

WRITTEN QUESTION P-2744/09
by Vittorio Agnoletto (GUE/NGL)
to the Commission

Subject: Management of the call centre of Legnano Hospital by means of contracts with temporary employment agencies and its dislocation and the consequent dismissal of 11 specialist employees

In recent years local health authorities [in Italy], acting completely autonomously, have opted to outsource certain services, including management of appointments for visits to specialists and allocation to the various departments of requests from patients, providing the relevant staff with the appropriate training for their management.

Between 24 June 2002 and 31 August 2008, Legnano Hospital used three different temporary employment agencies – Adecco, E.Work and Lavoro – to man the Lombardia Call Centre, which manages the entire network for administration and rerouting of telephone calls in the Lombardy Region and which has been dealing centrally with appointments with specialists, relying on the professionalism of 11 workers taken on from temporary employment agencies and trained ad hoc using software belonging to the hospital, who for six years ensured that the organisation ran efficiently and users were satisfied.

On 31 August 2008, when the contract with the Lavoro agency expired, the workers at the call centre were dismissed. In accordance with Decree Law 112/2008 on the reorganisation of expenditure, the hospital did not renew the contract, instead entrusting the specialist appointments service alone to in-house employees in accordance with a business plan which expired on 28 February 2009, while all other calls from users were rerouted to Lombardia call centre's new base in Paternò in the province of Catania, Sicily.

On 2 March 2009, the Unitary Trade Union Representation at Legnano Hospital, recognising the professionalism attained by the 11 employees at the call centre and how useful they were to an ever growing pool of users, called upon the hospital management to hold a direct selection procedure to obtain the services of telephonists capable of maintaining continuity and efficiency for the benefit of the local health service without any longer going through agencies.

Directive 2008/104¹ of 19 November 2008, which entered into force on 6 December 2008, states (Article 2) that '*...The purpose of this Directive is to ensure the protection of temporary agency workers...*' and Article 6(2) calls on Member States to '*take any action required to ensure that any clauses prohibiting or having the effect of preventing the conclusion of a contract of employment or an employment relationship between the user undertaking and the temporary agency worker after his assignment are null and void or may be declared null and void*', thus facilitating and promoting continuity of employment.

What view does the Commission take of the actions of Legnano Hospital and of the Lombardy Region, which is responsible for health services, and how will the Commission monitor the implementation of Directive 2008/104 with a view to concluding contracts with these temporary staff who for six years maintained continuity and efficiency in the appointments service?

¹ OJ L 327, 5.12.2008, p. 9.