



## ETUC Arguments for Ambitious Traineeship Directive

The initial proposal for this Directive, as introduced by the European Commission, came in response to years of calls from young workers across Europe—those who cannot afford to work for free or face ongoing precarity due to exploitative and often bogus traineeships. The current compromise proposal, presented by the Hungarian presidency, however, overlooks these urgent appeals, failing to establish a baseline definition of quality traineeships. Instead, it defers to the enforcement of existing workers' rights—a measure that alone does not protect trainees or prevent the misuse of traineeship program.

European Trade Union Confederation, representative of workers and defenders of fair opportunities and quality jobs for young people, urges policymakers to redirect this proposal toward real change by considering the arguments and proposals below.

### Scope

#### 1.1 Limiting coverage to employment relationships adds no value

If the Traineeship Directive only applies to individuals who qualify as “workers” under national law, it essentially reiterates protections that are already available. Trainees classified as workers are already within the scope of national labour laws and the EU's existing social acquis, granting them fundamental protections such as minimum wage, working hours regulation, and the right to social security. Applying the Directive only to these individuals misses the mark, as they do not represent the vulnerable segment of trainees who are left without any protections under the current system. Many of the trainees do not even have a contract and because of the lack of national regulations of traineeships, their rights and obligations are not defined. The directive has the potential to address exactly those gaps and ensure a playing field for all the trainees.

#### 1.2 Addressing the gap for non-worker trainees

Trainees, especially those whose roles are not legally defined as employment relationships, are in a legal grey area where they receive little or no protection. They lack rights to fair remuneration, protection against excessive hours, and often, any form of grievance mechanism. These trainees depend entirely on the goodwill of their employers, leaving them open to unpaid labour, extended hours, and other exploitative practices. In the absence of legal worker status, these individuals face a power imbalance that compromises their ability to enter the labour market safely and sustainably. A strong Directive must step in to address this gap, offering these non-worker trainees fair treatment and essential rights.

### **1.3 Ensuring fairness across Member States**

The definition of “worker” varies significantly between EU member states, leading to inconsistent protection for trainees across borders. In some countries, trainees may be considered “workers” with a basic set of protections, while in others, trainees are not considered workers and therefore

receive no safeguards under the law. A Directive with a narrow scope will do little to level these disparities, leaving trainees in some countries highly vulnerable and without access to even the most basic protections. A Directive that covers all trainees would establish minimum standards across the EU, ensuring equal opportunities and security for all trainees, regardless of their national context.

### **1.4 Closing loopholes: including traineeships under Active Labour Market Policies (ALMPs)**

Traineeships should not be mistaken with apprenticeships, dual learning or other work experiences happening as a part of the formal education.

The EP resolution from June 2023, calling for a Directive proposed to address 3 types of traineeships, all happening **after graduation** (after exiting the formal education system):

- **Open labour market traineeships**
- **Active Labour Market Policies (ALMPs) traineeships**
- **Mandatory traineeships for obtaining the title of a profession**

Excluding any categories of traineeships identified above, such as those offered under Active Labour Market Policies (ALMPs), would create dangerous loopholes that undermine the Directive’s effectiveness. ALMPs are often intended to enhance employability for people facing particular challenges in entering the labour market; however, if traineeships under these programs are exempt from the Directive, it would be extremely difficult—if not impossible—for authorities to distinguish between ALMP traineeships and regular traineeships. Employers could misuse this exemption to justify offering substandard conditions, sidestepping the Directive’s protections and creating a two-tier system where some trainees are denied fair treatment.

Moreover, ALMP traineeships, despite their specific purpose, must not be allowed to fall below the standards of the open labour market. All trainees, whether in ALMPs or traditional roles, deserve the same baseline protections, including fair remuneration, limited duration, and clearly defined learning objectives. Allowing lower standards for ALMP traineeships would erode the integrity of the Directive, and the absence of protections would leave trainees vulnerable to poor working conditions, potentially causing them to cycle through low-quality placements without gaining meaningful, sustainable employment.

ALMP traineeships are offered to young people who are not in education, employment or training and who are seeking a job. They need a quality opportunity in the labour market, not a precarious contract. Those young people are not entitled to unemployment benefits as they do not have working experience. If they do, traineeship, a transition tool from education to the labour market is not the right pathway for them.

## **Definitions**

### **2.1 Traineeship as a transition tool:**

Traineeships should serve as structured, temporary experiences that help young people bridge the gap between formal education and entry into the labour market. This is especially critical for young graduates, as they typically lack the work experience required by many employers but also face

unique financial vulnerabilities. A traineeship that focuses on learning practical skills in a real work environment, while receiving a fair wage, provides these individuals with foundational work experience and boosts their employability

### **2.2 Excluding upskilling and reskilling contexts:**

Traineeships should be exclusively targeted at those at the start of their careers, not for upskilling or reskilling purposes. These latter purposes fall under the domain of workers' rights to training, typically governed by employment contracts and existing labour protections. When upskilling or reskilling is mislabelled as a "traineeship," employers can avoid providing the full protections and benefits that would normally be due to workers. This abuse of the term "traineeship" undermines labour rights and misleads those re-entering or upskilling within the workforce, often leading to lower pay or worse working conditions than they would otherwise receive.

### **2.3 Preventing exploitation of experienced workers in traineeships:**

Without clear definitions, experienced individuals are increasingly being pushed into "traineeships" with low or no pay, despite already having prior work experience. This practice is exploitative and goes against the core purpose of traineeships as a launchpad for new entrants to the workforce. By allowing experienced workers to be hired under the label of "trainees," employers take advantage of cheaper labour while denying individuals a fair wage and the protections afforded to regular employees. A robust Traineeship Directive should establish that traineeships are solely for those without significant prior work experience, thus preventing employers from using traineeships as a tool for cheap, temporary labour.

## 2.4 A clear definition as a foundation for quality standards

A clear, EU-wide definition of what a traineeship is and is not establishes a foundation upon which quality standards can be built. With a universal understanding that traineeships are designed for young entrants to the workforce, the Directive can set firm criteria for traineeship quality. This clarity would empower enforcement bodies, make it easier to evaluate and report abuses, and ultimately encourage employers to use traineeships responsibly.

**The following ad for traineeship was screenshotted from jobs.euractive.com on 8<sup>th</sup> Nov 2024.**

It showcases the misuse of the traineeships for replacing entry-level jobs, as it requires previous work experience and responsibilities of a regular employee.

### Key responsibilities:

- Monitoring key climate, energy, nature, industry, circular economy and sustainability policy developments at EU level and in relation to international milestones (G7, G20 and COP).
- Drafting of regular EU policy updates for key partners and supporting with taking minutes at meetings and briefings.
- Supporting the team's research function by carrying out desk research and analysis on key policy areas, in the context of the new European policy cycle (e.g. Clean Industry Deal, Competitiveness Act, investment plans).
- Supporting the coordination of high-level events and meetings.
- Supporting outreach to key stakeholders such as policymakers, businesses, and NGOs on political advocacy (e.g. campaign on the EU's 2040 climate target)
- Attending events and meetings and drafting notes, supporting organization of team events and meetings where appropriate.
- Supporting team administration duties such as the management of databases as appropriate.

Applicants must be committed to the values that underpin **our** work and will be expected to demonstrate **the following skills and experience:**

- Ability to draft clear and concise summary updates of relevant policy developments, documents and meeting notes.
- Understanding of climate and sustainability issues and the European policy making process.
- Strong analytical skills with great attention to detail.
  
- Evidence of strong written, interpersonal and oral communication skills.
- Ability to work on own initiative, be flexible and manage competing priorities.
- Team-minded, flexible and with a consensual approach and able to work well in a small team.
- Highly proficient in spoken and written English.
- Qualified to at least degree level or equivalent.

### The following attributes are desirable:

- Understanding and experience of the business sector.
- Experience in quantitative and/or qualitative research in the field of European politics, public policy, economics or similar.
- Internship or experience in a European institution or on EU policy.
- Additional European language skills.

## Amendments to the Directive on traineeships

### Article 2 Definitions

#### Text in the Directive

#### Proposed amendments

‘traineeship’ means a limited period of work practice which includes a significant learning and training component, undertaken to gain practical and professional experience with a view to improving employability and facilitating transition to a regular employment relationship or accessing a profession;	‘traineeship’ means a limited period of work practice which includes a significant learning and training component, <b>under the supervision of a mentor</b> , undertaken to gain <b>first</b> practical and professional experience with a view to improving employability and facilitating transition <b>from education</b> to a regular employment relationship or accessing a profession;
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‘trainee’ means any person undertaking a traineeship who has an employment contract or employment relationship as defined by the law, collective agreements or practice in force in every Member State with consideration to the case law of the Court of Justice;	‘trainee’ means any person undertaking a traineeship. <del>who has an employment contract or employment relationship as defined by the law, collective agreements or practice in force in every Member State with consideration to the case law of the Court of Justice;</del>
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#### Quality criteria

### 3.1 Defining quality to differentiate genuine traineeships from exploitative practices

Establishing clear quality criteria is essential for ensuring that traineeships fulfil their purpose as a bridge to the labour market rather than becoming a source of cheap or exploitative labour. Without clearly defined standards, it becomes nearly impossible to assess whether a traineeship is being misused as bogus position meant to avoid offering a standard employment contract. Quality criteria set a baseline, making it clear to both employers and oversight authorities what distinguishes a legitimate, educational traineeship from a short-term job or disguised employment.

### 3.2 Differentiating traineeships from standard employment and short contracts

The criteria must clearly distinguish traineeships from typical employment or temporary work contracts. Traineeships should provide a unique, structured learning experience with limited duration and without the expectation of prior work experience. By setting specific quality standards, the Directive can prevent traineeships from being used to circumvent regular employment contracts or to fill roles meant for fully qualified employees. This ensures that traineeships maintain their intended function: a transition tool and not a substitute for hiring entry-level employees with working experience.

### 3.3 Key elements of quality criteria:

#### - Strong learning component

The core purpose of a traineeship is to provide working experience that supports the trainee’s professional development. A well-defined learning component ensures that the trainee gains practical skills relevant to their field, guided by structured learning objectives and supervision. This component must be robust

and distinguishable from the expectations of regular employment, where the emphasis is primarily on productivity rather than learning. With a strong learning requirement, the Directive can help ensure that traineeships are truly educational and not merely exploitative labour with a training label.

- **Limited duration with strict non-extension rules**

A limited duration (e.g., six months) without the possibility of extension or repetition, except in cases of clear, documented justification, is vital to protecting trainees from extended periods of low or no pay. Limiting duration ensures that the traineeship is a short-term learning opportunity and not a long-term, low-cost labour arrangement. This restriction also incentivizes employers to make genuine hiring decisions after the traineeship ends, rather than retaining trainees indefinitely in an unending cycle of low-paid work. When extensions are needed, they must be rigorously justified to prevent abuse and maintain the integrity of the traineeship.

- **No requirement for previous work experience**

Traineeships are intended as entry points for individuals without significant work experience. By excluding candidates who already have a work history, traineeships remain reserved for those who truly need a gateway into the workforce. If previous experience is required, the position begins to resemble an entry-level job rather than an opportunity for newcomers. This criterion also helps clarify the distinction between traineeships and standard employment contracts, where experience is typically a hiring requirement.

- **Work is work, and it must be paid**

Ensuring fair remuneration is a cornerstone of a quality traineeship. Work, whether carried out by a trainee or an experienced employee, holds value and should be compensated accordingly. Traineeships, although with a learning component, are a form of work. If it would be only learning, it should be part of the formal educational system, where the rights are set differently. Without fair pay, traineeships risk pushing young people into cycles of financial instability just as they are beginning their careers. Remuneration is therefore not just a matter of fair treatment, but an investment in the sustainable, long-term success of young people in the workforce. The Directive must include remuneration as a requirement, ensuring that trainees can cover basic living expenses without compromising their health or well-being. This unpaid or poorly paid labour becomes an economic barrier, making traineeships accessible only to those who can afford to work without compensation while excluding many who cannot. This undermines the inclusivity and fairness that the Directive aims to promote.

### **Amendments to the Directive on traineeships**

We propose to add a **New Chapter III a** that will define the quality criteria and with this distinguish the real traineeships from entry-level jobs.

Member states shall

- (a) Ensure that traineeships are based on a written agreement concluded at the beginning of the traineeship between the trainee and the traineeship provider.
- (b) Ensure presence of a significant learning or training component.
- (c) Ensure a reasonable duration of traineeships that does not exceed six months. without possibility of extension or repetition unless duly justified by objective grounds and taking into account national practice
- (d) Ensure lower levels of tasks, responsibilities and intensity of work for trainees and regular employees at comparable positions with the same employer
- (e) Ensure that trainees are fairly paid, taking into account elements such as the trainee's tasks and responsibilities, the intensity of the trainee's work, and the weight of the learning and training component
- (f) Ensure that trainees have access to adequate social protection, including necessary coverage in line with national legislation, and taking into account, where applicable, the Council Recommendation 8 November 2019 ( 60)
- (g) Ensure that no requirement for previous work experience is requested to candidates for traineeships