



## The ETF Executive Committee says ‘no’ to the European Commission Talent Pool proposal, as it opens doors to more Grafenhausen-like cases

Ahead of what seems to be an imminent Council general approach on the EC Talent Pool proposal, the ETF Executive Committee, meeting in Brussels on 4 – 5 June, urges the Council and the Belgian Presidency of the EU to refrain from reaching any sort of agreement, and the European Commission to withdraw the proposal.

In having said that, we note with dismay that the European Institutions learned nothing from the Grafenhausen strikes of summer 2023. The truck driver profession is listed among the jobs the Talent Pool proposal would apply to, from day 1, if adopted.

We remind that the Grafenhausen case revealed to the public eye the post-pandemic wave of social dumping that continues to rip the EU haulage transport apart. It is the result of thousands of third country nationals being systematically brought in the EU to work on pay and conditions that no EU-based drivers are ready to accept. We also remind that in most of the cases, third country drivers pay their recruiters to get a job, are employed on terms that are not clearly set out in their contracts, they face huge pay delays, and massive unreasonable deductions from their wages. They live for months in isolation, in their trucks.

The Talent Pool gives no guarantee that these practices will be eliminated. On the contrary. The proposal will allow a myriad of unscrutinised intermediaries - *any natural person, any legal entity, private employment agencies, temporary work agencies and labour market intermediaries* – to interpose in what is now a rather direct employment link between operator and driver. More intermediaries, less capacity to detect liability in case of social dumping and fraud, such as fake posting in member states that are or are not part of the Talent Pool mechanism.

Sectors such as aviation and rail are not yet explicitly listed in the annex of occupations shortages accompanying the EC proposal on Talent pool. But both face rampant shortages too. Any member state participating in the Talent Pool may decide to place rail or aviation professions on its shortages’ lists allowing any private agency, intermediary, natural person or legal entity based on its territory to recruit them and send them to work anywhere in the EU. In both rail and aviation, the quality of jobs and working conditions is strictly intertwined with operational safety. The Talent Pool proposal would erode, for obvious reasons, this fine balance.

In rail, market fragmentation and liberalisation have led to a systematic depreciation of working conditions. Jobs in maintenance have already been outsourced to non-rail companies and to agencies that don’t uphold same conditions. For on-board staff, catering and night train services are mostly outsourced, with companies stretching the limits of what is legal in terms of working conditions. More unaccountable employment intermediaries will mean less employer liability, more social dumping practices and reduced enforcement capacity.

In aviation, the shortage of ground handling workers was been exacerbated by the massive lay-offs



during the COVID-19 pandemics and this segment of the labour market has not recovered since. If approved, the Talent Pool could worsen the situation even more by opening the door to subcontracting *en cascade*, exploitation of 3rd country nationals as a cheap labour force and undermining of collective bargaining. Moreover, the wet lease business model is gaining ground, undermining job quality and ultimately putting safety under threat. For the staff recruited via this model long working hours, unpredictable shifts and fake posting are the norm. Claiming rights is already extremely difficult when employed under these schemes. The Talent Pool will exacerbate this situation by extending the chain of intermediaries in employment relations, blurring lines of employer liability. It will also give green light to exploitation of third country nationals.

This ill-thought proposal will require EUR 127 million to set up and run the Talent Pool.

The ETF Executive Committee joins the earlier call by the ETUC and the European Trade Unions Federations in saying that there are far better ways to use this money. This would include supporting access to adequate information and advice, investing in enforcement to prevent precarious employment and tackle labour exploitation, fraud and social dumping.

Less than one week before the European elections, the ETF reiterates its vision for a Europe that respects workers' dignity, labour and social rights, that fosters transparent and legal employment conditions, that guarantees job quality and wellbeing to its transport workers, no matter whether nationals of the EU or of non-EU countries.

We point out that the talent pool will not solve the labour shortage in the EU. In transport, these kinds of initiatives failed in the recent past, the proof is that shortages persist, vacancy rates remain high, while many jobs see a continuous deterioration of working conditions.

Hence our strong call to have this proposal withdrawn, and to engage in future with the EU Institutions in properly address the labour shortage in the EU.