



Contents

Global Public Affairs

Road to the 2019 International Labour Conference on the #FoW	2
UN Global Compact on Migration: Secretary General reports to the World	3
Recruitment Fees Taskforce – call to interested members!	4
WAPS: Supporting Public and Private Partnership on the Global level?	5

European Public Affairs

EU draft Directive on transparent and predictable employment	6
EU Commission initiative on digital education and skills	7
Data Protection: Consent and transparency	8
EU Sectoral Social Dialogue on temporary agency work	9
EU Commission proposes more flexibility on VAT Rates	9

National Public Affairs

Sweden: No regulatory challenges and discrimination against the industry linked to the integration of migrants	10
Germany: Michael Freytag gives presentation at BAP Committee on international affairs	10
UK: Brexit negotiations move into next phase	11
Italy: Election of a new President at Assolavoro	11
National Federations Committee session on the future of jobs	12

Thought Leadership

Presentation on the role of online talent platforms at EU Liaison Forum	12
Seminar on Social Protection in a changing world of work	13

Positions

EU Contribution to the Second stage consultation to the Access to Social Protection

Draft GDPR Guidelines 'Consent' and 'Transparency'

Upcoming Events

30 January 2018
OECD/WEC Meeting on Skills and Employment

7 February 2018
Data-Protection Taskforce

8-9 February 2018
WEC-Europe speaks at Conference on posting of workers (Eurodetachment)

13 February 2018
European Business Services Alliance

WEC/World Bank Meeting on Youth Employment (S4YE)

27 February 2018

Third Steering Committee of the EU project on online talent platforms

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Global Public Affairs

Future of Work

Road to the 2019 International Labour Conference on #FoW

The WEC Head Office engaged in the Future of Work Initiative of the ILO over the course of December and January, as part of Pillar 2 of its Public Affairs Programme. This initiative is a four year exercise of the ILO to have global discussion on how labour markets will change and what regulatory measures are needed on national, regional and global levels. It will end during the 100th anniversary of the ILO in 2019. During the 2019 International Labour Conference (ILC 2019) three discussions will be held on how to manage the profound changes on the different labour markets all around the world. To ensure beneficial policy recommendations for our industry the World Employment Confederation is lobbying the discussions and process.

Denis Pennel and Jochem de Boer engaged with members and the International Organisation of Employers (IOE) to put the position of the World Employment Confederation - based upon the Manifesto 'No Future of Work without Social innovation' - forward. This intervention was directed at the two streams currently in process in the initiative: (1.) the agenda-setting for the ILC 2019 and the High Level FoW Commission (2.). The Commission which will prepare an independent report to input the discussions during the ILC 2019 (CEO of The Adecco Group, Alain Dehaze, is a member of the Commission).

Where is the business rationale?

The main elements the World Employment Confederation put forward were that the increased dynamic and diversity of the labour demand needs to be addressed more prominently in the discussions as workers can only be protected if economies are productive. Secondly the importance of the issues of skills shortages and informality was addressed.

What can WEC members do on their national level?

In June 2019 the ILC 2019 will be held. The outcomes of these discussions are recommendations to social partners and governments everywhere. Influencing these recommendations can help national employers' and employment associations in lobbying for labour market reform. As the ILO formally consists out of representatives from national social partners, there will be national discussions on the country positioning in the ILC 2019. We call upon you to engage with your central employers' association to influence their position to include the need for diverse forms of work on labour markets

Assessment and next steps:

The FoW Initiative will remain on top of the WEC's list of priorities. Influencing this debate is both an opportunity and a threat to push for more labour market flexibility and inclusiveness. The World Employment Confederation will share a toolbox on how to engage the initiative on the national level. Furthermore the Head Office is available for any support for members who are directly or indirectly support individuals in the FoW Commission.

If you need any support be sure to contact the Jochem de Boer via
Jochem.deboer@wecglobal.org.

Responsible Industry & Business practices

UN Global Compact on Migration: Secretary General reports to the World

Within Pillar 3 of its 2018 Public Affairs Programme, the World Employment Confederation is engaged in international debates related to Responsible Industry and Business practices.

António Guterres, the Secretary-General (SG) of the United Nations (UN), presented his report *'Making migration work for all'* to the members of the UN. In this he provides the key points for negotiating the Global Compact on Migration between the UN members in 2018. These points were drafted from the various stakeholder consultations in 2017. The reports strikes a positive and balanced tone about migration. Furthermore, in the report key issues for the employment industry such as cross-border recruitment and informality are frequently addressed.

In 2018 the UN members will negotiate a 'Compact' on Migration, meaning a political framework agreement. Although it will be non-binding, it will determine an important framework and structure in which the discussions and negotiations on migration between different countries will take place. The report is important as it is the starting point for the formal negotiations and sets the tone and the issues.

A balanced approach to migration

First of all the report is quite balanced and emphasizes the overall positive contribution of migration for economies and societies. It furthermore emphasizes that the debate on migration policy should be held realistically and based upon the facts to prevent xenophobic political narratives. In that context it is emphasized that most migrants migrate in accordance with existing legal frameworks. Finally, last but most definitely not least, it is addressed that governments must "respond to the realities of labour demand and supply" in creating legal pathways and emancipation for migrants.

Irregular Migration, Vulnerability, and Informality

Yet, of course, challenges are addressed about migrants and their ability to fully participate in their host-society and labour market. Also the responsibility and prerogative of states to protect its borders is amply addressed. Informality is put forward as a migration issue as it increasing exposure to exploitation and abuse, but also as an outcome of "insufficient legal pathways for foreign workers to meet the demand".

Labour market and recruitment relevancy – recognition of labour demand

The report is clear about the relevancy of labour market dynamics for migration and the other way around. Opening "more diverse and accessible pathways for regular migration at all skill levels" that meet "the demands of properly managed labour markets" would decrease irregular migration and decrease the exposure to abuse. Secondly, the sponsorships and "exorbitant recruitment costs" are addressed as way for migrants to become trapped in modern slavery. The report urges policy makers to regulate cross-border recruitment to ensure that migrants do not bear "unsustainable costs" in their search for work. In this regard, the ILO guidelines on fair recruitment are put forward.

Governance and implementation

In the setting of migration policy on all policy levels (national, bi-lateral, multilateral, regional etc.), the report clearly calls for the engagement with civil society and the private sector. Also, as the UN does not have a clear framework for 'non-refugee' migration, the report also sets a framework to deal with the follow-up of the Compact. The International Organization for Migration (IOM) (as most recent addition to the UN agencies (ILO, Worldbank, OHCHR etc. are other examples of UN agencies)) is put forward as main organisation to monitor and implement the Global Compact on Migration that will be agreed.

The National dimension; what can national federations do?

Every UN member state is part of the negotiations. This means that states will come up with a position. This allows for members to join that debate either directly with the government, or with social partners.

Assessment and next steps:

1. The report addresses most issues that the World Employment Confederation has put forward. Furthermore, they are addressed in a way that is beneficial to the industry, including (1.) the emphasis on recruitment fees as source of abuse, (2.) informality as an outcome of defective migration policies and (3.) the need for diverse pathways for migration.
2. There is clear and sufficient recognition of labour market reality in addressing migration.
3. Public and private cooperation is emphasized throughout the report.
4. The report calls for regulation in and between of the cross-border industry to fight recruitment fees. Sadly, the private employment industry is not addressed as a positive instrument to regularize migration.

In general, the report is balanced, business interests and market dynamics are acknowledged (amply!), and the issues important to the employment industry are addressed beneficially. From the employment industry's point of view it is a good starting point for the inter-governmental negotiations between UN member states.

The Head Office will collaborate with the IOE on follow-up to influence the negotiations.

If you have any questions contact Jochem de Boer via Jochem.deboer@wecglobal.org.

Responsible Industry & Business practices

Recruitment Fees Taskforce – call to interested members?

Within Pillar 3 of its Public Affairs Programme, the World Employment Confederation is engaged in international policy debates on Responsible Industry and Business practices.

In November of 2018 the ILO will convene a special 'Expert Meeting' to negotiate a **definition of 'recruitment fees and costs' as mentioned in the ILO Convention 181**. As this Convention specifically deals with the employment and recruitment industry, the

outcomes of this 'Expert Meeting' are crucial for the World Employment Confederation to influence.

The Expert Meeting is an outcome of the General discussion the ILO held in 2017 on Labour Migration. During this discussion it was concluded that there was much debate and lack of clarity on what constituted these 'costs and fees'. The ILO Governing Body had therefore decided that a special Expert Meeting will be held. This meeting would include 8 Expert from each side of the tripartite membership of the ILO: the governments, unions and businesses.

It is for that reason the WEC Board has set-up a temporary taskforce to come up with a global position of the industry. This Taskforce will convene digitally during the first two quarters of 2018. After this the Taskforce shall be dissolved. Should you be interested in to join this taskforce, you are more than welcome to join. It will not require any travel. If you want to join the Taskforce please contact Jochem de Boer via jochem.deboer@wecglobal.org

Assessment and next steps:

The Taskforce will present and discuss the position during the June General Assembly in Dublin.

Inclusion & Diversity

WAPES: Supporting Public and Private Partnership at the Global level

The pillar 4 of the World Employment Confederation Public Affairs Programme focuses on Inclusion and Diversity. In this context, the Head Office met the new Secretary-General - Françoise Kuyl - of WAPES, the global association of public employment services. During the meeting the importance of improved public and private cooperation between labour market intermediaries was acknowledged. Therefore, collaboration to stimulate this partnerships on the national level was explored and discussed.

Improving relations with the national public employment service contributes to a better functioning labour market. Through this individual employment agencies are enabled to showcase the social return by helping unemployed find jobs. Through better collaboration, public and private capacity can be deployed more efficient and allows for more people getting to work. Yet, in many countries there is a sense of competition and distrust between public and private employment services. Showcasing how partnership improves both the public and private labour market professional could contribute to taking some of the mutual prejudices away.

WEC and WAPES have always been developing fruitful relations for many years. As a next step it was agreed to explore the possibility of a Memorandum of Understanding between the two organizations. This would acknowledge each respective role in the functioning of the labour market and set up a framework for the sharing and showcasing of best-practices.

Assessment and next steps:

Developing a good relationship with the global representative for public employment services could contribute in putting forward the messages of the private employment

industry. In particular the industry's stepping stone role of the (long-term) unemployed. Also, it could create access to internal platforms of WAPES to showcase best-practices.

World Employment Conference 2018

Dublin, 6-8 June 2018

The World Employment Confederation and the NRF met on 22-23 January in Dublin for a two days visit to prepare the 51st World Employment Conference that will take place in Ireland on June 6-8, 2018.

Preparations are well under way and the discussions revolved around the programme, the speakers, the format, social events and venues. The early-bird fees to register for the conference will be open until the 14th of February.



Feedback from both sides was positive and both organizations are continuing to work in close cooperation. The World Employment Confederation and the NRF took the opportunity to visit LinkedIn's EMEA Head Office in Dublin and meet with the community's strategic leading team for the region. LinkedIn will be

sponsoring the World Employment Conference.

More information on the World Employment Conference is available on the conference website: <http://worldemploymentconference2018.com/>

European Public Affairs

EU Draft Directive on transparent and predictable employment

On 21st December 2018, the European Commission presented a proposal for a Directive on transparent and predictable working conditions in the European Union (replacing, after its implementation the Written Statement Directive). The new draft Directive focuses on improving working conditions by promoting more secure and predictable employment, while ensuring labour market adaptability. It aims to lay down minimum rights that apply to every worker in the European Union. The draft Directive includes six key chapters:

- Chapter 1 on general provisions and definitions, including a sensitive provision on the definition of a worker, employer and the employment relationship.
- Chapter 2 on information on the employment relationship, including a catalogue of information rights goes beyond the rights currently established at national level by the EU Member States. This chapter also covers rules on the timing and means of

information, as well as additional information to be provided to posted workers and workers sent abroad.

- Chapter 3 on minimum requirements relating to working conditions, covering a maximum duration of a probation period, employment in parallel, a provision on the minimum predictability of work, transition to another form of employment and access to training
- Chapter 4 on collective labour agreements
- Chapter 5 on horizontal provisions covering compliance, early settlement mechanism, right to redress and protection against adverse treatment or consequences as well as an article on dismissal protection
- Chapter 6 covers the final provisions, focusing on minimum character of the Directive, its implementation at national level, transitional arrangements and a review clause

The first reactions from the EU cross-industry social partners on this draft Directive have been quite critical, with employers underlining that this Directive will impose new, disproportionate obligations on companies. The European Trade Union Confederation ETUC underlined that the draft Directive is a first major step forward but weaker than expected.

Actions and next steps:

Based on a first assessment of the World Employment Confederation–Europe Head Office, the draft Directive includes both positive and negative aspects, while the critical elements are certainly more numerous. These critical and potentially harmful elements cover the chapter on definitions, the very broad information requirements and its timing, the limitation of the probation period, the article on the minimum predictability of work and the approach and working regarding the transition to another form of employment.

A first assessment has been drafted by the Head Office and shared with the European Public Affairs Committee members. It is also available to members on the information hub. Based on feedback received from members, a position paper is currently being drafted and an advocacy action plan set up. Close contacts are maintained in this context of the cross-industry employers' organisation BusinessEurope and other key actors on the dossiers.

EU Commission initiative on Digital Education and Skills

On 17th of January, the European Commission published a Communication on the Digital Education Action Plan. The Communication and related policy proposals focus on challenges and opportunities of digital transformation of education (new technologies, new skills sets and challenges linked to data privacy) and the importance of EU wide cooperation and actions in scaling up innovation in education and training systems. These should focus on supporting high quality education, improving the relevance of education, developing European's digital skills, boosting innovation and digital competences and opening up education systems. Priority actions focus on making better use of digital technology for teaching and learning, developing relevant digital skills and competences for the digital transformation and improving the educational systems through better data analysis and foresight.

Actions and next steps:

The World Employment Confederation-Europe will discuss the initiative in the forthcoming Public Affairs Committee and engage with EU policy makers to illustrate the role of the employment industry in developing skills, contributing to enabling work, adaptation, prosperity and security.

Data Protection: Consent and Transparency

The World Employment Confederation provided input to two draft Guidelines for the General Data Protection Regulation (GDPR). These Guidelines serve to assist businesses implement the GDPR, that goes into force on 25th May. In its input the WEC mainly focusses on the consistencies between the guidelines and the actual text of the GDPR. Furthermore, it was put forward that the implementation of the GDPR puts quite some restraint on employment businesses.

The Guidelines are issued on several GDPR principles and issues by the Article 29 Working Party (WP29). This WP29 associates all the European Data Protection Authorities. The issues in these Drafts were about Consent as a legal ground for the processing of data (which is (generally) excluded for employers) and Transparency towards data-subjects (persons) on the use and processing of the data (and the way to deal with data-overflow or information fatigue).

The input was drafted in close collaboration with the Data-Protection Taskforce of the World Employment Confederation. This Taskforce consists out of the data-protection specialists from both the corporate and federation members. It discusses data-protection policy issues and supports other WEC bodies and setting policies.

Actions and next steps:

The WP29 is anticipated to organize a stakeholder meeting to discuss the input they've received from European civil society. The World Employment Confederation will participate in these meetings.

Relevance for the National Level

In all instances it's important and relevant to take notice of these Guidelines. Regardless of some technical discussions on its wording, they – in general – provide concrete guidance for businesses to implement the GDPR. All the finalised Guidelines can be found [here](#).

Joining the Data-Protection Taskforce

If you have any questions, or your corporate or national data-protection expert wishes to join the WEC Data Protection Taskforce contact Jochem de Boer via jochem.deboer@wecglobal.org. Joining the Taskforce allows the experts to share and discuss technical and policy issues with their data-protection peers. This not only improves their personal expertise, but also contributes to the organization they represent.

EU Sectoral Social Dialogue on temporary agency work

Activities in framework of the EU Sectoral Social Dialogue on temporary agency work currently focus predominately on the joint project on online talent platforms, labour market intermediaries and the changing world of work, where the third steering committee will be held on 27th February and the concluding conference in May.

A second key theme is the topic of social innovation in the employment industry, focusing on the best-practices developed in several European countries. Here, an event shall be organised in the second half 2018. This initiative is part of the follow-up of the Manifesto published last September, aiming to collect more facts and figures on this topic.

The next EU Sectoral Social Dialogue Committee meeting will be held on 5th of February and focus on the joint project on online talent platforms, the update on national social dialogue and collective bargaining, the Commission proposal on transparent and predictable employment, the access to social protection for all forms of work and the currently still ongoing revision of the Posting of Workers Directive.

On 22nd January, Michael Freytag and Jochem de Boer added the EU Liaison Forum, gathering representatives from the different sectoral social dialogue committees and EU Commission officials. The meeting addressed the theme of digitalisation and its impact on the labour market, including a presentation of the World Employment Confederation-Europe on the currently ongoing project on online talent platforms, labour market intermediaries and the changing world of work.

Actions and next steps:

1. The necessary preparatory actions for the next EU Sectoral Social Dialogue Committee have been taken by the Head Office.
2. For the joint project, Michael Freytag has been in touch with the research team and UNI Europa to prepare the next steps, including the third steering committee and the preparatory work on joint policy recommendations.
3. Michael Freytag gave a presentation at the EU Liaison Forum on Digitalisation, showcasing some key results of the joint project and the thought leadership of the World Employment Confederation-Europe on digitalisation and the changing world of work.

EU Commission proposes more flexibility on VAT Rates

On the 18th of January, the European Commission proposed new rules to give Member States more flexibility to set Value Added Tax (VAT) rates and to create a better tax environment for companies to flourish. The initiative are the final step of the Commission's overhaul of VAT rules with the creation of a single EU VAT area, aiming to reduce VAT fraud while supporting companies. Based on the Commission proposal, countries will be on a more equal footing when it comes to some existing exceptions to the rules, known as VAT derogations. The Commission also addressed challenges for smaller companies who are affected by high VAT compliance costs. The Commission proposal can be found on the following website.

Actions and next steps:

The World Employment Confederation-Europe will consult its members to assess, whether action on this topic is needed.

National Public Affairs

Sweden: New challenges for the employment industry due to the exclusion from governmental programme on the integration of migrants

The employment industry in Sweden is facing new challenges due to the fact that the sector has been excluded from a new programme to facilitate the labour market access for legally residing migrant workers. Based on a social partner agreement, a programme has been designed to facilitate entry into the labour market for newly arrived migrants and long-term unemployed people. In December 2017, the agreement was reached, leading to the subsidised scheme "get established jobs". The model implies that the employee receives the minimum wages, while at the same time attending adult education. The salary is paid partly by the employer and partly by the state. An employment contract of this kind can apply for two years, after which it should be turned into a permanent contract. However, due to a demand from the Swedish Trade Union Confederation LO, agency work is not included in the agreement, as it is foreseen that the workers has to perform work under the supervision of the employer, which has to be classified as a discrimination against the employment industry. The exclusion of the employment industry has been agreed despite the fact that the industry employs every year 50,000 people with a migrant background.

Actions:

The World Employment Confederation-Europe is in discussion with its Swedish Member federation SSA on possible support measures, such as sending a letter to European and national policy makers, using contacts of the recently held Swedish public affairs day in Brussels and sharing information among European national federations.

Germany: Michael Freytag gives presentation at BAP committee

Michael Freytag (European Public Affairs Manager) went to Germany on the 18th of January to give a presentation at the BAP Committee on International Affairs. He addressed the broadening scope of HR services, the new governance and transitioning Board elections of the World Employment Confederation-Europe, the World Employment Conferences 2017 and 2018 as well as activities in the framework of the EU Sectoral Social Dialogue on temporary agency work, including the currently ongoing project on online talent platforms, labour market intermediaries and the changing world of work.

Michael Freytag completed his presentation with a brief update on international public affairs, including the ILO Future of Work Initiative and the OECD Jobs Strategy. The presentation and

discussion was very much welcomed by the BAP and the members of the International Affairs Committee.

Actions and next steps:

Michael Freytag went to Germany, gave the presentation and contributed to the debate to present and discuss the WEC strategy of the broadening scope of HR services. As a next step, a meeting of the BAP Committee might be organised in Autumn 2018 in Brussels, focusing on the topic of the online talent platforms.

UK: Brexit negotiations to move into the next phase

The UK negotiations on leaving the European Union are moving in early 2018 into the next phase, focusing on the future EU-UK relations. These will focus on the future trade relations and the free movement of workers between the UK and the EU after the Brexit. Negotiations continue to be rather controversial, while the “block of the remaining” 27 EU Member States is quite united. At present, the modalities for the next phase of negotiations and the arrangements for a transitional phase are been finalized.

Actions:

The World Employment Confederation-Europe monitors the political developments linked to Brexit and liaises with its UK member REC to take any PA/PR actions when relevant and needed.

Italy: New President of Assolavoro elected

In December 2017, Assolavoro elected Alessandro Ramazza has new President, succeeding Stefano Scabbio. Alessandro Ramazza was elected for a three year term. The Presidency team is completed by: Riccardo Barberis, Patrizia Fulgoni, Andrea Malacrida and Giuseppe Venier. Upon his election, Alessandro Ramazza underlined that the employment agency sector plays a key role in delivering innovative solutions that address the challenges of an ever-changing labour market, as facilitator, the employment agencies contribute to improving the economy by offering employment opportunities, safety and continuity and offering a sustainable future for people and the entire sector.

Actions:

The World Employment Confederation is looking forward to work together with the new Assolavoro President and Board, shaping the changing world of work and promoting the role of the employment industry in offering flexible and adaptable employment solutions and valorising the services provided by the sector.

National Federations Committee session in London on new labour market trends

On 24th of January 2018, the chair of the National Federations Committee Kevin Green, hosted a dedicated National Federations Committee session in London, focusing on the Future of Jobs. Guest speakers for the session included Calum Chase (Author) and Rob McCargow (PWC) focusing on Artificial Intelligence, robotics and their influence on the labour market, Gary Simmons (Mercer) on the impact of demographics and Matt Alder on the impact on Tech changes on the labour market. 18 participants, representing national federations across Europe and the world have been in London, discussing in a second part of the workshop on the implications of the trends discussed on federations.

Assessment and Actions:

Denis Pennel, Jochem de Boer and Michael Freytag from the World Employment Confederation Head Office as well as the World Employment Confederation President Annemarie Muntz participated in the very inspiring and interactive seminar.

The presentations of the National Federations Committee and a short report will be made available to the World Employment Confederation national federations members.

Thought Leadership

Presentation on the role of online talent platforms at EU Liaison Forum

On 22nd January 2018, the European Commission organised a Liaison Forum gathering European social partners to discuss the topic of digitalisation. After a brief introduction by DG Employment and DG Connect, presentations were given by BusinessEurope on digitalisation as topic of discussion in the EU Social Dialogue at sectoral and cross-industry level based on a survey conducted by BusinessEurope and on a recently started project on digitalisation in the chemical industry by the European chemical employers' organization ECEG and the trade union IndustriAll. Thereafter, the World Employment Confederation-Europe, represented by Michael Freytag and Jochem de Boer, was asked to give a presentation on the currently ongoing project on "Online talent platforms, labour market intermediaries and the changing world of work". The presentation given by Michael Freytag focused on the topic of digitalisation and the changing world of work in the context of the EU Sectoral Social Dialogue Project, the project design and first findings. A brief question and answer session after the presentation centred mainly on the topic of the classification of the worker and whether there is a need for European regulation on online talent platforms. The EU project will be completed by May 2018 with a pan-European conference, the publication of the report and most certainly joint recommendations of the World Employment Confederation-Europe and UNI-Europa.

Actions:

Michael Freytag and Jochem de Boer from the Head Office attended the Liaison Forum and Michael Freytag gave the presentation on the project. The presentation was very much

welcomed by the European Commission/DG Employment and the other social partners present, as the topic of online talent platforms is highly relevant in the context of the recently published EU Commission proposal on a Directive on transparent and predictable employment.

Seminar on Social Protection in a changing world of work

On 12th of January 2018, Michael Freytag and Denis Pennel attended a European Commission research seminar on Social protection in the changing world of work. Presentations and discussions focused on dynamics in the new economy and the access to social protection for “non-standard forms of work”, the blurring lines between atypical and typical employment and approaches for reforming social protection schemes. Academic experts from the London School of Economics, the French Science Po Paris, the Dutch Tilburg University and the University of Leuven contributed to the debate, as well as the OECD and several EU Commission officials.

Actions:

Denis Pennel and Michael Freytag used the meeting to present examples of social innovation developed by the employment industry to ensure social protection in a changing world of work. They presented key recommendations of the World Employment Confederation Manifesto “No Future of Work without social innovation” and engaged with policy makers and researchers in the debate. This was an opportunity to stress the need for recognising diverse forms of work and take account of their differences.

Abbreviations

BAP	Bundesarbeitgeberverband der Personaldienstleister
DG	Directorate General (policy department of the European Commission)
EU	European Union
ILO	International Labour Organisation
OECD	Organisation for Economic Cooperation and Development
REC	Recruitment and Employment Confederation
UK	United Kingdom
VAT	Value Added Tax