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**TRADE UNION PRIORITIES ON THE EUROPEAN COMMISSION'S PROPOSAL FOR
A DIRECTIVE ON IMPROVING AND ENFORCING WORKING CONDITIONS
OF TRAINEES ('TRAINEESHIPS DIRECTIVE') OF MARCH 20 2024**

**RESOLUTION OF CESI'S STATUTORY
COMMISSION ON EMPLOYMENT
AND SOCIAL AFFAIRS**

The European Confederation of Independent Trade Unions (CESI) is a confederation of more than 40 national and European trade union organisations from over 20 European countries, with a total of more than 6 million individual members. Founded in 1990, CESI advocates improved employment conditions for workers in Europe and a strong social dimension in the EU. CESI is a recognised European sectoral social partner and represents public and private sector workers.

The European Confederation of Independent Trade Unions (CESI) welcomes the European Commission's legislative proposal on a Traineeships Directive (COM(2024) 132 final/2). This proposal presents a much-needed opportunity to address issues related to poor quality, unpaid, and exploitative traineeships across the European Union. In view of CESI's past contributions to the European Commission's consultations on this topic¹ and considering the concerns of its membership, CESI underscores the following demands and positions, which relate to several key amendments that are necessary to ensure that the directive fully addresses the needs of young workers and protects their rights.

General principles and objectives

Latest figures show that almost half of the EU's three million trainees are unpaid and almost a third have no access to social protection². This exploitative situation impacts negatively young people's lives and their access to the labour market while perpetuating bad employment conditions. CESI supports the European Commission's proposal to regulate traineeships across the EU, in line with its objectives to:

- combat the problematic use of traineeships that undermine regular employment relationships.
- improve working conditions, ensuring fair pay, social protection, and quality learning opportunities for trainees.
- enhance access to quality traineeships, particularly for individuals from vulnerable or disadvantaged backgrounds.

¹ https://www.cesi.org/wp-content/uploads/2023/09/2023-CESI-position-1st-phase-SP-consultation-traineeships_20230915.pdf; https://www.cesi.org/wp-content/uploads/2023/11/2023-CESI-position-2nd-phase-SP-consultation-traineeships_20231109-final.pdf and <https://www.cesi.org/posts/cesi-contribution-to-second-phase-social-partner-consultation-on-quality-traineeships-now-available/>

² <https://www.brusselstimes.com/899783/time-is-running-out-eu-again-urged-to-ban-unpaid-internships>

Although the Directive mentions quality traineeships throughout the proposal, it should mention or propose specific criteria for defining how good quality traineeships function. The inclusion of the criteria present in the 2014 Quality Framework for Traineeships (QFT) principles concerning the provision of a written traineeship agreement, access to social protection and including information on educational objectives and working conditions, together with information on mentoring, supervision and evaluation would be a step forward in the right direction.

Key demands and positions

1. Non-discrimination and fair pay

- **CESI's demand:** All trainees should have access to fair compensation for the work provided: they must receive adequate remuneration, which should cover at least their living costs (accommodation, food, transport). Minimum wage provisions or collective agreements should apply for non-curricular traineeships.
- **Proposed amendment to Article 3:**
 - **Current wording:** “Member States shall ensure that, in respect of working conditions including pay, trainees are not treated in a less favourable manner than comparable regular employees in the same establishment, unless different treatment is justified on objective grounds.”
 - **Amendment:** CESI proposes that the directive specifies that post-curricular trainees are entitled to a minimum level of remuneration, in line with either the national minimum wage or applicable collective bargaining agreements. Additionally, all curricular traineeships should provide an allowance sufficient to cover basic living expenses.
 - **Suggested Text:** “Member States shall ensure that, in respect of working conditions including pay, trainees are not treated in a less favourable manner than comparable regular employees in the same establishment, unless different treatment is justified on objective grounds. They are entitled to a minimum level of remuneration. For non-curricular traineeships, this shall be in line with either the national minimum wage or relevant collective bargaining agreements. Curricular traineeships must offer an allowance that covers basic living costs, such as accommodation, food, and transport.”

2. Duration

- **CESI's demand:** The duration of traineeships should not exceed 6 months, except in cases where there are justified, objective reasons (such as regulated professions).

- **Proposed amendment to Article 5(3)a**
 - **Current wording:** "Member States shall ... define a time limit indicating excessive duration of a traineeship."
 - **Amendment:** The article should clearly state that the maximum duration of traineeships is six months, with exceptions allowed only for specified objective reasons.
 - **Suggested text:** "Member States shall ... define a maximum duration of traineeships, which shall not exceed six months. Exceptions are allowed only where justified by objective reasons, such as regulated professions requiring longer practical experience."

3. Learning content

- **CESI's demand:** Traineeships must include clear learning and training elements with proper supervision.

- **Proposed amendments to Article 2 (a):**
 - **Current wording:** "Traineeship means a limited period of work practice which includes a significant learning and training component."
 - **Amendment:** The learning and training component must be clearly defined, with specific mention of mentoring, supervision, and evaluation.
 - **Suggested text:** "Traineeship means a limited period of work practice, not exceeding six months, which includes a clearly defined learning and training component. This shall include supervision, mentoring, and regular evaluations to ensure that the trainee is acquiring the relevant skills and competencies."

4. Combating disguised employment relationships

- **CESI's demand:** National authorities must conduct regular inspections to prevent the misuse of traineeships as substitutes for regular employment.
- **Proposed amendment to article 4:**
 - **Current wording of Article 4:** "Member States shall provide for effective controls and inspections conducted by competent authorities to detect and take enforcement measures against practices where a regular employment relationship is disguised as traineeship with the effect of granting lower levels of protection, including working conditions and pay, than the worker concerned would be entitled to under Union or national law, collective agreements or practice."
 - **Amendment:** CESI proposes a stronger emphasis on the obligation for Member States to regularly inspect and monitor traineeships and for Member States to establish the necessary channels for reporting and monitoring abusive work conditions, with access to trade union representation and other forms of remedies.
 - **Suggested text for Article 4:** "Member States shall ensure effective, regular and systematic inspections by competent authorities to detect and prevent the misuse of traineeships as substitutes for regular employment. Member States must also ensure the creating of reporting mechanisms or channels for abusive work conditions together with enforcement and repair mechanisms in order to address violations, including penalties and sanctions for non-compliance and to offer remedies, such as trade union representation for example and other dispute resolution mechanisms."

5. Enforcement and redress mechanisms

- **CESI's demand:** Trainees must have full access to trade union representation, and trade unions should have the ability to act on behalf of trainees in disputes.
- **Proposed amendment to Article 8:**
 - **Current wording:** "Representatives of workers may engage in any relevant judicial or administrative procedure to enforce the rights and obligations arising from this Directive."
 - **Amendment:** The role of trade unions in representing trainees should be explicitly recognised, with stronger protections for trainees who exercise their rights.
 - **Suggested text:** "Representatives of workers, including trade unions, may engage in any relevant judicial or administrative procedure to enforce the rights of trainees and obligations arising from this Directive. Trade unions shall be empowered to act on behalf of one or several trainees in cases of dispute or violation of rights under this Directive."