COUNCIL OF
THE EUROPEAN UNION

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Council recommendation on a Quality Framework for Traineeships

EMPLOYMENT, SOCIAL POLICY, HEALTH and CONSUMER AFFAIRS
Council meeting

Brussels, 10 March 2014

The Council adopted the following conclusions:

" THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292, in conjunction with Articles 153 and 166, thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Young people have been hit particularly hard during the crisis. Youth unemployment rates have reached historical peaks in the past years in several Member States, without any sign of decrease in the short term. Fostering the employability and productivity of young people is key to bringing them onto the labour market.

P R E S S

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(2) A smooth transition from education to employment is crucial for enhancing the chances of young people on the labour market. Improving young people's education and facilitating their transition to employment are necessary for achieving the Europe 2020 headline target of aiming to reach a 75% employment rate of women and men aged 20-64 by 2020. Guideline 8 on the employment policies of the Member States calls on the Member States to enact schemes to help young people and in particular those not in employment, education or training find initial employment, job experience, or further education and training opportunities, including apprenticeships, and to intervene rapidly when young people become unemployed[1].

(3) Over the past two decades, traineeships have become an important entry point into the labour market.

(4) Socio-economic costs arise if traineeships, particularly repeated ones, replace regular employment, notably entry-level positions usually offered to trainees. Moreover, low-quality traineeships, especially those with little learning content, do not lead to significant productivity gains nor do they entail positive signalling effects. Social costs can also arise in connection with unpaid traineeships that may limit the career opportunities of those from disadvantaged backgrounds.

(5) There is evidence that links exist between the quality of the traineeship and the employment outcome. The value of traineeships in easing the transition to employment depends on their quality in terms of learning content and working conditions. Quality traineeships bring direct productivity benefits, improve labour market matching and promote mobility, notably by decreasing search and matching costs both for enterprises and for trainees.

(6) The Council Recommendation on establishing a Youth Guarantee[2] invites Member States to ensure that all young people up to the age of 25 years receive a good-quality offer of employment, continued education, an apprenticeship or a traineeship within four months of becoming unemployed or leaving formal education.

(7) Various studies and surveys have found that quality problems affect a significant share of traineeships, most particularly those where no educational or training institution is directly responsible for the learning content and the working conditions of the traineeship.

(8) Evidence shows that a significant number of trainees are simply asked to do menial tasks . A quality traineeship must also offer a solid and meaningful learning content. This means, *inter alia*, the identification of the specific skills to be acquired, supervision and mentoring of the trainee, and monitoring of his/her progress.

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1 Council Decision on Guidelines for the Employment policies of the Member States, 2010/707/EU of 21.10.2010, OJ L 308, 24.11.2010, p.46.

2 OJ C 120, 26.4.2013, p.1.

(9) Problems have also been identified as regards working conditions, e.g. long working hours, lack of social security coverage, the presence of health and safety or occupational risks, little or no remuneration and/or compensation, a lack of clarity on the applicable legal regimes, and the excessively prolonged duration of the traineeship.

(10) Traineeships are currently unregulated in some Member States and sectors and, where regulation exists, it is very diverse and provides different quality elements or different implementing practices. In the absence of a regulatory framework or instrument, or because there is a lack of transparency regarding working conditions for traineeships and their learning content, many traineeship providers are able to use trainees as cheap or even unpaid labour.

(11) A Quality Framework for Traineeships will support the improvement of working conditions and the learning content of traineeships. The main element of the Quality Framework for Traineeships is the written traineeship agreement that indicates the educational objectives, adequate working conditions, rights and obligations, and a reasonable duration for traineeships.

(12) Lack of information is one of the causes of low quality traineeships and is a much more widespread problem for traineeships than it is for regular employment. Increased transparency requirements for notices or announcements advertising traineeship positions would help to improve working conditions and stimulate cross-border mobility.

(13) The social partners play a key role in the design, implementation and monitoring of training policies and programmes. Cooperation between the social partners, providers of lifelong career guidance services and relevant authorities could aim at providing trainees with targeted information on available career opportunities and skills needs on labour markets, as well as on trainees' rights and responsibilities. In addition, the social partners can play a role in facilitating the implementation of the Quality Framework for Traineeships, notably by drawing up and making available simple and concise model traineeship agreements, particularly for use by micro enterprises and tailored for their specific purposes. In their Framework of Actions on Youth Employment of July 2013, the European social partners took note of the Commission's intention to propose a Council Recommendation in this field and announced their support for Member States' actions aiming to improve the quality of traineeships.

(14) One of the challenges is to increase the cross-border mobility of trainees in the Union so as to help foster a genuine European labour market. The existing diversity in regulations constitutes an obstacle to the development of cross-border trainee mobility. Moreover, in some cases, administrative and legal obstacles to cross-border mobility of trainees have been found to affect several of the receiving Member States. In this context, information on the right to cross-border mobility of trainees, in particular the rights included in Directive 2004/38/EC[3], is important. By providing principles and guidelines to serve as a reference, the Quality Framework for Traineeships will also facilitate access to transnational traineeships.

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[3] Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ l 158, 30.4.2004, p. 77).

(15) The development of a Quality Framework for Traineeships will increase transparency. Furthermore, it could support an extension of EURES to paid traineeships, thus facilitating mobility.

(16) The Member States' programmes promoting and offering traineeships can be financially supported by the European Funds. In addition, the Youth Employment Initiative will support traineeships in the context of the Youth Guarantee, targeting young people from the Union's regions worst affected by youth unemployment and co-financed by the European Social Fund (ESF) 2014-20. The ESF as well as the Youth Employment Initiative can be used to increase the number and the quality of Member States' traineeship schemes. This involves a possible contribution to the cost of the traineeships including, under certain conditions, a part of the allowance. In addition, they can also support the costs of other forms of training that trainees may pursue outside their traineeship, e.g. language courses.

(17) The Commission has launched a specific ESF Technical Assistance Support Programme to help Member States establish traineeship schemes with ESF support. This Support Programme provides strategic, operational and policy advice to national and regional authorities that are considering the establishment of new traineeship schemes, or the modernization of existing schemes.

(18) The Council, in its Resolution on the Structured Dialogue on Youth Employment of May 2011, stated that a quality framework for internships is desirable in order to guarantee the educational value of such experience.

(19) Council conclusions from 17 June 2011 on "Promoting youth employment to achieve the Europe 2020 objectives" invited the Commission to provide guidance on conditions for high quality traineeships by means of a quality framework for traineeships.

(20) In 14 June 2012 in its Resolution "Towards a job-rich recovery" the European Parliament invited the Commission to present as soon as possible a proposal for a Council Recommendation on a Quality Framework for Traineeships, and to define minimum standards supporting the provision and take-up of high-quality traineeships.

(21) The 28-29 June 2012 European Council invited the Commission to examine the possibility of extending the EURES portal to traineeships.

(22) The European Council conclusions of 13-14 December 2012 invited the Commission to rapidly finalise the quality framework for traineeships.

(23) In the Youth Employment Package of 6-7 December 2012, the Commission launched a social partner consultation on a Quality Framework for Traineeships. In their replies, EU social partners informed the Commission that they did not intend to launch negotiations towards an autonomous agreement under Article 154 TFEU.

(24) The 27-28 June 2013 European Council reconfirmed that the Quality Framework for Traineeships should be put into place in early 2014.

(25) The Quality Framework is an important reference point for determining what constitutes a good quality offer of traineeships under the Council Recommendation on Establishing a Youth Guarantee.

(26) According to the Annual Growth Survey 2014it is essential to facilitate the transition from school to work, notably by increasing the availability of good quality traineeships or apprenticeships.

(27) For the purposes of this Recommendation, traineeships are understood as a limited period of work practice, whether paid or not, which includes a learning and training component, undertaken in order to gain practical and professional experience with a view to improving employability and facilitating transition to regular employment.

(28) This Recommendation does not cover work experience placements that are part of curricula of formal education or vocational education and training. Traineeships the content of which is regulated under national law and whose completion is a mandatory requirement to access a specific profession (e.g. medicine, architecture, etc.) are not covered by this Recommendation.

(29) Considering the nature and objective of this Recommendation, it should not be interpreted as hindering Member States from maintaining or establishing more favourable provisions for trainees than the ones recommended.

HEREBY RECOMMENDS THAT MEMBER STATES:

(1) Improve the quality of traineeships, in particular as regards learning and training content and working conditions, with the aim of easing the transition from education, unemployment or inactivity to work by putting in practice the following principles for a Quality Framework for Traineeships:

Conclusion of a written traineeship agreement

(2) Require that traineeships are based on a written agreement concluded at the beginning of the traineeship between the trainee and the traineeship provider;

(3) Require that traineeship agreements indicate the educational objectives, the working conditions, whether an allowance or compensation is provided to the trainee by the traineeship provider, and the rights and obligations of the parties under applicable EU and national law, as well as the duration of the traineeship, as referred to in recommendations 4-12;

Learning and training objectives

(4) Promote best practices as regards learning and training objectives in order to help trainees acquire practical experience and relevant skills; the tasks assigned to the trainee should enable these objectives to be attained;

(5) Encourage traineeship providers to designate a supervisor for trainees guiding the trainee through the assigned tasks, monitoring and assessing his/her progress;

Working conditions applicable to trainees

(6) Ensure that the rights and working conditions of trainees under applicable EU and national law, including limits to maximum weekly working time, minimum daily and weekly rest periods and, where applicable, minimum holiday entitlements, are respected;

(7) Encourage traineeship providers to clarify whether they provide coverage in terms of health and accident insurance as well as sick leave;

(8) Require that the traineeship agreement clarifies whether an allowance or compensation is applicable, and if applicable, its amount;

Rights and obligations

(9) Encourage the concerned parties to ensure that the traineeship agreement lays down the rights and obligations of the trainee and the traineeship provider, including, where relevant, the traineeship provider's policies on confidentiality and the ownership of intellectual property rights;

Reasonable duration

(10) Ensure a reasonable duration of traineeships that, in principle, does not exceed six months, except in cases where a longer duration is justified, taking into account national practices;

(11) Clarify the circumstances and conditions under which a traineeship may be extended or renewed after the initial traineeship agreement expired;

(12) Encourage the practice of specifying in the traineeship agreement that either the trainee or the traineeship provider may terminate it by written communication, providing advance notice of an appropriate duration in view of the length of the traineeship and relevant national practice;

Proper recognition of traineeships

(13) Promote the recognition and validation of the knowledge, skills and competences acquired during traineeships and encourage traineeship providers to attest them, on the basis of an assessment, through a certificate;

Transparency requirements

(14) Encourage traineeship providers to include in their vacancy notices and advertisements information on the terms and conditions of the traineeship, in particular on whether an allowance and/or compensation and health and accident insurance are applicable; encourage traineeship providers to give information on recruitment policies, including the share of trainees recruited in recent years;

(15) Encourage employment services and other providers of career guidance, if providing information on traineeships, to apply transparency requirements;

Cross-border traineeships

(16) Facilitate the cross-border mobility of trainees in the European Union *inter alia*, by clarifying the national legal framework for traineeships and establishing clear rules on hosting trainees from, and the sending of trainees to, other Member States and by reducing administrative formalities;

(17) Examine the possibility to make use of the extended EURES network and to exchange information on paid traineeships through the EURES portal;

Use of European Structural and Investment Funds

(18) Make use of the European Structural and Investment Funds, namely the European Social Fund and the European Regional Development Fund, in the programming period 2014-20, and the Youth Employment Initiative, where applicable, for increasing the number and quality of traineeships, including through effective partnerships with all relevant stakeholders;

Applying the Quality Framework for Traineeships

(19) Take appropriate measures to apply the Quality Framework for Traineeships as soon as possible;

(20) Provide information to the Commission by the end of 2015 on the measures taken in accordance with this Recommendation;

(21) Promote the active involvement of social partners in applying the Quality Framework for Traineeships;

(22) Promote the active involvement of employment services, educational institutions and training providers in applying the Quality Framework for Traineeships;

NOTES THAT THE COMMISSION INTENDS TO:

(23) Foster close cooperation with the Member States, the social partners and other stakeholders with a view to swiftly applying this Recommendation;

(24) Monitor, in cooperation with the Member States and in particular through EMCO, the progress in applying the Quality Framework for Traineeships pursuant to this Recommendation and analyse the impact of the policies in place;

(25) Report on the progress in applying this Recommendation on the basis of information provided by Member States;

(26) Work with Member States, the social partners, employment services, youth and trainee organisations and other stakeholders to promote this Recommendation;

(27) Encourage and support Member States, including through promoting the exchange of best practices among them, to make use of the European Social Fund and the European Regional Development Fund or other European Funds for the 2014-2020 programming period to increase the number and quality of traineeships;

(28) Examine, together with the Member States, the possibility to include paid traineeships in EURES, and set up a dedicated webpage on national legal frameworks for traineeships.

Done at ……,

For the Council
The President."