g. everyone who is present on the worksite needs to be able to enjoy health and safety protection, as is clear from the EU Framework Directive on the Safety and Health of Workers at Work ([89/391/EEC](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Feur-lex.europa.eu%2Flegal-content%2FEN%2FALL%2F%3Furi%3Dcelex%253A31989L0391&data=05%7C01%7Clsusova%40etuc.org%7C8cd76a88aac748defb7908db7d2f7c36%7C7a57d45075f34a4da90dac04a367b91a%7C0%7C0%7C638241415126314346%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=8cdcPhfk9DfnCclHmUXSddBTKBmYXSGpgaZPm9YX5m8%3D&reserved=0)), for the purpose of which a worker is defined under Article 3(1)(a) as “*any person employed by an employer,* ***including trainees*** *and apprentices*”. Whether the trainees are **paid or not** should not be of relevance to the application of this Directive as the Consultation Paper rightly argues. Any other interpretation would deprive EU law from its effectiveness, purpose and *effet utile*.To ensure that everyone enjoys basic labour rights, the same interpretation must hold true also for other EU Directives adopted under Article 153 TFEU, such as the Working Time Directive (2003/88/EC), the Parental Leave Directive (2010/18/EU), the Work-Life Balance Directive (2019/1158), the Pregnant Workers Directive (92/85/EEC) and numerous other OSH Directives. As notably held by the CJEU in case *Tümer* ([C‑311/13](https://curia.europa.eu/juris/document/document.jsf;jsessionid=9763BFA2FFA5455E77EDB1250CBC14B6?text=&docid=159243&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1476446), § 45), it would be “*contrary to the social objective*” of the Directive (80/987) in question to “*deny the protection provided for under that directive*” to an undocumented third-country national migrant. By way of analogy, excluding trainees from the protection afforded under certain EU Directives, or making their enjoyment dependent on whether they receive remuneration or not risks undermining the social objectives of those Directives.  |

* 1. Non-regression and more favourable provisions

Equally to the European Parliament report, ETUC would like to stress that this Directive shall not be used to reduce existing rights for trainees, nor can it constitute valid grounds for reducing the general level of protection afforded to trainees in the field covered by this Directive.

This Directive shall not affect Member States’ prerogative and autonomy of social partners to apply or to introduce laws, regulations or administrative provisions, which are more favourable to trainees or to encourage or permit the application of collective agreements which are more favourable to trainees.

The Directive should not lead to creation of new types of vulnerable contracts in national labour law as the aim of this initiative is to offer trainees quality job.
ETUC believes that the impact assessment study announced in the Consultation Paper should aim to identify the scale and forms of ongoing malpractices as well as the risk of increasing numbers the bogus-traineeships in the future due to the cost-of-living crisis causing the well documented race to the bottom

Furthermore, in sectors and professions, where traineeships have high risks of replacing entry-level jobs, employers’ organisations should negotiate with trade unions so as to ensure that quality traineeships can be offered as a means to fight against bogus traineeships.

* 1. Duration, renewal, and repetition in the same company

ETUC agrees with the European Commission and European Parliament report that the setting of the minimum and maximum duration of traineeships and of very specific conditions for their renewal or extension is important measures to combat the use of bogus traineeships.

The data from Eurobarometer show that 37% of respondents have repeated the traineeship with the same employer. While the data on the reasons for which the same person was offered the same traineeship contract by the same employer twice (or even three times in row) are completely missing, the interviews and experiences shared by trainees suggest that this kind of arrangement is extremely advantageous for employers providing them with skilled and trained workers who can be paid significantly less than employees. At the same time, this arrangement is extremely disadvantageous for the trainees who after completion of two (or even three) traineeship contracts have no guarantee to be offered a working contract and can find themselves in a very precarious situation as in most of the Member States they are not eligible for unemployment benefits and other branches of the social security.

ETUC supports the provision of subsidies to companies that invest in offering high-quality traineeship opportunities. However, it is crucial to closely monitor companies that offer one or multiple consecutive traineeship positions. In the Eurobarometr 54% of the respondents indicated that their most recent traineeship took place in a micro or small-sized company. This data may be surprising considering that traineeships are often associated with costs, not only in terms of compensating the trainee, but also in relation to designing the training program, defining learning objectives, monitoring and supervising the trainee, and dealing with increased administrative tasks due to specific legislation regulating traineeships in Member States. There is a strong suspicion, supported by personal experiences of some trainees, that such companies may be exploiting underpaid trainees as a substitute for regular workers. **Therefore, ETUC is attentively following the impact assessment study mentioned in the Consultation Paper and hopes that this issue will be thoroughly analysed.**

Furthermore, attention should be paid to the recognition of experience acquired by the trainee. As explained above, ETUC believes that renewal of the traineeship contract should occur only in very exceptional cases. (*such as completely failing to accomplish the learning objectives set jointly by the trainee and* their *mentor*). On the same note ETUC considers the request of previous working experience a clear sign of bogus-traineeship designed to replace regular worker.
The examples of such standard, can be found on daily basis on any website offering traineeships[[5]](#footnote-6) and that it is why it is crucial to adopt an EU Directive that would make such visible exploitation practices illegal.
In this regard ETUC stresses that strengthening of the labour inspectorates and other relevant authorities who will be equipped with tools to detect and prohibit substitution of entry-level jobs, should be taken into account by any further action in this field.

1.4. Learning Objectives and Learning Outcomes

The **learning objectives should be included in the transparent vacancy notice** for the traineeships in order for applicants to assess the added value to their academic skillset. The learning outcomes and the learning pathway should be set jointly at the beginning of the traineeship between the trainee and his mentor. To understand the difference between educational and post-graduation (open labour market) traineeship it is important to distinguish firmly between mentor and supervisor. All entry-level jobs, and most other job positions that are not in the managerial category have supervision. It is only normal that the new employee is supervised by someone with a greater level of experience and a greater level of responsibility. In traineeships, trainees should not only receive tasks to perform but should be mentored and guided during their execution. Trainees’ responsibilities could increase progressively along the duration of the traineeship in accordance with the set-up learning pathway.
The impact of remote/hybrid form of traineeship (where possible) on the mentoring of the trainee should be considered.

1. Strengthen Quality Framework for Traineeships

ETUC believes that practical working experience is an essential part of young people’s readiness to enter the labour market and as such should be offered as part of the educational pathway.

To ensure that the practical working experience contributes to the objectives of the chosen qualification the **Quality Framework for Traineeships should cover all traineeships including those that are mandatory or voluntary part of educational or training curricula and are done in exchange for university credits based on the agreement between the three parties**.

* 1. Additional non-binding aspects of quality traineeships

The Parliamentary report well reflects the changes and progress in the labour market by adding a set of quality criteria for educational traineeships. Overcoming and **combating discrimination** should be the main goal of the framework and as such the allowance and access to social protection for trainees gaining university credits for their work should be considered in respect to the national laws and collective agreements in order to increase accessibility of traineeships among underrepresented groups.

Combating discrimination at work is a priority for the trade union movement and as such we promote measures that would facilitate the inclusion of **workers with disabilities** into the labour market. The unemployment rates of young people with disabilities are consistently higher than the youth unemployment rates in general and therefore incentives to employ people with disabilities should be considered. Compatibility between any form of allowance from traineeship and disability benefits should also be strongly encouraged across Member States. Disability benefits exist to compensate for the extra cost of living with a disability and should not be lost once a person starts work. The incompatibility of salary and benefits is a form of discrimination that denies persons with disabilities of their right to improve their financial situation through employment and puts them at heightened risk of in-work poverty. The income of other family members of the disabled person granted or applying for allowances, should not be accounted for, thereby promoting the emancipation and autonomy of the young person.

Finally, answering the last question of this consultation: ***Would you consider initiating a dialogue under Article 155 TFEU on any of the issues identified in this consultation?***
ETUC reaffirms its full commitment to social dialogue and Article 155 TFEU, and we are open to starting negotiations with the employers. In our answers to the previous two questions, we have clearly described the shortcoming of the current framework based on its non-binding nature. The ETUC, therefore, underlines that, should negotiations take place, there must be a clearly expressed commitment by both social partners to negotiate meaningfully a legally binding instrument to address the issues identified in this reply to the Commission.

**Annex I.** [Examples of active vacancy notices, collected on 14/07/2023, pointing to the replacement of entry-level jobs by traineeship contracts.](https://www.etuc.org/system/files/document/file2023-07/ANNEX_1_Draft%20responseSP%20Consultation_Examples%20of%20vacancy%20adverts%20for%20bogus%20traineeships.pdf)

1. European Commission (2023) Evaluation of the Council Recommendation on a Quality Framework for Traineeships (SWD(2023) 9 final). [↑](#footnote-ref-2)
2. Flash Eurobarometer 523, full report available via https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=87602 [↑](#footnote-ref-3)
3. https://ec.europa.eu/eurostat/databrowser/view/LFSA\_EOQGAN2\_\_custom\_6869331/default/table?lang=en [↑](#footnote-ref-4)
4. https://ec.europa.eu/eurostat/databrowser/view/LFSA\_EPPGAI\_\_custom\_6869352/default/table?lang=en [↑](#footnote-ref-5)
5. In the ETUC context we can list a few examples published on the day of the writing of the ETUC response (14 July 2023). Examples are available in Annex I.

 [↑](#footnote-ref-6)