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Room Document*: 9

Multi-party work relationships; concepts, definitions and statistics

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Multi-party work relationships: Concepts, definitions and statistics¹

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Abbreviations

ANSA	Allied Nursing Association of South Africa
BLS	Bureau of Labor Statistics
CAPEs	Confederation of Associations in the Private Employment Sector
Ciett	Confederation of Private Employment Agencies Community
CPS	Current Population Survey
DARES	Directorate for Research, Studies, and Statistics
DOLE	Department of Labor and Employment
EBITEMP	Bilateral National Body for temporary work
EEA	Employment Equity Act
EMAR	Employment Markets Analysis and Research
EU	European Union
Eurofound	European Foundation for the Improvement of Living and Working Conditions
Eurostat	Statistical Office of the European Union
EWCS	European Working Conditions Survey
FORMATEMP	Fund for training and income support for temporary staff
FR	France
ICSE	International Classification of Status in Employment
INSEE	National Institute of Statistics and Economic Studies
Istat	Istituto nazionale di statistica
IT	Information Technology
LFS	Labour Force Survey
LRA	Labour Relations Act
NACE	Statistical classification of economic activities in the European
ONS	Office for National Statistics
PRPA	Private Recruitment and Placement Agencies
QLFS	Quarterly Labour Force Survey
REC	Recruitment and Employment Confederation
SORA	Survey of Recruitment Agencies
TAW	Temporary Agency Work
TES	Temporary Employment Services
UK	United Kingdom
UNEDIC	National Professional Union for Employment in Industry and Trade
US	United States

1 Introduction

1. This paper aims to inform discussion of the draft 20th ICLS resolution concerning statistics on work relationships by providing a review of the current situation regarding the measurement of multi-party employment arrangements worldwide. It presents selected national practices for the collection of data on workers with such arrangements and discusses the reliability of the data available.
2. Section 2 describes the types of multi-party employment arrangements that exist, including temporary agency work, labour outsourcing, and outsourcing of services. This section also provides an overview of currently existing concepts and legal definitions related to multi-party employment relationships, at both international and domestic levels.
3. The third section provides a general overview of available statistics on multi-party employment collected by the following agencies: the Confederation of Private Employment Agencies Community (Ciett), Eurostat and the European Foundation for the Improvement of Living and Working Conditions (Eurofound). This section also provides an analysis of these statistics for specific countries.
4. Section 4 presents statistical initiatives led by the national statistical offices via the labour force survey for selected countries. Data from other sources are also included when available and insightful.
5. Finally, the conclusion summarizes the main findings, discusses the definitions for different types of multi-party work relationships proposed in the draft resolution concerning statistics on work relationship, as well as the possible measurement approaches that may be adopted with a view to harmonizing statistical measurement across countries and improving the international comparability of statistics on multi-party employment arrangements.

2 Types of multi-party employment arrangement

6. This section summarizes the different concepts, definitions, terminology and different types of multi-party employment relationship for both legal purposes and for statistical measurement identified in different countries and regions.
7. A multi-party employment relationship is a contractual arrangement involving multiple parties: a worker, an economic unit for which the work is performed, and a third party. This means a type of contract where workers are not directly employed by the company to which they provide their services. Such relationships are variously referred to as triangular relationships, temporary agency work, outsourced employees, and labour sub-contracting (ILO, 2015). The term ‘employment relationship’ implies that a relationship exists between and employer and an employee, and thus excludes. The terms *multi-party work relationship*, or *employment arrangement* may be used to embrace a broader concept that could include arrangements involving workers employed for profit, such as dependent contractors.
8. When looking at the Labour Force Surveys of countries covered in this review, the concept of multi-party employment is not defined or used per se. However, arrangements that can be considered to be multi-party employment arrangements could be identified. Depending on the country, some of the terms used, to refer to these arrangements, are: “dispatch work”; “labour brokering”; “labour hire”; “temporary agency work”; “subcontracted labour”.

9. An overview of the different types of multiparty employment arrangement was provided in a recent ILO report on Non-Standard forms of employment (ILO, 2016a). These are discussed below:

Temporary agency work

10. Temporary agency work is defined as a relationship whereby workers are hired out by an agency to perform work at a different firm, called a user firm, under the supervision of that firm. The agency receives payment from the user firm and pays the wages and social benefits of the worker. Whilst these types of arrangement are frequently characterized as ‘temporary’ the contractual arrangements between the agency and the employee and the agency and the user firm may sometimes be of an ongoing or long-term nature.
11. Temporary agency work is typically characterized by multiple, often triangular, relationships between the parties involved: the worker, the agency and the user firm. In Asian countries such as China, Republic of Korea and Japan Temporary agency work is often referred to as “labour dispatch”. In South Africa, Temporary agency work is referred to “labour brokering”, and in Namibia to “labour hire”.

Private employment agencies

12. Temporary agency workers are typically employed by private employment agencies. The ILO private Employment Agencies Convention, 1997 (No.181), and its accompanying Recommendation (No. 188), seek to allow the operation of private employment agencies whilst ensuring the protection of workers using their services. According to this convention a person or enterprise that is not a public authority that provides one of the following functions within the labour market can be considered a Private Employment Agency:
 - (a) services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships
 - (b) services consisting of employing workers with a view to making them available to a third party which assigns their tasks and supervises the execution of these tasks;
 - (c) other services relating to job-seeking, such as the provision of information. (ILO, 1997)

The services included in point (b) above involve multi-party employment relationships.

Labour Subcontracting and outsourcing of services

13. Temporary agency work is often confused with or referred to as “outsourcing” or “labour outsourcing”. The only difference between temporary agency work and outsourcing of labour supply, is that the former is in principle of temporary nature, whereas the latter may be open-ended or long going. Temporary agency work and outsourcing of labour supply are different from other forms of outsourcing in that the agencies hire workers that are then assigned to a user enterprise which manages their working activities more or less directly. Conceptually, this is different from outsourcing or subcontracting of a service, where the service providing agency engages workers to provide a specified service to the user firm. The distinction between Temporary agency work and outsourcing of a service, however, can often be ambiguous and may be exacerbated by a lack of licensing or regulatory systems.
14. Outsourcing or subcontracting of services is another type of multi-party employment arrangement. The main difference with Temporary agency work is that the subcontractor hires out not the worker but the service and will typically oversee the execution of the work and management of the workforce. It may frequently be the case, however, that some aspects of supervision are preformed jointly with the client.

15. The distinction between outsourcing of services and Temporary agency work is made in many jurisdictions. Generally, only authorized entities can hire out labour exclusively. Subcontractors that are not authorized must offer a service and not simply workers. Where a subcontractor does not exercise control over its workers, the workers may be reclassified as employed by the firm hiring them. This is done to prevent firms using Temporary agency work as a way to circumvent labour obligations and responsibilities. Following are some examples on a regional basis:

Europe

16. The laws of Spain, France, Italy and Germany prohibit the separation between formal employer and the firm who exercises control. Under Italian law for example the workers of a subcontractor that does not own a genuine business can claim to be reclassified as employees of the firm hiring the workers.

Africa

17. The Labour Code of the Republic of Congo regulates agency work and subcontracting separately. Subcontracting is defined as an agreement between two entrepreneurs upon the execution of certain work for a fixed price.

Latin America

18. In Colombia, the Labour Code distinguishes subcontractors from intermediaries. Subcontractors are considered to undertake and execute works at their own risk and under their own direction. Similarly, in Chile the Labour Code distinguishes subcontractors, and intermediaries. Specifically stipulating that if a subcontractor only hires out labour, the workers will be considered employees of the hire company. In Bolivia subcontracting practices that aim at circumventing employment regulation are explicitly prohibited and sanctioned.

Asia

19. Asian countries have witnessed the growth of various forms of dispatched, agency, subcontracted or outsourced work throughout the past decades. It has been stated that in Indian manufacturing, contract labour reached 34.7 percent in 2011–12, up from negligible levels in the early 1970s (ILO, 2016a)
20. In Asia, in general, different definitions of multi-party employment relationship can be found including contract work, dispatch work, personnel leasing and labour hire. Temporary work agencies are variously called labour brokers, labour suppliers or labour contractors. Temporary agency work is also called outsourced work or dispatched work.

Other contractual arrangements involving multiple parties: fissurization

21. In some cases, multi-party contractual arrangements may fit neither Temporary agency work nor Subcontracting definitions. With workplaces constantly developing, what may be seen as a fissurization of organizations can entail other contractual agreements. One prominent example is franchising where multi-party arrangements may involve franchisees and their employees. Various types of dependent contractors as defined in the draft resolution concerning statistics on work relationships, are frequently involved in multi-party work arrangements. These forms of multi-party relationships have important implications for labour protection and working conditions.

3 Global overview of available statistics

22. Multi-party work relationships are varied with both legal and statistical definitions changing depending on the region and jurisdictions as discussed above. This poses a challenge for measurement and above all for comparison of international data on such employment arrangements.
23. This section presents data from international sources. Among them: The International Confederation of Private Employment Services² (formerly Ciett), Eurostat, and the Eurofound. Our analysis accounts for varying definitions by these organizations.
24. Eurostat, for example, uses the following definition of temporary workers: “employees whose main job will terminate either after a period fixed in advance, or after a period not known in advance, but nevertheless defined by objective criteria, such as the completion of an assignment or the period of absence of an employee temporarily replaced. Persons with a season job and persons engaged by a temporary employment agency or business and hired out to a third party for the carrying out of a “work mission” with limited duration; Persons with specific training contracts are also included.” (Eurostat, 2016).
25. Eurostat defines a temporary employment agency as “a firm which places worker with whom it has entered contracts of employment at the temporary disposal of user firms”.
26. The Ciett, on the other hand uses the following definition: ““Agency Work is a triangular employment relationship, defined in ILO Convention 181 as: “Services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (“user enterprise”) which assigns their tasks and supervises the execution of these tasks”” (Ciett, 2015). Thus an agency worker may hold either a temporary, fixed-term, open-ended or permanent contract, etc....
27. Due to the differences in national regulations, the terms agency work, dispatched work, etc..., refer to very different and non-comparable employment arrangements between the three partners in the relationship: the employee, the third party, and the client/user firm. Thus, any comparative review faces several uncertainties, on the absolute number of employees or structural characteristics.

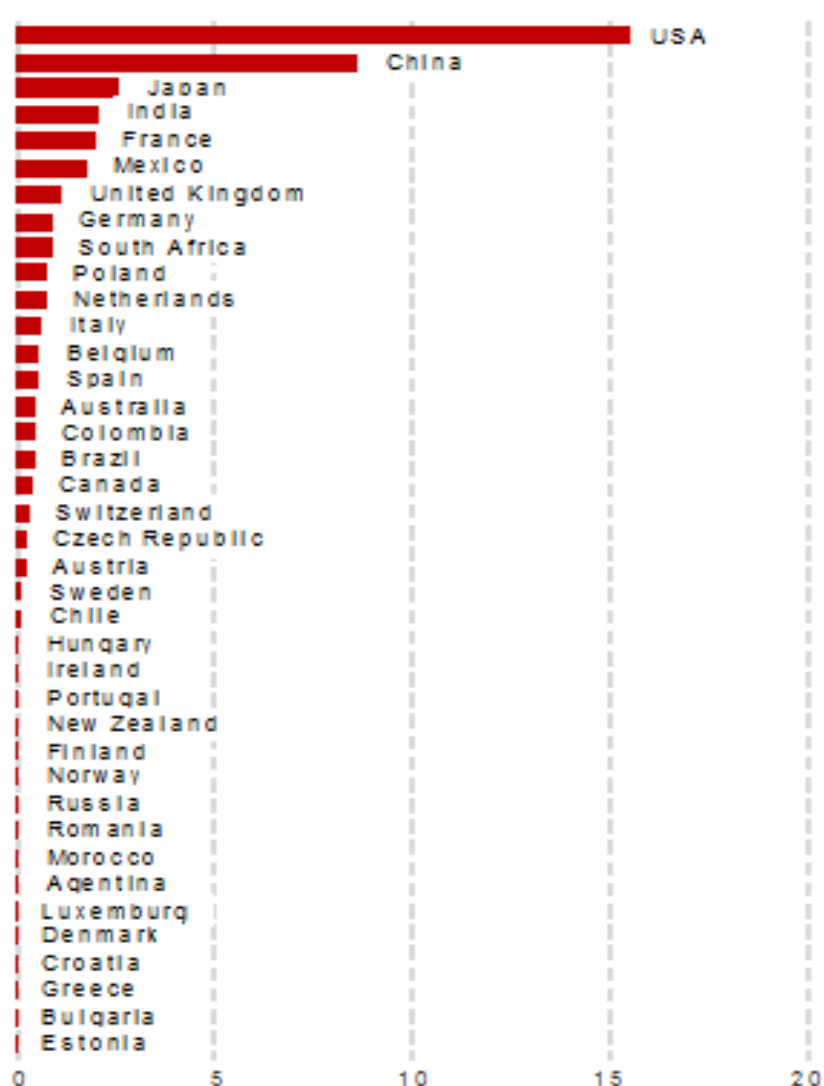
3.1 World employment confederation (Ciett)

28. Ciett, represents the interests of the agency work industry across the world. It collects data on agency workers from its members who report information to the Ciett secretariat in an annual data gathering exercise. Sometimes these members have their own tools to collect data, sometimes they rely for example on government statistics, therefore, some data are corrected by Ciett. In its data collection Ciett tries as much as possible to work with one set of definitions (e.g. what should be counted as agency work). (Ciett, 2015)
29. Founded in 1967, Ciett consists of 50 national federations of private employment agencies and eight of the largest staffing companies worldwide. According to Ciett (See Figure 1), more than 43 million workers worldwide are agency workers in 2015, with the largest numbers found in the United States (15.6 million), followed by China (8.7 millions), Japan (2.6 millions), India (2.1 millions), France (2 million), Mexico (almost 1.8 million) and UK (1.6 million) (Ciett, 2017).

² The International Confederation of Private Employment Services was rebranded in 2016, to the ‘World Employment Confederation’

30. These figures, however, only give a partial picture as they are limited to agency workers employed by members of Ciett, and thus do not include non-Ciett agencies or other firms that operate as labour brokers. In general, the estimates from CIETT are nevertheless significantly higher than those from other sources.
31. In addition, the ILO report on non-standard forms of employment (ILO, 2015) draws attention to the case when workers are employed by a third-party firm, providing services to a user firm, in an “in-house subcontracting” arrangement, such as janitorial, security or information technology (IT) services. Some countries provide data on temporary agency workers to the Ciett, but other countries only do so on “contract labour”, which may include temporary agency or leased workers, and also those providing subcontracted services, reflecting in part the blurring of the concepts.

Figure 1. Number of agency workers worldwide, 2015
(Millions)



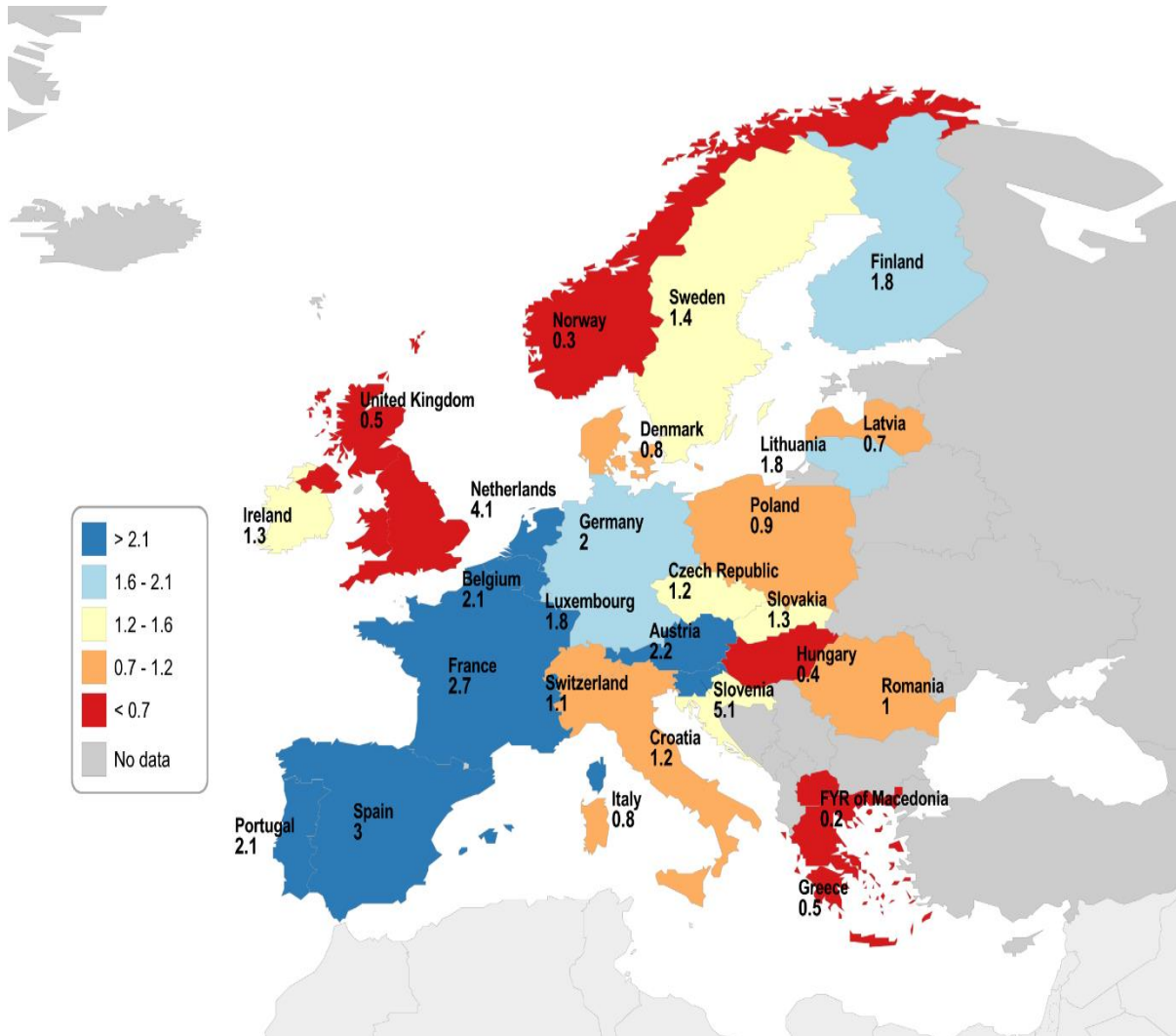
Source: Ciett; (Ciett, 2017) based on figures of 2015.

Note: Number of agency workers only covers activities from the members of the World Employment Confederation

3.2 Eurostat

32. Each country participating in the European Labour Force Survey (EU LFS) must collect data on a variable for temporary agency work as part of its national LFS and provide this information to Eurostat. In the Explanatory notes for the EU LFS, Eurostat defines a temporary employment agency as *“a firm which places workers with whom it has entered contracts of employment at the temporary disposal of user firms.”* (Eurostat, 2016).
33. To measure Temporary agency work in European countries, the following implementation rules are specified (Eurostat, 2016):
 - *Work for a temporary employment agency involves a triangular employment relationship between an employee who is paid by the employment agency but performs work for and under the supervision of a user enterprise.*
 - *Staff leasing is excluded; staff leasing applies in the case when the type of expert knowledge or experience needed by the user enterprise is matched by the economic activity of the service provider. The service provider does not have a general intermediary function on the labour market.*
 - *Staff working directly for the temporary employment agency (administrative tasks), i.e. not employed to perform any work for and under the supervision of a user enterprise are excluded*
 - *Persons employed by an agency to perform work for and under the supervision of a user enterprise, but not performing any work during the reference week for and under the supervision of a user enterprise and who are asked to perform administrative or other tasks for the agency should anyway be coded as working for a temporary employment agency because this situation do not correspond to their usual situation.*
 - *If a country has this information from other sources this variable can be imputed and the information does not have to be collected by interview.*
 - *The “Economic activity of the local unit” (NACE3D) for persons with a contract with a temporary employment agency should be coded as the activity of the enterprise where they actually work and not in the industry of the agency which employs them.*
34. Eurostat publishes yearly data on temporary employment agency work as a percentage of total employment for country members as well as country groups. The data is available from 2008 and is disaggregated by sex, age group and activity.
35. The map Figure 2 shows temporary agency workers as a percentage of the total employment for persons aged 15 and above:

Figure 2. Temporary agency workers in selected EU countries, 2016
(Percentage of total employment)

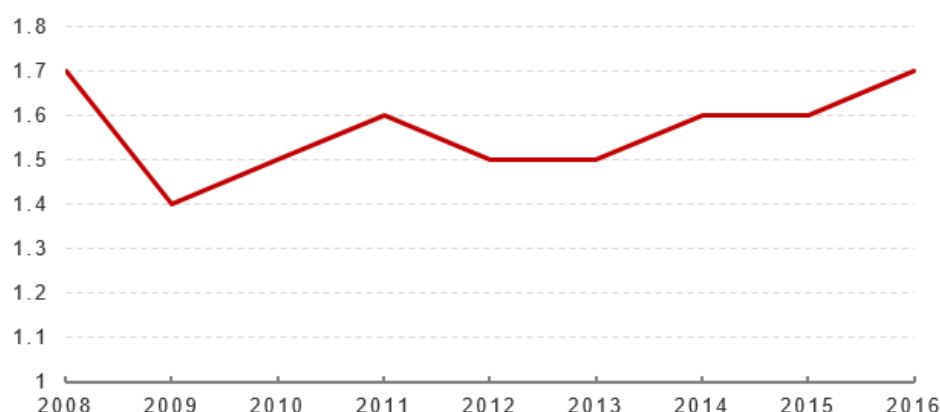


Source: Eurostat; data 2016 (Eurostat, 2017)

Note: Workers aged 15 and above.

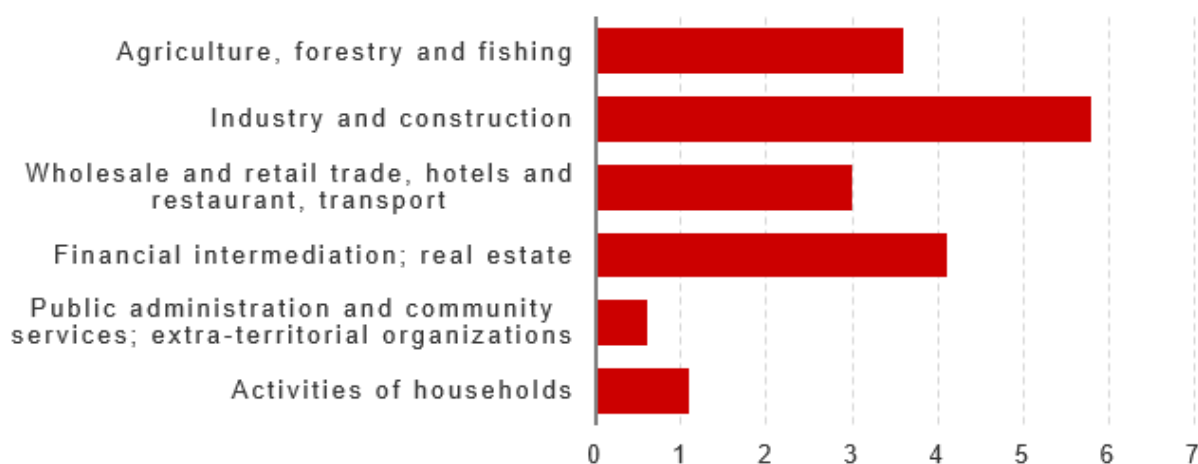
36. According to Eurostat data (Figure 2), Spain, France, Belgium, Austria and Portugal have the highest percentage of temporary agency workers. In relative percentage terms, temporary agency work appears less important in Greece, Norway, Hungary and United Kingdom.
37. Figure 3 shows the growth of temporary agency workers in the EU 28, rising from 1.4 percent of total employment in 2009 to 1.7 percent in 2016 (and 1.6 percent in 2015) following a sharp decline during the 2008-9 global financial crisis. It could be concluded from this that temporary agency work plays a minor role in EU countries (EU 28). However, in the Netherlands and Slovenia, the share is twice as much as the EU average. (See Figure 2). Figures for other countries taken from other sources are also significantly higher than those published by Eurostat.

Figure 3. Evolution of temporary agency workers in the EU 28, 2008-2016
(Percentage of total employment)



38. As an example of the disaggregation of temporary agency work data by economic activity; the case of Spain shows, that industry and construction activity had the highest percentage of temporary agency workers, with 5.8 percent in 2016. (see Figure 4)

Figure 4. Distribution of temporary agency workers in Spain, by activity³, 2016
(Percentage)



Source: Eurostat; data 2016 (Eurostat, 2017)

Note: Workers aged 15 and above.

39. When comparing figures between Ciett and Eurostat, the discrepancies between the two sources are obvious. A significant discrepancy, for example, is seen between the data provided by Eurostat on UK figures and those provided by Ciett (see Table 1). While Eurostat reports that in the UK in 2015 temporary agency work represented only 0.5 percent of total employment, Ciett estimates that number at 4 percent.

³ NACE Rev 2

Table 1. Agency workers in United Kingdom, 2015

Source	Number agency workers (Thousands)	Total employment (Thousands)	Percentage of agency workers
Eurostat	156	31193	0.5
Ciett	1198	31193	3.8

Source: Eurostat, Ciett, ILO (for total employment)

40. Such discrepancies between Eurostat and Ciett figures cannot easily be explained by the bias related to estimation or sampling methodology. Some more fundamental issues are discussed in section 4 as part of the United Kingdom case study.
41. In general, caution is needed when comparing results from different sources. For example, if estimates of the size of the temporary agency workforce are based on industry classification it may yield lower numbers and very probably underestimates this type of employment compared to asking a direct question. (Eurofound, 2017). Moreover, despite the implementation rules specified by Eurostat, there is considerable variation in the questions and methods used to collect data on Temporary agency work in the national LFS that contribute data to the EU LFS. As we shall see from the discussion in Part 3 this may partly explain the significant variation between in the prevalence of Temporary agency work reported in the EU LFS.

3.3 Eurofound

42. Eurofound has conducted the European Working Conditions Survey (EWCS) every five years since 1990. From 1995 onwards this survey has included information on temporary agency work (EWCS 2010 - Questionnaire development, 2017).
43. The sixth survey, in 2015, covered 35 European countries: the 28 EU Member States, the five EU candidate countries (Albania, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, and Turkey), as well as Switzerland and Norway. It includes the following question on the kind of employment contract:

Q11. What kind of employment contract do you have in your main job?

- 1 – Contract of unlimited duration*
- 2 – Contract of limited duration*
- 3 – A temporary employment agency contract***
- 4 – An apprenticeship or other training scheme*
- 5 – No contract*
- 6 – Other (spontaneous)*
- 8 – DK/no opinion (spontaneous)*
- 9 – Refusal (spontaneous)*

44. According to the results of the survey, temporary agency work accounted for 1.9 percent of all employment in Europe (Eurofound, 2017), compared with 1.6 percent estimated by Eurostat. See (Eurofound, 2016) for a discussion of the issues and estimates based on national sources.

4 Country overview of available statistics, case studies

45. This section sheds light on national practices for the collection of information on multi-party employment relationships, focusing mainly on data collected using labour force surveys. Information from additional private or public sources as well as international sources is also presented, where relevant.
46. Table 2 summarizes the number of countries that collect information on multi-party employment using the LFS. Out of 111 countries reviewed, 39 countries included specific questions in the Labour Force Survey questionnaire in order to collect data on multi-party employment relationships. Most of these countries (27 countries) are in Europe where Temporary Agency Work is the main category used, in line with the Eurostat requirement to collect information on this group.
47. As discussed in Section 2, the terms used by countries to refer to multi-party employment arrangements vary from region to region. It can be named for example as Dispatched Labour in Asia, Labour Hire in Africa or alternative arrangements in the USA.

Table 2. Number of countries with specific questions on multi-party employment in LFS questionnaires, by region

Region	Western Europe	Africa	Americas	Asia and the Pacific	Eastern Europe and Central Asia	Arab States	Total
Number of countries	27	0	3	3	6	0	39
Reviewed countries	28	22	15	22	16	8	111

Note: For country names and questions, see Annex I.

48. Unfortunately, even among the countries that administered the questions in their Labour Force Surveys, not all reported or provided the data obtained.
49. In the following sub-sections, we present case studies from selected countries that have collected information on multi-party employment arrangements in their LFS.

4.1 Countries participating in the European LFS

4.1.1 Italy

50. According to national experts (ILO, 2016b), contractual forms of temporary work through an agency, temporary agency work (somministrazione di lavoro) in Italy might occur via a variety of arrangements. Contracts between the worker and the agency (agenzia di lavoro) can be either fixed-term or open-ended. Likewise, the contract assigning the Temporary agency work to a specific company can be fixed-term or indefinite. Contracts of indefinite assignment are often referred to as 'staff leasing' and were briefly outlawed between 2007 and 2010.

51. The Italian National Institute of Statistics (Istat) collects information on temporary agency workers using the quarterly labour force survey. These data are available in the microdata provided by Istat to the ILO, but the findings are not published on their site nor in their official labour market reports. Instead they publish the quarterly labour market report (Istat, Labour market, 2017) using data on multi-party employment relationships available from the OROS, GI and Vela surveys⁴ (labour demand side).
52. This report shows data on temporary employment agency jobs, defined as follows:

‘Temporary (employment) agency jobs: workers under temporary contract, hired by a temporary employment agency that supply temporary work (supplier). The agency puts these persons at disposal of another legal-economic unit (enterprises or institution requiring) in order to cover a temporary productive need. In NACE Rev.2 this kind of contract falls in the category “Temporary employment agency activities” (group 78.2) included in section N “Administrative and support service activities” (Istat, 2015).

Table 3. Growth in temporary employment agency jobs, Italy, seasonally adjusted (2010=100)

<i>Year</i>	<i>2010</i>	<i>2015</i>	<i>2016</i>
<i>Q1</i>	<i>100</i>	<i>n.a.</i>	<i>133.7</i>
<i>Q2</i>	<i>100</i>	<i>135.3</i>	<i>140.6</i>
<i>Q3</i>	<i>100</i>	<i>139.6</i>	<i>149</i>
<i>Q4</i>	<i>100</i>	<i>138.5</i>	<i>155.5</i>
<i>Yearly</i>	<i>100</i>	<i>137.8</i>	<i>144.7</i>

Source: Data collected from Labour market press release for each quarter, Istat (Istat, Labour market, 2017)

53. In quarter 4 of 2016, temporary employment agency jobs grew by 4.3 percent compared to quarter 3 of the same year (Table 3).
54. Exploration of the questionnaire used for the Quarterly Labour Force Survey (QLFS)⁵, enabled the identification of three key questions included that were asked of all employees:

C24. Are you a temporary agency worker, that is, do you have a contract with a temporary employment agency but you work in another enterprise?

Yes

No (go to C25)

Don't know (Only for proxy)

C24bis. For this job, are you paid by the enterprise where you work or by the temporary employment agency?

⁴ “Business surveys: OROS (Employment, wages and salaries and social charges), GI (Large Enterprises) and Vela (Job vacancies and hours worked): the Oros survey produces quarterly information on employment trends (Full-Time Equivalent - FTE), wages, salaries and social charges for employees of all size enterprises and private institutions. Oros indicators are estimated by integrating administrative data from INPS (the Italian National Institute for Social Security) and data from the monthly survey on Large Enterprises (GI). The Vela survey is a quarterly data collection on job vacancies and hours worked that measures - together with the monthly survey on employment, working hours, wages and salaries and labour cost in large enterprises - job vacancies, hours worked and hours paid in enterprises of the private sector with at least 10 employees, excluding agriculture.” (Istat, Labour market, 2017)

⁵ Rilevazione continua sulle forze di lavoro(Rcfl)

By the enterprise (go to C25)
 By the temporary employment agency
 Don't know (only for proxy)

C24ter. Do you work in the office of the temporary employment agency (e.g. as accountant, administrative personnel, head of the staff, etc.)?

Yes 1 (go to C25)
 No 2
 Don't know 997(only for proxy)

55. Based on the last two QLFS surveys conducted in 2015 and 2016 and the QLFS survey conducted in 2010, we calculated estimates of the number of temporary agency workers as follows:

Table 4. Temporary employment agency workers, Italy
 (Thousands)

<i>Year</i>	<i>2010</i>	<i>2015</i>	<i>2016</i>	<i>Total employment (2016)</i>	<i>Percentage (2016)</i>
<i>Q1</i>	78.3	105.0	101.8	22401	0.5
<i>Q2</i>	106.6	141.8	154.6	22936	0.7
<i>Q3</i>	116.5	135.7	145.5	22884	0.6
<i>Q4</i>	113.5	126.6	148.8	22811	0.7
<i>Yearly</i>	103.7	127.3	137.7	22758	0.6

Source: Own calculations⁶ based on QLFS microdata, ILO

Note: Total employment for persons aged 15 and above. Percentage of total employment.

56. According to the QLFS (see Table 4), temporary agency workers represented 0.6 percent of total employment in 2016. In quarter 4 of 2016, temporary employment agency jobs grew by 5 percent compared to the quarter 3 for the same year (Table 5).

Table 5. Temporary employment agency workers, Italy
 (2010=100)

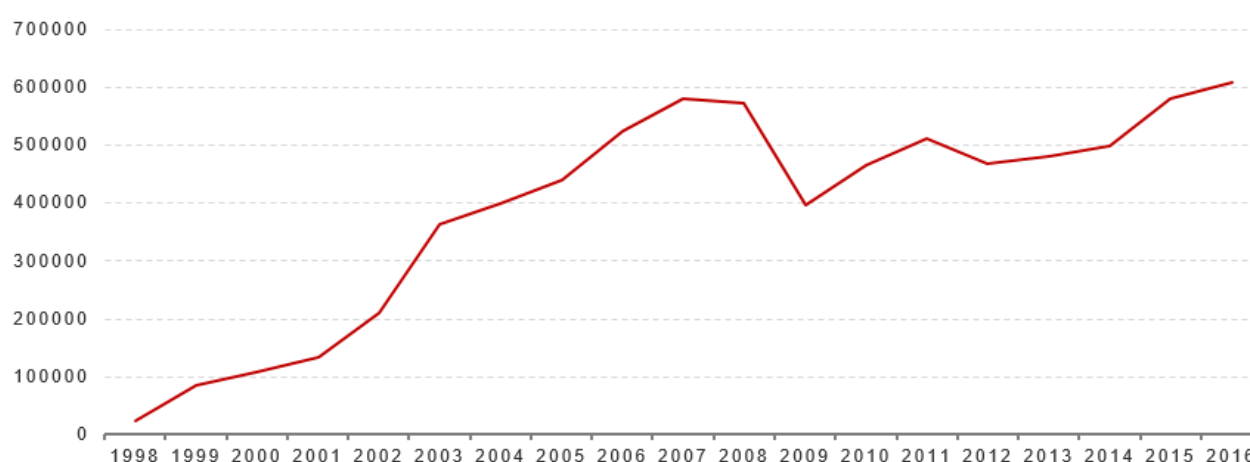
<i>Year</i>	<i>2010</i>	<i>2015</i>	<i>2016</i>
<i>Q1</i>	100.0	134.2	130.1
<i>Q2</i>	100.0	133.0	145.0
<i>Q3</i>	100.0	116.4	124.9
<i>Q4</i>	100.0	111.5	131.1
<i>Yearly</i>	100.0	122.7	132.7

Source: Own calculations based on QLFS microdata, ILO

⁶ Estimates based on the answers of the three questions C24: yes, C24bis: by the temporary employment agency and C24ter: No.

57. Results derived from the QLFS data on temporary agency workers and results from the Ores and Gi surveys are different. Actually, the two sources are non-comparable because of the fact that the Ores and Gi estimates are based on the number of jobs from the demand side.
58. Another source of data is the Study Centre Observatory of Temporary Work (Osservatorio Centro Studi per il Lavoro Temporaneo). Data are created by FORMATEMP and EBITEMP and which processes data furnished by the INAIL and INPS. Eurofound cited data from the Study Centre Observatory of Temporary Work and mentioned that these are sufficiently reliable sources and data (Muratore, 2017).

Figure 5. Evolution of temporary agency work in Italy, 1998-2016



Source: Study Centre Observatory of Temporary Work; Ebitemp (Ebitemp, 2017) based on INAIL data. 2016 data are estimates based on quarterly INAIL data; (Assosomm, 2017).

59. Figure 5 shows that according to EBITEMP there was a growing trend on temporary agency work in Italy from 1998 until 2007 when it reached a peak of 580 thousand on temporary agency workers. After a decline in 2008, temporary agency workers reach again the 580 thousand of workers in 2015. In 2016, temporary agency workers have exceeded the level of 600 thousand.
60. Finally, a comparison of results based on the QLFS and other sources may help to evaluate the quality of the estimates. Table 6 shows different results from Eurostat, Ciett, and the Study Centre Observatory of Temporary Work.

Table 6. Temporary agency workers estimates based on different sources⁷
(Thousands, percentage)

Year	Numbers					Percentage of total employment					Total employment
	Ciett	Ebitemp	ELFS	QLFS*	QLFS**	Ciett	Ebitemp	ELFS	QLFS*	QLFS**	
2010	n.a.	465.8	135.2	103.7	109.1	n.a.	2.1	0.6	0.5	0.5	22527
2015	640	580.6	157.3	127.3	134.5	2.8	2.6	0.7	0.6	0.6	22465
2016	n.a.	608	182.1	137.7	140.9	n.a.	2.7	0.8	0.6	0.6	22758

Source: Ciett; Ebitemp; Eurostat, ELFS (European Labour Force Survey, a); ILO calculations.

61. Estimates based on the QLFS may need more filtering and adjustment. To better understand the characteristics of the key questions, the explanatory notes related to the QLFS, mentioned *that the finding of the existence of a contractual relationship with an interim labor supply agency is provided in the section on the principal occupation of the job by answering question C24 of the questionnaire. In this regard, it should be noted that interim work is characterized by two distinct contracts: the supply contract and the temporary contract of employment. In the supply contract, the supplying enterprise makes available to one or more employer undertakings. In the temporary employment contract, the supplier undertaking assumes the worker who will make it available to the user enterprise. The supplier may hire a fixed-term worker for the duration of the so-called mission at the end-user or on an indefinite basis. In this case, the supplier will pay an allowance when the worker is not on a mission* (Istituto Nazionale di Statistica, 2006).
62. Data from Ebitemp are dramatically higher than ELFS and QLFS estimates. In 2015, the Ciett estimate is closer to Ebitemp estimate. The origin of the difference between ELFS and QLFS estimates is not clear since they are derived from the same survey. The relationship between these estimates and the estimates from OROS published on the Istat web-site is not known, since the latter is published as an index, although the trend seems similar. Further investigation is needed to understand the reasons for the differences and the validity of the data from each source.

4.1.2 United Kingdom

63. In the United Kingdom, there is no single statutory definition of the terms ‘temporary agency work’ or ‘agency worker’ (Eurofound UK, 2017). The quarterly Labour Force survey conducted by the Office for National Statistics (ONS) is the main source of information on agency workers, called also ‘temping’. The questionnaire includes several key questions on temporary agency workers and related variables that were asked in respect of all workers (employees as well as self-employed). It includes more complex additional questions than the Italian LFS, but covers different aspects: the origin of the pay, the main job as well as the secondary job. It also covers temporary as well as permanent contracts. It mentions the ‘notion’ of sub-contractor.

⁷ Data provided by Ciett refer to agency workers (not only temporary ones); QLFS* represents estimates based on the three key questions identified in the QLFS questionnaires. QLFS** represent estimates based only the first question C24. (n.a.) represents values not available.

64. The specific questions asked are:

- JOBTYP - Whether job permanent

Leaving aside your own personal intentions and circumstances, was your job...

1 a permanent job

2 or was there some way that it was not permanent?

- AGWRK UK

Were you working as an agency worker, that is, employed through an employment agency?

1 yes

2 no

- JBTP10 (1-5) - Way in which job was not permanent

In what way was the job not permanent, was it...

1 working for an employment agency

2 casual type of work

3 seasonal work

4 done under contract for a fixed period or for a fixed task

5 or was there some other way that it was not permanent?

- PDWG10 - How paid for work

May I just check, were you being paid for that work...

1 by the organisation or company you actually did the work for,

2 or by a different organisation or company?

- SELF(1-4) - Other methods of payment aside from receiving a salary or wage direct from an employer

May I just check, are you / were you...

1 paid a salary or wage by an employment agency?

2 a sole director of your own limited business?

3 running a business or professional practice?

4 a partner in a business or professional practice?

5 Working for yourself?

6 a sub-contractor?

7 or doing free-lance work?

8 none of the above

- JB2T10 - Way in which 2nd job was not permanent

In what way was the job not permanent, was it...

1 working for an employment agency

2 casual type of work

3 seasonal work

4 done under contract for a fixed period or for a fixed task

5 or was there some other way that it was not permanent?

- PDWG102 -Employer's company that provides wage in second job

May I just check, were you being paid for that work...

1 by the organisation or company you actually did the work for,

2 or by a different organisation or company

- SELF2 -Origin of income for those self employed in their second job

May I just check, are you / were you...

1 paid a salary or wage by an employment agency?

2 a sole director of your own limited business?

3 running a business or professional practice?

4 a partner in a business or professional practice?

5 Working for yourself?

6 a sub-contractor?

7 or doing free-lance work?

8 none of the above

- TMPCON - Whether respondent has contract with employment agency

Do you have a contract with an employment agency?

1 yes

2 no

65. The LFS provides quarterly data on agency workers summarized in some specific tables that include data collected on 'temping' (tables coding *EMP07*). These tables are published in the ONS website (more tables in the archived website⁸) and show temporary employees by type of work/contract (total and part time), including agency temping.
66. Exploration of some of these tables shows the existence of quarterly and yearly data disaggregated by sex. Results from the latest published table⁹ (see Table 7), show that during the first quarter of 2013, the agency temping represents almost 19 percent of all temporary employees¹⁰.

Table 7. Temporary employees in UK, Agency temping
(Thousands)

	All temporary employees ¹						Part-time temporary employees ¹					
		Fixed						Fixed				
		period	Agency	Casual	Seasonal			period	Agency	Casual	Seasonal	
	All ²	contract	temping	work	work	Other	All ²	contract	temping	work	work	Other
Jan-Mar 2012	1,505	686	280	314	60	163	728	240	76	285	39	86
Apr-Jun 2012	1,593	688	296	334	87	187	777	243	71	295	58	111
Jul-Sep 2012	1,646	696	303	346	123	178	784	242	73	294	78	97
Oct-Dec 2012	1,682	737	316	349	95	186	822	270	82	299	66	105
Jan-Mar 2013	1,553	691	293	332	57	181	780	262	79	294	42	103

Source: United Kingdom Labor Force Survey, table EMP07, latest release, May 2013¹¹

Note: 1. temporary employees in the LFS are those who say that their main job is non-permanent in one of the ways listed in the table. 2. Includes people who did not state type of temporary work.

⁸ http://webarchive.nationalarchives.gov.uk/20130516150104/http://ons.gov.uk/ons/guide-method/surveys/list-of-surveys/search/index.html?newquery=*&newoffset=400&pageSize=50&content-type=Reference+table&content-type=Dataset&sortBy=title%2CeditionSubtitle&sortDirection=ASCENDING&survey=Labour+Force+Survey&applyFilters=true&format=contrast

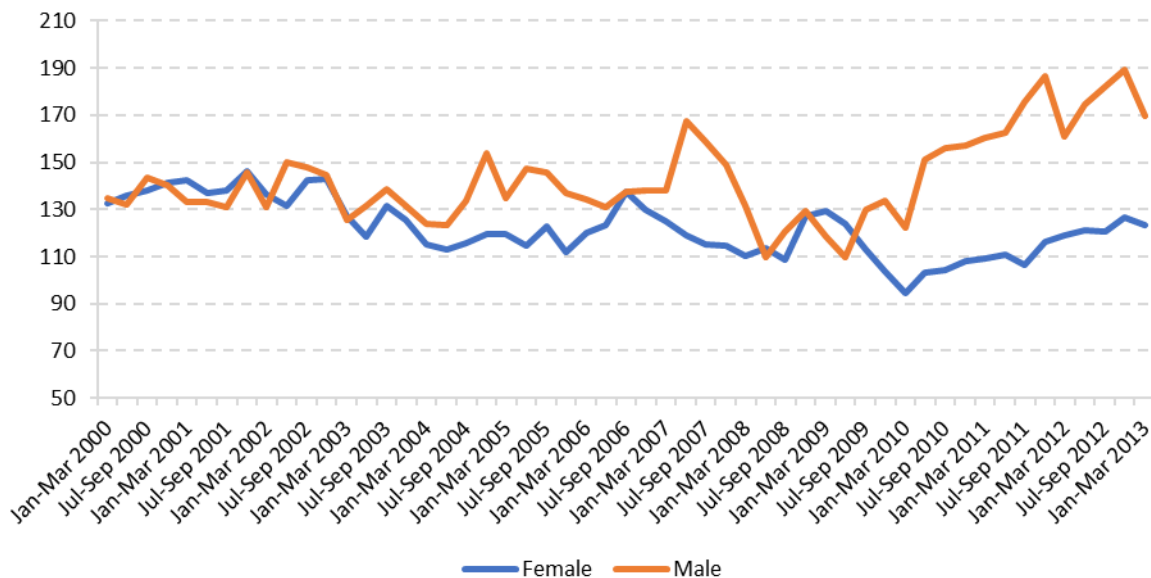
⁹ The table shows data on all temporary employment from 1997 until first quarter of 2013.

¹⁰ Includes people who did not state type of temporary work.

¹¹ http://webarchive.nationalarchives.gov.uk/20130516115619/http://ons.gov.uk/ons/guide-method/surveys/list-of-surveys/search/index.html?newquery=*&newoffset=50&pageSize=50&content-

67. The data published by the ONS (the latest published table¹²), shows estimates for all agency workers, disaggregated by sex and part-time status. The female temping workers and male temping workers represented respectively 18 percent and 26 percent of all temporary employees (Figure 6), in 2012.

Figure 6. Number of temping workers, by sex, United Kingdom
(Thousands)



Source: United Kingdom Labour Force Survey, table EMP07, latest release, May 2013. (Toms, 2015).

68. According to Table 7, there was an average of almost 300,000 agency workers which accounted for almost 1.04 percent of total employment, in 2012. The equivalent figure reported in the European Labour Force Survey (ELFS) amounted to only 0.4 percent of total employment¹³. The number of agency workers recorded by Ciett is more than 1 million in 2012.
69. There are several other sources of data. Evidence on agency workers based on three main sources, Survey of Recruitment Agencies (SORA) workers; Recruitment and Employment Confederation (REC) data including their 'census' and monthly tracking survey and the Labour Force Survey (LFS) and statistical limitations of these sources were discussed in *Agency working in the UK: A review of the evidence*. (Employment Markets Analysis and Research (EMAR), 2008).
70. Finally, Eurofound discussed the discrepancies of the results between different sources and stated that in terms of employee numbers, the official Labour Force Survey is likely to underestimate significantly the extent of Temporary agency work employment as the data are

¹² Official source of tables EMP07: http://webarchive.nationalarchives.gov.uk/20130516150104/http://ons.gov.uk/ons/guide-method/surveys/list-of-surveys/search/index.html?newquery=*%&newoffset=400&pageSize=50&content-type=Reference+table&content-type=Dataset&sortBy=title%2CeditionSubtitle&sortDirection=ASCENDING&survey=Labour+Force+Survey&applyFilters=true&format=contrast

<http://webarchive.nationalarchives.gov.uk/20130516144943/http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/may-2013/index-of-data-tables.html?format=contrast>

¹³ Almost 0.95 percent in 2007. (Centre for Employment Relations, 2008)

based on self-reports. Other sources like REC, however, recorded higher level of agency workers as it includes people being recruited on a permanent basis through a Temporary work agency (Eurofound, 2006).

4.1.3 France

71. The French National Institute of Statistics and Economic Studies (INSEE), defines temporary agency employment (*intérimaires*) as:

'operations that consist of temporarily providing client companies with employees who, in return for an agreed payment, are employed and paid to that effect by the temporary employment company (or temping agency).

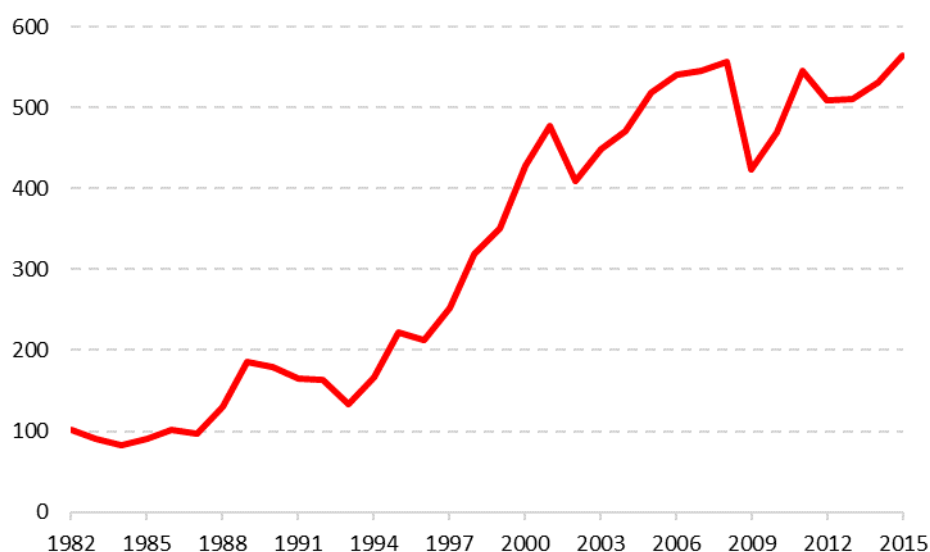
They are therefore characterised by a three-way relationship between the temporary employment company, the client company and the employee, and involve the signature of two contracts: a labour supply contract (between the temporary employment agency and the client company) and an assignment contract (between the temporary employment agency and the employee)' (INSEE, 2017).

72. The official statistics system in France, mainly provides two sources of data relevant for the measurement of workers with multi-party employment arrangements.
73. Firstly the INSEE Enquête emploi en continu (Continuous Employment Survey or LFS) collects individual data which can be used to describe the population of agency workers. The second source is The Directorate for Research, Studies, and Statistics¹⁴ (DARES) together with the National Professional Union for Employment in Industry and Trade (UNEDIC). The DARES uses the UNEDIC files of monthly declarations made by temporary work agencies and provides information about how temporary agency work is used. (Eurofound FR, 2017).
74. The INSEE LFS questionnaire includes the two specific questions¹⁵ relevant to the identification of temporary agency workers. The first is asked of all employees working in private households or in public and private enterprises or contractors in the civil service:
- *BB8 What type of employment contract do you hold?*
 - 0. No employment contract*
 - 1. Permanent contract (CDI)*
 - 2. Fixed-term contract other than seasonal*
 - 3. Seasonal contract*
 - 4 Temporary employment contract*
 - 5. Apprenticeship contract*
75. The second question is related to the place of work, in which the INSEE specify the case of agency workers:
- *BB24 What is the address of the establishment that employs you?*
 - *Or: (if CONTRA = 4) Where does your temporary assignment take place?*
 - *Or: (if STCR = 1) What is your business address?*

¹⁴ In the ministry of labour.

¹⁵ Please see the annexes for the questions in French.

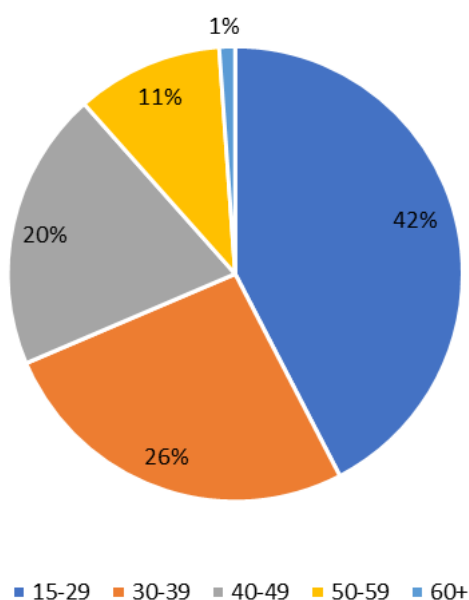
Figure 7. Evolution of the number of ‘intérimaires’ in France
(Thousands)



Source: INSEE ; Enquête emploi en continu¹⁶.

76. Figure 7 shows the evolution of temporary agency employment in France from 1982 until 2015. It accounted for around 100 thousand ‘intérimaires’ in 1982, rising sharply in the 1990s to almost 430 thousand by 2000. In 2008, the number of agency workers reached the peak of almost 560 thousand. This number decreased the following years and reached again almost the same number in 2015.

Figure 8. Distribution of temporary agency workers in France (intérimaires), by age

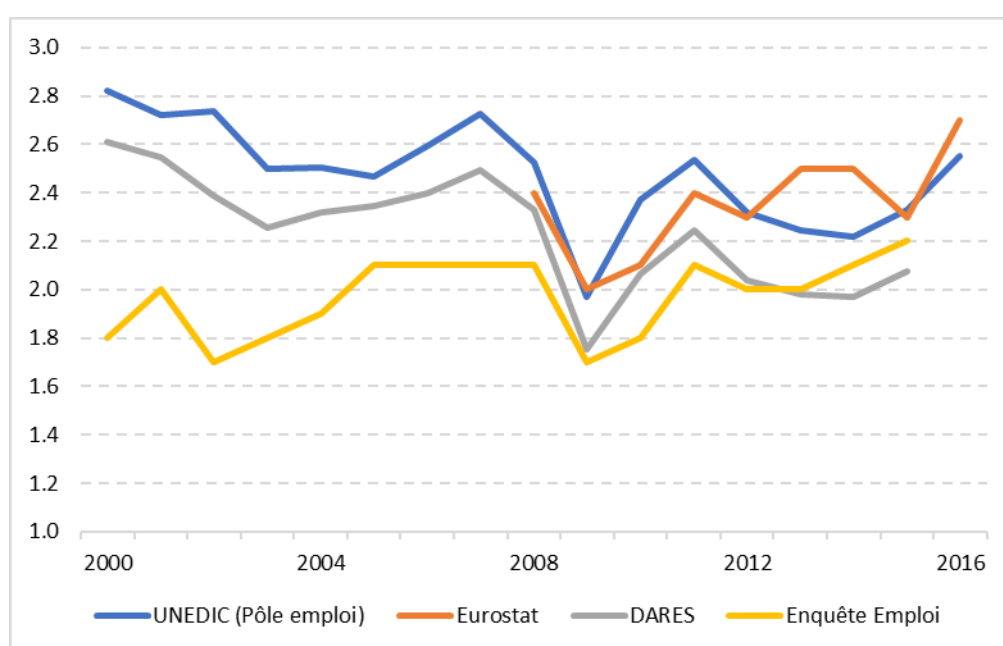


Source: INSEE, Enquête emploi en continu

¹⁶ Data available here: <https://www.insee.fr/fr/statistiques/2388205?sommaire=2045174>

77. Figure 8 shows the distribution of temporary agency workers by age. Forty-two percent of intérimaires are aged between 15 and 29 years. Thirty percent are aged between 40 and 59 years.
78. The following figure (Figure 9) shows a ‘comparative’ picture of temporary agency workers as a percentage of total employment derived from different sources. The figures recorded by the INSEE, UNEDIC and DARES have almost the same trend especially since 2008. Data from Eurostat differ dramatically between 2012 and 2015. The sharp impact of the global financial crisis of 2008 is strongly evident in all sources.

Figure 9. Number of temporary agency workers (intérimaires) in France, different sources
(Percentage of total employment)



Source: INSEE, Enquête emploi en continu ¹⁷.

79. UNEDIC publishes the total number of temporary workers, while Dares publishes the number of temporary employees in the main job. Given this difference in concepts, the series published by UNEDIC and the Dares are different in level (UNEDIC, 2017).
80. UNEDIC explains how these estimates were derived. Interim employment statistics are based on the declarative source "Monthly Statement of Work" of Temporary Employment Companies (TWAs)¹⁸. The information is transmitted to the Regional Directorates for Enterprises, Competition, Consumption, Labor and Employment (DIRECCTE) and the Ministry of Labor, Employment, Vocational Training and of the Social Dialogue (Direction of the Animation of

¹⁷ Data available here '<http://dares.travail-emploi.gouv.fr/dares-etudes-et-statistiques/statistiques-de-a-a-z/article/l-emploi-interimaire>

¹⁸ The Act of February 1994 requires temporary work establishments to transmit monthly to the Pôle emploi a monthly statement of the missions in progress during the past month. Thus Pôle emploi centralizes all RMM receptions and integrates all the information relating to temporary assignments after having carried out the quality and completeness checks.

Research, Studies and Statistics: DARES). The number of temporary workers is calculated using the end-of-month indicator.

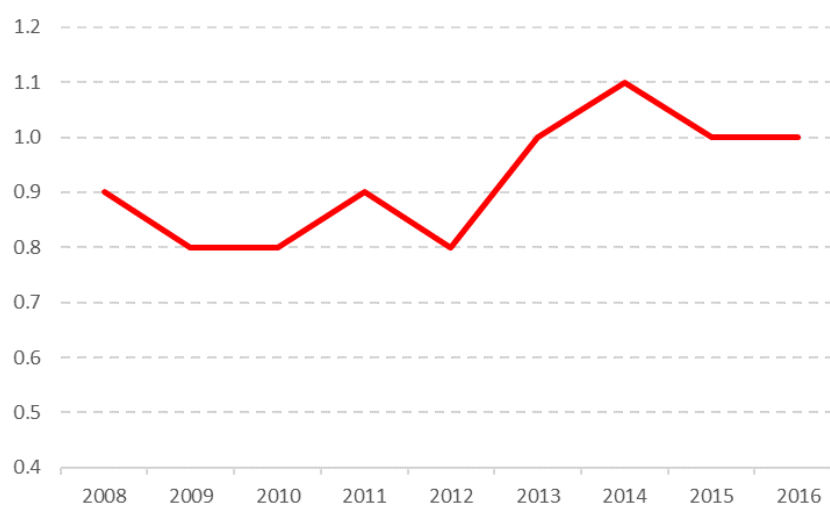
81. The differences between data from DARES, UNEDIC and LFS are related to the method used to derive these figures. The reasons for differences in the data level and trends published by Eurostat are unclear.

4.1.4 Romania

82. Temporary agency work is legally recognized by Romanian law. Labour Code, article 87 defines a temporary agency work as: ‘a business venture licensed by the Ministry of Labour Family and Equal Opportunities (*Ministerul Muncii, Familiei și Egalității de Șanse, MMFES*), which provides to user enterprises, on a temporary basis, skilled and/or unskilled labour that such an agency employs and pays for this purpose.’
83. Labour Code, article 87 defines an agency worker as ‘a person employed by an employer that acts as a temporary work agency, and makes such person available to a user enterprise, temporarily, in order to perform precise tasks.’ (Eurofound RO, 2017).
84. The labour force survey questionnaire includes one question related to the type of contract with an option on employment agency:

16. With whom is your labour contract?
 - directly with the employer/ employing unit (for whom the work is provided).....1
 - with an employment agency2
85. Data from Eurostat shows (Figure 10) that the number of temporary agency workers in Romania reached 1.1 percent of total employment in 2014. In 2016, temporary agency workers represented 1 percent of total employment.

Figure 10. Number of temporary agency workers in Romania
(Percentage of total employment)



Source: Eurostat.

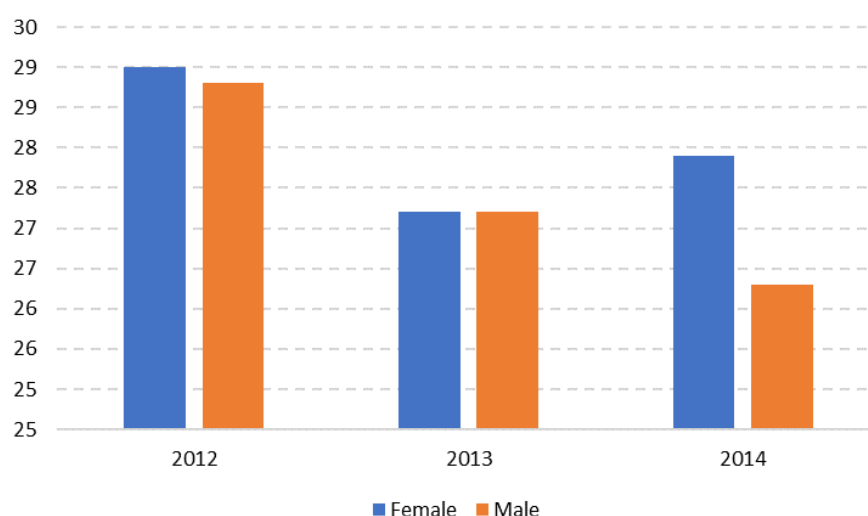
4.2 Israel

86. Israel derives estimates on the number of temporary agency workers from the labour force survey. The official reports on the labour force declare the number of ‘*recipients of wages from employment agencies or employment contractors*’. Which is defined as “*the employees placed in jobs and receiving their wages from the employment agency or employment contractor, even though the workplace in which they were placed is responsible for implementation of the work*”.
87. According to the Central Bureau of Statistics, the following groups are excluded:
- (a) Employees on the staff of the employment agency;
 - (b) Employees hired through a subcontractor, because in these cases, the subcontractor bears responsibility for the implementation and quality of the work.
88. These employees work mainly in the following industries (according to the Israel Standard Industrial Classification of All Economic Activities 2011): Security activities (Class 8010), Combined facilities support activities (Group 811), Cleaning activities (Group 812), and Home-care services (Group 882). (Central Bureau of Statistics, 2014).
89. The questionnaire on the Quarterly Labour Force Survey (before 2012) as well as the Monthly Labour Force survey (since 2012) conducted by the Central Bureau of Statistics in Israel, includes one question that was asked in respect of all employees¹⁹:
- Did you receive your pay:*
1 From your place of work
2 From an employment agency
3 Other, state: _____
90. The Central Bureau of Statistics publishes results on the website as well as in official labour force reports. According to the 2014 and 2012 labour force official reports, the number of employed persons who had worked and who had received their salary through an employment agency at some point during the 12 months preceding the survey was 54,200 and 57,800 respectively.
91. In addition, in 2012, approximately 134,000 employed persons worked through subcontractors in Security and cleaning activities (Group 750), and in Home-care services (Group 862)²⁰. In 2014 these numbers were approximately 145,000 people in Security activities (Class 8010), Combined facilities and support activities (Group 811), Cleaning activities (Group 812), and Home-care services (Group 882) (Central Bureau of Statistics, 2014).

¹⁹ * For an employed person - main work last week * For a person absent from work – the work from which he was absent. * For a person who worked in Israel over the last 12 months – Last job

²⁰ Report 2012

Figure 12 Recipients of wages from employment agencies, by sex, Israel
(Thousands)



Source: Central Bureau of Statistics²¹

92. Figure 12 shows the distribution of the recipients of wages from employment agencies by sex. In 2014, the number of female workers accounted for almost double the number of male workers.
93. The approach used by Israel is interesting in that it may allow the compilation of separate statistics on the main types employees in multi-party employment relationships defined in the draft 20th ICLS resolution: those paid by employment agencies and those engaged by sub-contractors to provide a service. When the Central Bureau of Statistics publish these data, the term '*Recipients of wages from employment agencies*' is used. Whilst it is possible that this approach could overestimate the number of agency workers because it could include agency workers who are internal, the ordering of the response categories such that 'place of work' is likely to exclude most internal workers.

4.3 South Africa

94. According to a 2013 on Private Employment Agencies in South Africa, report commissioned by the ILO and prepared by Debbie Budlender (Budlender 2013), there is widespread agreement that a large number of workers are employed by temporary employment agencies workers in South Africa and that the number is growing. The available statistical information on this group is inconclusive, however.
95. The report covers both the recruitment and placement of employees in permanent and temporary employment as well as what is referred to as "temporary employment services" (TES). Temporary employment services, contrary to the name often involve long-term placements. They are defined as placements where the agency provides the services of the worker to a third-party employer while continuing to pay the worker and taking care of all human-resource related needs. The relationship is more commonly referred to as "labour-broking" nationally (
96. Temporary employment services were legally formalized in 1983 via an amendment to the 1956 Labour Relations Act (LRA). According to this amendment the agency is considered the

²¹ Data available here: http://www.cbs.gov.il/webpub/pub/text_page_eng.html?publ=68&CYear=2014&CMonth=1#2

employer. This definition created the typical triangular multiparty relationship. In 1998 the Employment Equity Act (EEA) changed this definition, determining the person whose services have been produced by a TES as an employee if the client uses the person's services for over three months. However, the Occupational Health and Safety Act of 1993 defines the workplace as *"any premises or place where a person performs work in the course of his (sic) employment."*

97. Statistics South Africa (Stats SA) does not itself currently produce estimates of the number of workers placed or employed by employment agencies. The Confederation of Associations in the Private Employment Sector (CAPES)²² and the Federation of African Professional Staffing Organizations (APSO), as the lead federations of agencies, rely heavily on estimates generated by Adcorp, the largest agency. Prior to 2008, the South Africa Labour Force survey included a question about who paid for the work.

4.10 Who pays...?

1. *The establishment/enterprise/individual for which he/she works.*
2. *A labour broker*
3. *A contractor or agency.*
4. *Other*
5. *Don't know*

98. Examination of the LFS microdata from the latest survey conducted in 2007, provided an estimate (on average) of almost 39 thousand (38,903) workers employed by a labour broker and almost 250 thousand (248,326) workers employed by a contractor or an agency. (These estimates are close to but not the same as those published by Stats SA at the time.) The total represents 2.15 percent of total employment in South Africa. Compared to estimates from other sources, however, these numbers appear to be far too low.
99. Starting in 2005, Stats SA undertook a major revision of the Labour Force Survey. This revision resulted in changes to the survey methodology, the survey questionnaire, the frequency of data collection and data releases, and the survey data capture and processing systems. The redesigned quarterly labour survey (QLFS) was launched in 2008²³ and does not include the question *'4.10 who pays....?'* Estimates based on other QLFS variables are possible, however.
100. Budlender's report cites work by Benjamin et al. (2010) that estimated as many as 600,000 temporary agency workers, based on the South African Standard Industrial Classification (SA SIC), Version 5, Code 889, Business activities not elsewhere classified, which includes 'Activities of employment agencies and recruiting organizations' and 'Hiring out of workers (labour-broking activities)'. These numbers reached 865,000 by 2012. She notes, however, that this code may not be a good proxy for workers employed by temporary employment services as 44 percent of workers recorded in this category in 2012 were security guards and 15 percent are cleaners in hotels, offices and the like. This is hardly surprising, however, since group 889 also includes 'Investigation and security services' and 'Building and industrial plant cleaning activities'. The suggestion in the ILO report that these workers are outsourced employees rather than workers placed elsewhere, is probably correct. The suggestion that the reason for this is to do with problems with the industry questions and coding procedures is doubtful, however.
101. CIETT publish data on temporary agency work in South Africa. South African estimates for the CIETT publication were provided by CAPES, drawing on estimates produced by Loane Sharp

²² <http://www.capes.org.za/>

²³ file:///C:/Users/Utilisateur/Downloads/QLFS%202014_4%20Guide.pdf

and Topline Research Solutions, primarily using industry sources. The estimates presented for South Africa, reflecting the situation as at 2011, include the following:

- Total of 1,853,238 individuals who did TES work in 2011;
- A daily average of 1,003,837 full-time equivalent workers
- Slightly more than 50 percent of TES workers are female;
- Thirty percent of the TES workers have not completed secondary education, while about 6 percent have completed tertiary education;
- About 12 percent have contracts of more than three months, and about 43 percent contracts of less than one month.

102. These estimates need to be treated with some caution, as the methods used are not entirely transparent, and are published by advocates for the industry. The wide discrepancies in the numbers reported from different sources leave a considerable degree of doubt as to what the reality might be. Since the current Version 7 of the SA SIC provides a separate Division 78 for Employment activities and a Group 782, for Temporary employment agency activities, employment data classified according to the current SIC may therefore provide the opportunity to produce more robust estimates of temporary agency workers in South Africa.

4.4 Argentina

103. In the Argentina LFS, the following question is used to try to collect information on workers with multi-party employment arrangements.

8k Is your boss or employer (the one who pays you)

1. *A contractor?*
2. *An employment agency?*
3. *An establishment/boss for whom you work (who is not a contractor)?*
4. *Another person? (specify)*
5. *Employment creation scheme*
6. *Don't know/no response*

104. The results are not published, and the relevant variable is not included in the national survey microdata due to problems in the data collection process. In some labour situations people do not identify correctly who their employer is. Establishment survey data, however, show that in March 2017 52,042 people were employed by temporary employment agencies. It is not known what proportion of these workers were temporary agency workers rather than the permanent administrative staff of the agencies.

4.5 Japan

105. In Japan 'dispatched workers' are defined as "Those who were dispatched from employment agencies under the Worker Dispatch Act. These are further subdivided into "registered dispatched workers," who are under contract with the dispatcher only during the period when they are dispatched, and "regularly employed dispatched workers," who are permanent employees of the dispatcher." (JILPT, 2014/2015)
106. The Ministry of Internal Affairs and Communications Statistics Bureau of Japan has included a specific question about type of employment (called job appellation) in its Labour Force Survey since 2013. 'Dispatched work' appears among the response options offered for this question. The specific question and options for all employees age 16 and above are:

11. *Your job appellation: Indicate your job appellation at your workplace if you are employed:*

1. *Regular employee*
2. *Part-time worker*
3. *Arbeit (temporary worker)*
4. *Dispatched worker from temporary labour agency*
5. *Entrusted employee*
6. *Other*

107. When asking about the characteristics of the place of work, a special note is dedicated to the case of dispatched work:

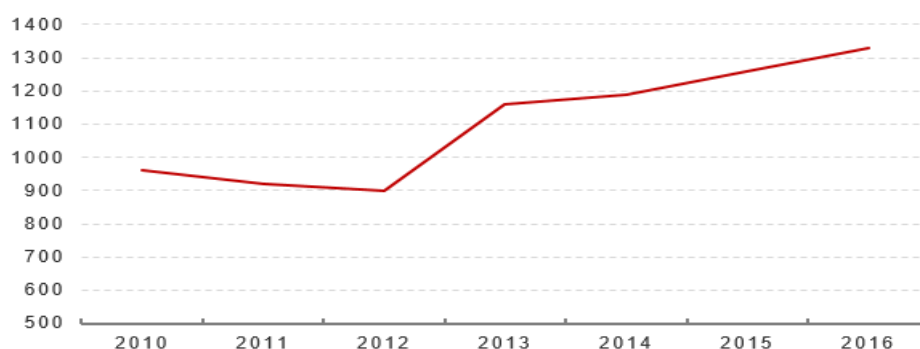
12. *Organizational form and name establishment, proprietor, etc. and description of business or industry:*

- *Form of organization: 1. Unincorporated enterprise 2. Company 3. Other.*
- *Name of establishment, proprietor, etc*
- *Description of business or industry*

If you are a dispatched worker from a temporary labour agency, write about the establishment to which you are dispatched.

108. Results of the survey are available on the Portal Site of Official Statistics of Japan²⁴. As in many European countries the percentage of dispatched or temporary employees in Japan declined significantly following the global financial crisis of 2008-2009 (JILPT, 2015/2016). It began rising again in 2013, with an increase from 0.9 million in 2012 to more than 1.3 million in 2016 (Figure 13). Dispatched workers represented 2.1 percent of total employment in 2016 and 2.8 percent of female employment.

Figure 8. Evolution of dispatched workers in Japan
(Thousands)



Source: Ministry of Internal Affairs and Communications Statistics Bureau "Labour Force Survey (Basic Tabulation)"²⁵.

²⁴ Data are available here http://www.e-stat.go.jp/SG1/estat/GL38020103.do?_toGL38020103_&_tclassID=000001007607&cycleCode=0&requestSender=estat

²⁵ Previously, type of employment was surveyed with a "Special questionnaire" and detailed statistics were tabulated and released on a quarterly basis. From 2013 onward it became an item on the "Basic questionnaire," with basic tabulations released on a monthly basis. Because there are differences in survey methods between the Labour Force Special Survey, the Labour Force Survey Detailed Tabulation, and id. Basic Tabulation, caution is required in comparing time series data.

Table 8. Dispatched workers as a percentage of total employment by sex, Japan

Year	Dispatched workers		
	Total	Males	Females
2010	1.5	1.0	2.3
2015	2.0	1.4	2.8
2016	2.1	1.5	2.8

Source: Ministry of Internal Affairs and Communications Statistics Bureau "Labour Force Survey (Basic Tabulation)".

4.6 Korea²⁶

109. The classification of Type of Employment of Korea (for Employees only) identifies two types of worker related to multi-party employment. These are 'Temporary agency workers' and 'Contract workers for a specific task'.
110. Temporary agency workers are workers employed by a temporary work agency to provide their services to a user company under the direction and supervision of the user company, in accordance with the terms and conditions of a temporary placement contract between the temporary work agency and the user company. The workers maintain employment relationships with their temporary work agencies.
111. Contract workers for a specific task are workers, employed by service providers to provide services to a user company under the direction and supervision of the service provider (employer) in accordance with the terms and conditions of a service contract between the service provider and the user company. (e.g. workers of a cleaning service agency).
112. The supplementary survey of the economically active population captures information on non-typical workers which includes five categories: temporary agency workers, contract workers for a specific task, contract labour on achievement, daily workers, and home workers. The two categories for workers in multi-party employment arrangements are identified using question 55:

55. Did you receive wage or salary from establishment or were you paid by agencies for temporary or contract work?

- 1. Main job last week (establishment) (Skip to 57)*
- 2. Agency for temporary work*
- 3. Agency for contract work*

*56. What kind of business or industry were you engaged in last week?
(Answer based on current workplace (establishment) not
the company you are employed by)*

- ◆ *Name of establishment (in main job)*
- ◆ *Main activity of establishment (in main job)*

²⁶ Information extracted from a presentation given by the Employment Statistics Division of Statistics Korea, during the Asia-Pacific regional consultation on the revision of ICSE, Bangkok, March 2017.

113. It is also worth noting that the question on the kind of business asks workers to provide this for the user enterprise, rather than the employer.

Table 9. Non-typical workers in Korea, August 2016

	<i>Temporary agency workers</i>	<i>Contract workers for a specific task</i>	<i>Contract labour on achievement</i>	<i>Daily workers</i>	<i>Home workers</i>
<i>Number (thousands)</i>	201	696	494	863	42
<i>Percentage of wage workers</i>	1	3.5	2.5	4.4	0.2

ASEAN countries

114. Information about various types multi-party employment arrangements in selected countries in the Association of South-East Asian Nations (ASEAN) can be found in the publication *Between Flexibility and Security: The Rise of Non-Standard Employment in Selected ASEAN Countries* (Serrano, Marasigan, & Pupos, 2014)²⁷. According to this report outsourcing of both labour supply and of services is common in many countries in South-East Asia and is regulated under national labour laws. Official statistics on workers with these types of employment arrangements are generally limited, however.
115. Some relevant information extracted from this publication is summarized in the sub-sections below.

4.6.1 Indonesia

116. In Indonesia, outsourcing is a business practice that was legalised with the enactment of the Manpower Act in 2003, the country's labour law. Under this Act, there are two possible types of outsourcing: job outsourcing and labour supply (or manpower) outsourcing. While a legitimate business practice, trade unions, labour researchers and some employers have alleged that there are many violations of the law and regulations by both user companies, employment agencies and subcontractors, particularly if the outsourcing activity involves manpower or labour supply.
117. The requirements for job outsourcing, based on Article 65 of the Manpower Act, are as follows:
- (a) The work can be kept separate from the main [business] activity [of the enterprise that contracts the work to the other enterprise];
 - (b) The work is to be undertaken under either a direct order or an indirect order from the [original] party commissioning the work;
 - (c) The work is entirely auxiliary activity of the enterprise [that contracts the work to the other enterprise]; and
 - (d) The work [when pending completion while being contracted out to the other enterprise] does not directly inhibit [the] production process [of the enterprise that subcontracts the work to the other enterprise].

²⁷ Serrano M, Marasigan, M Pupos V. (2014). *Between Flexibility and Security*. Jakarta: ASEAN Services Employees Trade Unions Council (ASETUC). Retrieved from <http://library.fes.de/pdf-files/bueros/singapur/10792.pdf>

118. For manpower or labour supply outsourcing, Article 66 of the Act stipulates the following requirements:
- (a) There is employment relationship between the worker/labourer and the labour provider;
 - (b) The applicable employment agreement in the employment relationship as referred to under point (a) above shall be employment agreement for a specified period of time which fulfils what is required under Article 59 and/or employment agreement for an unspecified period of time made in writing and signed by both sides;
 - (c) The labour provider shall be responsible for wages and welfare protection, working conditions and disputes that may arise; and
 - (d) The agreements between enterprises serving as labour providers and enterprises using the labour they provide shall be made in writing and shall include articles as referred to under this act.
119. For these two types of outsourcing, it is clearly stipulated that only activities that are 'supplemental' or auxiliary to the main business of the company may be undertaken by third-party contractors.
120. Official statistical data on contract and outsourced workers in Indonesia is limited. Several studies indicate that the number of contract and outsourced workers in Indonesia has increased from 2007 to 2011. Various estimates on the number of these workers have been given: 65percent of formal workers in February 2010 were temporary workers (contract workers and outsourced workers) compared to 30percent in 2005. In the same period, the proportion of contract and outsourced workers in the service industry was approximately 85percent. In the garment, textile and footwear industries, it was 65percent; in metal and electronic industries, 60.7percent; and in basic and mining industries 55percent.
121. Though the actual count of contract and outsourced workers may not be readily available at the moment, these figures indicate an exceptionally high incidence of contract work in Indonesia. Since the LFS in Indonesia does not currently include a question on multi-party employment arrangements it is difficult to assess their true extent.

4.6.2 Singapore

122. In Singapore, temporary agency workers count among categories of workers considered as "outsourced workers". These workers are employed and supplied by a third-party contractor (i.e., service provider who is also the employer of the workers) to work in a client company (i.e., the principal, service buyer or user company) under an outsourcing contract. Common examples are cleaners or security guards supplied by service providers. In this respect, outsourcing is also a form of subcontracting that involves agency-hired workers who work within the user companies' premises. Official data on the number of outsourced workers in Singapore are not available.

4.6.3 Malaysia

123. Section 2 of the Employment Act 1955 defines a "contractor" as "any person who contracts with a principal to carry out the whole or any part of any work undertaken by the principal in the course of or for the purpose of the principal's trade or business." Meanwhile, a "sub-contractor" is "any person who contracts with a contractor for the execution by or under the sub-contractor of the whole or any part of any work undertaken by the contractor for his principal, and includes any person who contracts with a sub-contractor to carry out the whole or any part of any work undertaken by the subcontractor for a contractor."

124. In Malaysia, third-party suppliers of workers are called outsourcing agents, labour outsourcing agents, contractors for labour, or manpower/labour suppliers. Outsourcing agents supply workers to factories, plantation companies, construction companies, etc. These workers remain the employees of the outsourcing agents.

4.6.4 Philippines

125. Like in Indonesia, service or labour contracting is allowed in the Philippines, but only for activities that are not considered necessary or desirable, nor directly related to the business or operation of the principal. The Labour Code (Articles 106 through 109) recognises the legitimacy of “independent job contracting”
126. In the Philippines, the Bureau of Labour and Employment Statistics (BLES) defines agency-hired workers as those “workers hired through agencies and contractors to perform or complete a specific job, work or service within a definite or predetermined period and within the premises of the establishment pursuant to a service agreement with a principal.” Though agency-hired workers are mainly contractual workers, they can also be casual workers, project-based workers, seasonal workers or, to a lesser extent, probationary workers. Official data are derived from the establishment survey.
127. The data is culled from the BLES Integrated Survey (BITS) which is a nationwide sample survey covering 6,780 non-agricultural establishments employing at least 20 workers. Based on the 2010 BITS Survey, total non-regular employment increased 16.2 percent between 2008 and 2010. The highest increase noted was among contractual/project-based workers: nearly one in four of all non-regular workers.

5 Conclusions

128. The concept of multi-party employment relationships is broad and complex, often changing depending on the region and national laws. A number of countries collect data on workers with multi-party employment relationships, either in the LFS, establishment surveys or using administrative data. In some cases, data from establishment surveys and administrative surveys are combined. The comparability and validity of the information collected in different countries is doubtful, however, due to the variations in concepts, definitions, questions and data collection methods used. This in part reflects the differences in the legal situation with respect to outsourcing of labour supply and services in different countries.
129. The variations observed in estimates from different sources for the same country are a cause for concern, and would suggest either measurement problems in one or more source, or that the concepts being measured differ. Estimates produced by agencies representing the employment services industry need to be viewed with some caution, however.
130. It is clear that the concept of multi-party employment arrangements, whereby a worker is paid by one enterprise to perform work for another enterprise, exists in most if not all countries. In most countries two main groups of employees with multi-party employment arrangements can be identified:
- (a) Labour hire employees
 - (b) Employees providing outsourced services

In some countries, a third group may also be identified:

- (c) Workers in employment promotion schemes

131. In the proposed standards concerning statistics on work relationships provides definitions of each of these three categories, which are reproduced below:
- (a) *Labour hire employees* are supplied by an agency to work for another enterprise under the supervision of the user enterprise. They are engaged by private employment agencies, such as labour hire agencies, temporary employment agencies, or other labour providers (labour brokers, labour outsourcing agencies, labour despatchers, labour subcontractors), that supply and pay the workers but are not generally involved in supervision of the work
 - (b) *Employees providing outsourced services* who are engaged by one enterprise to provide, on a regular basis, specific service, that their employer has contracted to provide to another enterprise or to a household, usually under the partial supervision of the client. Their employers include but are not limited to service provision agencies such as nursing agencies, domestic or office cleaning service providers, security service providers, and information technology services providers. The employing agency may supervise some elements of the work and establish standards of service, while the client may also provide day-to-day supervision over work performed.
 - (c) *Workers in employment promotion schemes* are workers provided by a government agency and paid by that government agency to perform work for another economic unit as part of a government-funded employment promotion programme. Excluded from this group are workers who are required to work as a condition of continued receipt of social benefits²⁸.
132. Distinguishing between the three groups of employees with multi-party employment arrangements is important to inform policy debate. While there is strong demand for statistical information about all groups, the provision of information about the first group (labour hire employees) should be a priority. Although some workers with these arrangements have very similar social protections and conditions to other workers and may benefit from a degree of flexibility associated with temporary agency work, there are also policy concerns about excessive use of such arrangements and their impact on working conditions. However, In several countries where labour outsourcing is lawful and considered to be a common practice there is little or no statistical information about the workers involved.
133. In view of national differences in the legal situation with respect to labour outsourcing, the optimum measurement approach in household surveys will vary from country to country. When data on multi-party employment arrangements are collected using Labour Force Surveys, two main approaches can be identified: (1) type of employment contract; and (2) who pays the wage or salary.
134. The first approach involves asking a direct question about the type of employment contract or arrangement that the worker has. This may be suitable in situations where there is a clearly defined and well understood type of employment contract for labour outsourcing. The information may be collected as part of a general question on employment type, or as a direct question such as “Do you have a contract with a temporary employment agency?”
135. The second approach involves asking a question on whether the worker is paid directly by the economic unit for which the work is performed, or by another agency. This may need to be used in conjunction with a question on place of work, in order to exclude those workers who work directly for an employment agency, for example, as administrative staff. The distinction between labour outsourcing and subcontracted service provision could be made either by

²⁸ Persons who are required to perform work as a condition of continued receipt of a government social benefit such as unemployment insurance are excluded from employment according to the 19th ICSLS Resolution 1 (Paragraph 31(c)) They may not therefore be counted as employees but may nevertheless be considered to be in a multi-party work relationship.

providing a separate response category as part of the “who pays” question (for example, temporary employment agency, labour broker) or based on the industry of the employer.

136. Several potential problems need to be addressed at the national level, however, if this second approach is to be used effectively. Firstly, experience has shown that survey respondents may have difficulty in accurately responding to questions on who pays for the work performed. This may be related to identifying who the employer is or to the respondent simply not knowing.
137. Secondly, correct reporting and coding of the industry of the employer may also be a problem when there are multi-party employment arrangements. In Labour Force Surveys in several countries, the industry of the economic unit for which the work is performed is recorded for agency workers, rather than the industry of the employer. This leads to inconsistency with information collected from establishments and administrative sources and complicates the identification of agency workers. Ideally, the industry of both the employing enterprise and the user enterprise should be recorded in order to properly account for the employment impacts of the user enterprise, identify the extent and nature of labour outsourcing, and provide coherent data for national accounts purposes. This may be difficult to achieve in practice, however, given the complexity of industry coding in household surveys and the difficulties experienced in some circumstances in identifying the employer.
138. Household surveys, establishment surveys and administrative registers are all important potential sources of data on multi-party employment arrangements. Several countries have used estimates from administrative sources and/or establishment surveys in preference to household survey data. The quality of data from these sources will vary significantly depending on the country, however. Household surveys are an important and valuable source of data both for the purposes of international comparability, and to obtain complete information on the characteristics of workers with these arrangements. In view of the national differences in the legal situation with respect to labour outsourcing the optimum measurement approach in household surveys will vary from country to country.

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Annex: Original versions of Questions in French and Spanish

- France

Pour les salariés travaillant chez des particuliers ou dans des entreprises publiques et privées ou les contractuels de la fonction publique : CHPUB=1,2,6,7 ou TITC=3

- BB8 Quel est le type de votre contrat de travail ?

0. Pas de contrat de travail

1. Contrat à durée indéterminée (CDI) BB15

2. Contrat à durée déterminée (CDD) autre que saisonnier 3. Contrat saisonnier BB12a

4 Contrat d'intérim ou de travail temporaire BB12b

5. Contrat d'apprentissage BB20

- BB24 Quelle est l'adresse de l'établissement qui vous emploie ? Ou : (si CONTRA = 4) Où a lieu votre mission d'intérim ? Ou : (si STCR = 1) Quelle est votre adresse professionnelle ?

- Argentina

8k. Su patrón o empleador (el que le paga) es...

- un contratista?.....
- una agencia de empleo?.....
- un establecimiento/ patrón para el que trabaja?
- otras personas? (especificar).....
- Plan de Empleo
- Ns/Nr ..