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The situation of migrant workers in temporary employment agencies (TEAs)

Reply to Recommendation¹: Recommendation 1782 (2007)
Committee of Ministers

1. The Committee of Ministers has taken note of Parliamentary Assembly [Recommendation 1782 \(2007\)](#) and of [Resolution 1534 \(2007\)](#) on the situation of migrant workers in temporary employment agencies (TEAs). It transmitted the recommendation to the European Committee on Migration (CDMG), the European Committee for Social Cohesion (CDCS) and to the Governmental Committee of the European Social Charter. Their comments have been taken into account in the present reply.
2. The Committee of Ministers shares the concerns of the Parliamentary Assembly with regard to abusive practices in the transnational recruitment of people and acknowledges the need to develop and enforce strategies to combat irregular recruitment and trafficking of workers, to regulate labour recruitment and to apply efficient enforcement mechanisms, and to develop information campaigns on the rights of migrant workers and their working conditions.
3. The work of the Council of Europe in the field of managing migration, trafficking and rights of migrants, and promoting their integration respectful of their rights and their cultures with a view to ensuring social cohesion, has been outlined regularly in recent responses to various Assembly recommendations relating to the situation of migrant workers. With regard to this particular issue, the Committee of Ministers informs the Parliamentary Assembly that the CDMG will take [Recommendation 1782 \(2007\)](#) into account in planning its future activities and more particularly in preparing the next Conference of European Ministers responsible for Migration Affairs scheduled for 2008, which will address the issue of labour migration.
4. In working towards the goals outlined in the recommendation, the Committee of Ministers endorses the Assembly's recommendation that relevant intergovernmental committees work in co-operation with the International Labour Organization (ILO), the International Organisation for Migration (IOM) and the European Union. It draws the Assembly's attention to the fact that in the Warsaw Summit Action Plan, the heads of state and government already specified that the Council of Europe's work in the field of migration was to be pursued in cooperation with the European Union. It also recalls that a representative of the ILO attends the Governmental Committee of the European Social Charter in a consultative capacity, as provided for in Article 26 of Part IV of the European Social Charter, and that the Governmental Committee takes into account where appropriate the relevant standards and programmes of the ILO and the European Union when it examines the conclusions of the European Committee of Social Rights (ECSR). The Committee of Ministers welcomes the readiness expressed by the Governmental Committee to develop the co-operation further where appropriate, including in respect of the situation of migrant workers in TEAs.
5. Finally, the Committee of Ministers considers that many of the problems identified by the recommendation could be resolved through the satisfactory application in domestic law and practice of the rights guaranteed by the European Social Charter, which should be understood as a minimum legal basis for the protection and the assistance of migrant workers in TEAs, with a view to their integration in the territory of the host state. Particularly relevant provisions concern strict observance of the nondiscrimination principle laid

1. Adopted by the Committee of Ministers on 24 October 2007, at the 1009th meeting of the Ministers' Deputies.



down by Article E of the revised Charter, as well as maintaining a system of labour inspection appropriate to national conditions laid down in Article A, paragraph 4 of the revised Charter. The Committee of Ministers accordingly encourages those member states which have not yet signed and/or ratified the European Social Charter, to envisage doing so as soon as possible.