

Global Forum News

LAST CHANCE FOR SOCIAL EUROPE?

New Social Pillar Proposals Unveiled

There are many reasons for an EU Pillar of Social Rights, but it is perhaps best summarised by the dispute currently simmering between Member States.

The Pillar of social rights has been a flagship project of the Juncker Commission, and has been almost a year in the making. It was launched in Brussels on 26th April last. The documentation released by the Commission on the Pillar runs to 300 pages. This bulletin attempts to provide a brief guide to the key points of the pillar.

What is Contained in the Pillar?

There are three chapters: Equal Opportunities and Access to the Labour Market, Fair Working Conditions and Social Protection and Inclusion.

These chapters contain 20 principles which will be brought into operation by:

- I. *An interpretive document of the working time directive*
- II. *One draft directive*
- III. *Two social partner consultations and*
- IV. *A declaration.*

The Pillar is described by its advocates as a compass - or an orientation which will guide European Social Policy in the future. It attempts to restate the value of social Europe articulated by the Delors presidency of the nineties. Time will tell whether this is the case. The declaration and the staff working document are identical.

The Pillar was presented under two legal forms: as a Commission Recommendation, effective immediately, and as a Proposal for a joint proclamation by the Parliament, the Council and the Commission. The Commission will enter into discussions with the Parliament and the Council to work towards broad political support and high-level endorsement of the Pillar. These legal forms take account of the absence of union powers to adopt binding legislation in certain areas covered by the Pillar. The use of a joint proclamation is modelled upon the precedent of the Charter of Fundamental Rights. The text which is proposed is identical to the recommendation mentioned above, but it could be amended in light of the discussion with the Council and the Parliament.

Any attempt by a future Commission to transform the declaration into hard law would probably require treaty change. The document notes that "the implementation of the pillar



will be primarily a matter for national governments, for public authorities and for social partners at all levels."

The Commission has also produced a 78 page interpretive document of ECJ decisions on the Working Time Directive. It is uncertain as to what status this document has as the Court interprets its own decisions. It is too early to analyse this document.

The two issues which are being opened for social partner consultation are social protection systems and the revision of the written statement directive.

According to the Commission "*the Pillar is designed as a compass for a renewed process of upward convergence towards better working and living conditions in Europe. It is primarily conceived for the euro area but applicable to all EU Member States wishing to be part of it.*"

The initial implementation proposals involve:

One proposed directive - on parental leave and two social partner consultations on issues broadly related to so called platform work and a growing variety of non-standard contracts.

A revision of the Written Statement Directive (91/533/EEC) is proposed.

This directive gives employees starting a new job the right to be notified in writing of the essential aspects of their employment relationship.



Luca Visentini, ETUC General Secretary

The other consultation is on access to social protection, to define possible new rules in this area.

The proposal on parental leave includes a new right for fathers to take at least 10 working days off around the birth of a child.

It also envisages that the existing right to four months' leave can be taken for children up to 12 years of age, compared to just a non-binding guideline on the age of 8 years today. Parental leave also becomes an individual right for mothers and fathers without a transfer of the four months to the other parent, a strong incentive for take up by fathers.

For the first time, carer's leave of five days per year will be introduced, in the case of sickness of a direct relative. All of these family related leave arrangements will be compensated at least at the level of sick pay.

The proposal will also give parents of children up to 12 years old and carers the right to request flexible working arrangements, like reduced or flexible working hours or flexibility on the place of work. At the moment this only applies to women returning from maternity leave.

Reaction from Unions & EU Bodies

The ETUC

In an initial response the ETUC stated that the Pillar of Social Rights allowed the EU to show that it cares about its citizens. It welcomed the fact that the pillar is open to the whole EU and not just the Eurozone.

The statement continued: "The pillar includes proposals which are long overdue. The principles are largely positive, with some exception, but we expect the Commission to go further and start a real process for upward convergence".

The ETUC backed draft legislation for paid parental, paternity and carers' leave and welcomed the Commission's commitment to stand by its intention to deliver despite the opposition of some employers.

While highly sceptical of the promotion of self-employment as a panacea for unemployment, the ETUC supported proposals for

standards to cover self-employed and non-standard workers, and undertook to engage constructively in the consultation on the revision of the Written Statement Directive and Access to Social Protection for All.

The ETUC also appreciated that the Commission is considering the need for better enforcement of existing European social legislation and rights.

The ETUC expressed concern about the proposed interpretive document on the Working Time Directive, which could lead to wrong implementation of some Court cases. The ETUC undertook "to mobilise against those who want to strangle this initiative at birth."

Workers' Group of the European Economic & Social Committee

The Committee stated that there was "an urgent need to close the social deficit by correcting the imbalance in social and economic policy and repairing the damage done to social Europe after so many years of austerity."



The group undertook to analyse the Commission's proposals, to assess how these measure up to civil society's expectations and to the objectives set out in the EESC position on the Rights. The group stressed that the EU needed to provide a positive project for workers, which also addresses the challenges of the 21st century.

The Workers' Group called for fair working conditions for all, a framework directive for minimum income, social security protection for all, respect for collective bargaining and trade union rights, and a common EU approach to minimum wages.

The group warned that if the EU failed to deliver, we will have to live with the consequences: increased nationalism, protectionism and xenophobia.

Global Unions Federations

The response from the Global Unions Federations was broadly similar to that of the ETUC. **IndustriALL** stated that "although it contained many principles but it only contains one tangible legislative proposal on paid parental, paternity and carers'

leave... the European Pillar of Social Rights still needs to deliver its promises if Europe is to get a 'triple-A' rating on social issues. IndustriAll Europe will undertake a detailed analysis of the package."

The EPSU

With respect to public services and public service workers, the EPSU stated that the Pillar proposals represented a small step in the right direction, welcoming the plans for more and paid parental, paternity and care leave.

However, the EPSU considered that the proposals did not meet fully workers' expectations with no measures to strengthen collective bargaining.

The EPSU expressed disappointment that the Commission did not come with more concrete proposals to deal with the increase in low paid and precarious jobs. EPSU noted that "many Member States and employers are already seeking to block these small steps forward. They are kicking and screaming to prevent any substantial improvements in working conditions of EU workers. EPSU will continue to work with the ETUC to fight these attempts to halt change. We are determined to seek improvements and more concrete action and initiatives."

UNI EUROPA

Uni Europa sees the glass as being half empty, condemning the Commission for failing to propose concrete solutions to the real problems faced by workers, noting that it "has published a complicated maze of seventeen documents that, with the exception of the promise to legislate on Parental Leave, does not amount to anything like the type of solutions needed." The statement continued that the pillar "must include a real and comprehensive EU social action programme."

Appendix One

Firstly, there are the documents relating directly the European Pillar of Social Rights itself.

The Communication on an EPSR, providing the context and rationale for the Pillar of Rights (10 pages)

https://ec.europa.eu/commission/publications/commission-communication-european-pillar-social-rights_en

Commission Recommendation on establishing the EPSR, outlines the 20 principles of the consultation documents, many of which have been strengthened as rights (9 pages)

https://ec.europa.eu/commission/publications/commission-communication-european-pillar-social-rights_en

Draft Joint Proclamation to be same text as item 2, but to be adopted by the Commission, Parliament and Member States by the end of the year. This will then replace item 2;

https://ec.europa.eu/commission/publications/draft-joint-proclamation-european-parliament-council-and-commission_en

4. Staff Working Document, explanatory files on each principle, with some legal context building (78 pages). This contains the details of the Pillar in each area.

<http://ec.europa.eu/social/BlobServlet?docId=17606&langId=en>

Summary Report on the Consultation (53 pages)

<http://ec.europa.eu/social/BlobServlet?docId=17608&langId=en>

Secondly, there are the documents relating to the Social Scoreboard tool (see link):

Staff Working Document on Scoreboard Methodology; 6 pages

<http://ec.europa.eu/social/BlobServlet?docId=17607&langId=en>

These are followed by documents relating to specific proposals/initiatives:

Work/life balance for Parents & Carers:

Communication on work/life balance initiative (16 pages)

<http://ec.europa.eu/social/BlobServlet?docId=17604&langId=en>

Proposal for a Directive (29 pages)

<http://ec.europa.eu/social/BlobServlet?docId=17605&langId=en>

Annex to proposal to show changes (3 pages)

<http://ec.europa.eu/social/BlobServlet?docId=17620&langId=en>

Accompanying statement by the Commission (2 pages)

<http://ec.europa.eu/social/BlobServlet?docId=17644&langId=en>

Work/life balance fact sheet (2 pages)

<http://ec.europa.eu/social/BlobServlet?docId=17583&langId=en>