

Draft analysis of the EP Compromise Amendments to the **Directive on improving and enforcing working conditions of trainees and detecting and combating practices that circumvent the purpose of traineeships and the use of standard employment relationships disguised as traineeships.** (Traineeship Directive)

Summary

The compromise amendments to the proposed Traineeship Directive represent an important step forward in strengthening the rights and protections of trainees across the European Union. For the first time, there is a realistic prospect of adopting binding EU legislation that will have concrete and tangible impact on young workers, ensuring their access to fair, high-quality, and inclusive traineeships.

Although the text does not fully meet trade union demands for a ban on unpaid internships or binding quality criteria, it represents a hard-fought compromise in a very difficult political context. With strong opposition from certain parliamentary groups and ongoing deregulatory pressures, this compromise is the best possible step forward — one that we must seize.

Positive Aspects

- **Clear definition of traineeships**
The Directive introduces a precise definition of traineeships as *entry-level work experiences intended to facilitate the transition from education to employment*. This clarification is critical to distinguish genuine learning experiences from exploitative labour practices.
- **Scope**
Includes all traineeships except those that are part of the curricula and done to obtain credits.
- **Traineeship agreement requirement**
A detailed traineeship agreement is mandated, establishing clear obligations and expectations for both trainees and host organisations. This promotes transparency and legal clarity.
- **Training for supervisory staff**
The Directive rightly emphasises the need for adequate training of those supervising trainees, helping to ensure the educational value of the experience.
- **Social security coverage**
The text mandates that traineeship providers enable trainees' access to social security in line with national legislation and practice.
- **Principle of equal treatment**
The amendments include strong provisions on equal treatment, stating that trainees must not be treated less favourably than other workers in similar roles. This includes equal access to traineeships and working conditions, including pay.

- **Accessibility for vulnerable groups**

Provisions aim to improve access to traineeships for persons with disabilities and other vulnerable groups, promoting inclusivity and social justice.

- **Tackling bogus traineeships**

One of the most important advances is the explicit recognition of bogus traineeships — employment relationships disguised as learning experiences. A comprehensive list of indicators is included to help identify such cases. Although enforcement mechanisms are limited, this inclusion marks a shift in political recognition of the issue.

The indicative criteria to recognise abusive practices:

- *absence of a significant learning and training component*
- *multiple or consecutive traineeships undertaken by the same person with the same employer*
- *the absence of pay granted in accordance with national law, collective agreements or practice without prejudice to the Directive (EU) 2022/2041 of the European Parliament and of the Council, where applicable;*
- *a requirement for candidates to have previous work experience, in particular in the same or a similar field of activity, prior to taking up the traineeship*
- *the absence of any of the information (expected tasks; working time; pay and social security; learning and training component) in the vacancy notice or advertisement for the traineeship*
- *the absence of a transparent recruitment policy in order to provide opportunities to transition to employment upon completion of the traineeship*

Additional factors to be taken into account by competent authorities when determining standard employment disguised as traineeship

- *the ratio of trainees relative to the number of other workers in the same establishment*
- *the level (proportion) of recruitment of trainees who have previously completed a traineeship in the same or in a similar field of activity;*
- *the equivalent levels of tasks, responsibilities and intensity of work for trainees and other workers in the same establishment*

- **Limits on duration**

Member States are required to define the duration of traineeships not exceeding six months, unless in exceptional cases. This promotes the transitional nature of traineeships.

- **Strengthening labour inspections**

Labour inspectorates are expected to be adequately resourced, and there is a clear call for proactive targeting of employers who repeatedly offer bogus traineeships.

- **Cooperation and reporting mechanisms**

The Directive establishes an obligation for MS to establish swift reporting mechanisms where rights and protections are not respected. It emphasises cooperation among competent

authorities, social partners, and relevant actors to improve the detection and reporting of abuses.

- **Remedial actions against abuses**

When a bogus traineeship is identified and a complaint is lodged with competent authorities the Directive requires action in accordance with national law or practice. This could include reclassification as an employment contract and, importantly, reversal of the burden of proof in case of unlawful dismissal or equivalent adverse treatment.

- **Role of workers' representatives**

Workers' representatives are explicitly allowed to act on behalf of or in support of trainees in case of infringements.

- **Improved data collection**

The Directive encourages enhanced data collection on traineeships to monitor trends and compliance, while it must not impose an excessive administrative burden on traineeship providers.

- **Non-regression clause**

Existing rights cannot be lowered as a result of this Directive, and social partners may further implement or complement the provisions through collective agreements.

Negative Aspects

- **Weak enforcement mechanisms against abuse**

Although the list of indicators for identifying bogus traineeships is well-drafted, it remain non-binding and purely indicative. Enforcement relies heavily on national labour inspectorates, which are often under-resourced and overburdened, making the likelihood of systematic enforcement low.

- **Absence of binding quality standards**

Despite calls from ETUC and many others, the Directive does not include binding quality criteria for traineeships. This represents a missed opportunity to guarantee meaningful learning content, mentorship, and progression paths within the Directive's framework.

Conclusion & Call to Action

We welcome the work that has been done to achieve this compromise and recognise that opportunities for binding EU legislation to protect young workers in traineeships will not come again soon. This is a chance to make a real difference in the lives of thousands of young people entering the labour market.

We therefore **call on all trade union members to actively support this compromise text**. In particular, we invite members to reach out to **Members of the European Parliament, especially within the EPP Group**, to advocate for their backing of the Directive in the **EMPL Committee vote at the end of September** and the **Plenary vote in October**.