

The role of the European Pillar of Social Rights for 'cold' and 'warm' solidarity

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Overview

- What is the European Pillar of Social Rights (EPSR)?
- Role of the FEAD in the implementation of the EPSR
- Other relevant initiatives to implement the EPSR
 - Those already taken
 - Some ideas for future initiatives
- Some conclusions

European Pillar of Social Rights

- Commission Juncker: ambition to ensure a ‘social triple A rating’ for the EU
- Context of growing criticism on the ‘social deficit’ of the EU
 - The predominance of the ‘market’ over the ‘social’ in policy and case law
 - Austerity measures imposed in response to the financial crisis
 - Negative effects of ‘social competition’ in the internal market (posting of workers)
 - Reluctance of MSs to accept EU’s interference in their welfare state

European Pillar of Social Rights

- Main objective: rebalancing the social and economic dimensions of the EU
- Broad consultation in 2016
- Commission's proposal in April 2017
- Inter-institutional proclamation of 17 November 2017
 - Ambiguous legal status, including the mix of 'principles' and 'rights'
 - Not directly enforceable
 - Requires implementation (legislative and other) at the level of the EU and/or the Member States
 - Political commitment at the highest level

European Pillar of Social Rights: main features

- 20 rights and principles
 - Mix of what exists in other instruments and of new elements
- 3 chapters:
 - ‘Equal opportunities and access to the labour market’
 - Such as: ‘the right to quality and inclusive education’
 - ‘Fair working conditions’
 - Such as: ‘the right to fair wages that provide for a decent standard of living’
 - ‘Social protection and inclusion’

6. Wages

Workers have the right to **fair wages that provide for a decent standard of living.**

Adequate minimum wages shall be ensured, in a way that provides for the satisfaction of the needs of the worker and his / her family in the light of national economic and social conditions, whilst safeguarding access to employment and incentives to seek work. **In-work poverty shall be prevented.**

12. Social protection

Regardless of the type and duration of their employment relationship, workers, and, under comparable conditions, the self-employed, have the **right to adequate social protection**.

14. Minimum income

Everyone lacking sufficient resources has **the right to adequate minimum income benefits ensuring a life in dignity at all stages of life**, and effective access to enabling goods and services. For those who can work, minimum income benefits should be **combined with incentives to (re)integrate into the labour market**.

15. Old age income and pensions

Workers and the self-employed in retirement have the right to a pension commensurate to their contributions and **ensuring an adequate income**. Women and men shall have equal opportunities to acquire pension rights.

Everyone in old age has **the right to resources that ensure living in dignity**.

16. Health care

Everyone has the right to **timely access to affordable, preventive and curative health care of good quality**.

European Pillar of Social Rights: implementation

- Implementation by EU, the Member States and the social partners
- At EU level:
 - legislative measures (pre-existing and new proposals);
 - ‘soft law’: recommendations, communications
 - Funding (such as ESF+ and FEAD)
 - 25% of ESF+ earmarked for social inclusion
 - Impact on the yearly cycle of economic governance (European Semester)

European Pillar of Social Rights and FEAD

- Commission staff document of 2018 on the implementation of the EPSR:
 - FEAD supports the implementation of principle 14 (minimum income) and principle 19 (housing)
- FEAD mid-term evaluation 2019, reference to:
 - Childcare and support for children
 - Minimum income
 - Healthcare
 - Housing assistance for the homeless
- Ambiguity: FEAD's little financial scope and its operational focus on food aid

EPSR: Initiatives already taken: legislative

- **Work-Life balance Directive 2019/1158**
 - Maternity and paternity leave; parental leave; care leave
- **Directive 2019/1152 on transparent and predictable working conditions**
 - See workers in gig-economy and other forms of precarious work
 - Refers to principles 5 ('secure and adaptable employment') and 7 ('information about employment conditions')
 - Guarantees more transparent and predictable working conditions as well as some minimum rights which apply to every worker

EPSR: Initiatives already taken: non-legislative

- **Recommendation on access to social protection for workers and the self-employed (to be adopted)**
 - Particularly relevant for the self-employed and the non-standard workers
 - Growing situations of coverage gaps due to variable and irregular work patterns
 - Member States are recommended to provide access to adequate social protection
 - Formal and effective coverage
 - So far no sufficient support for a legally binding instrument
 - Even the Commission's draft recommendation is watered down in the Council

EPSR: Initiatives already taken: non-legislative

- **Creation of the European Labour Authority (Regulation 2019/1149)**
 - New EU body to assist Member States and Commission in their effective application and enforcement of the EU law related to labour mobility
 - Free movement for workers and equal treatment; social security coordination system; posted workers; social aspects of road transport
 - Facilitate access to information on rights and obligations
 - Promote and enhance cooperation and facilitate joint inspections, including on undeclared work
 - But no European labour inspectorate
 - Mediate between Member States in cases of cross-border disputes

EPSR: impact on European Semester

- Enhancing the ‘socialisation’ of the European Semester through inclusion of a range of employment and social benchmarks and objectives in the yearly country specific recommendations
 - Recommendations on: minimum wages; social housing; poverty; social inclusion; ...
- ‘Social scoreboard’ which benchmarks performances of the Member States vis-à-vis the EU averages and measures societal progress, such as:
 - At-risk-of poverty or social exclusion rate, including severe material deprivation rate
 - Adjusted gross disposable income of households in real terms
 - Compensation of employees per hour worked
 - Impact of social transfers on poverty reduction

EPSR: impact on European Semester

- Sufficient to balance between monetary, economic and social objectives and policies?
 - Will the main focus remain on monetary and economic policies, making social policies subject to them?
- What is the real impact of the country specific recommendations (CSRs) on the social policies of the Member States?
 - Tendency to worsen the implementation of the CSRs by the Member States
 - Weaken the role of the European Semester in the implementation of the EPSR

EPSR: some ideas on future initiatives

- Framework directive on decent working conditions
 - To tackle in-work poverty
- Framework directive on minimum wages
 - No EU initiative so far on minimum wages, despite Juncker's promise in 2014
 - Or at least benchmarking on this issue
- Framework directive on minimum income
- More legally binding instruments on access to social protection and housing

EPSR: some ideas on future initiatives

- Further enhance the ‘socialisation’ of the European Semester
- Financial solidarity mechanisms at EU level
 - Implementing the EPSR by the Member States will cost money
 - Idea of an EU unemployment reinsurance scheme
 - Fund to boost investment in social infrastructure
 - More money for the existing Funds

EPSR: some conclusions

- Not legally binding
 - Not enforceable rights
 - But may influence the case law of the Court of Justice
 - Including its internal market case law to better balance the 'social' aspect and the 'market'
 - Needs implementation
- A (re-)statement of values at the highest level
 - Political commitment of both the EU and the Member States
 - Instrument to mainstream social priorities across the board of EU policies, including EU macro-economic and fiscal policies
 - Compare the social mainstream clause in Article 9 TFEU

EPSR: some conclusions

- Most of the competences and tools required to deliver on the EPSR are at national level
 - EPSR has the potential to steer the Member States' social policy, mainly through the European Semester
- An agenda-setter
 - Ursula von der Leyen has announced an 'action plan' for further implementation of the Pillar
 - Hearing at the EP of the new 'social' Commissioner

EPSR: some conclusions

- A compass and leverage for developing ideas and for lobbying on how to bring about a ‘European Social Union’ and to boost the EU’s social credentials
 - Opportunity to make of EU’s social policy an autonomous policy field
 - Opportunity to re-legitimise the EU

Thank you for your attention
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