

## LESSON 2 - EUROPEAN PILLAR OR SOCIAL RIGHTS

### 1. Introduction

The European Union is the result of the evolution of three communities of economic character. It was created after a process of transformation that was paying attention to important social and political aspects promoting an authentic European integration.

The severe economic crisis led to a resurgence of inequalities. The struggle undertaken by the EU to overcome them was seen from many sectors as a setback that prioritized economic concerns over social issues. This situation motivated the loss of trust in their institutions.

Despite the fact that Europe had to overcome certain problems, it also had to deal with new matters. The answer was to provide European citizens more effective rights, not only as citizens, but also as human beings.

From this new point of view, the EU has formulated the [European Pillar of Social Rights](#) (EPSR). It has twenty principles structuring in three categories:

- Equality opportunities and access to the labour market:
  1. Education, training and life-long learning.
  2. Gender equality.
  3. Equal opportunities.
  4. Active support to employment.
- Fair working conditions:
  5. Secure and adaptable employment.
  6. Wages.
  7. Information about employment conditions and protection in case of dismissals.
  8. Social dialogue and involvement of workers.
  9. Work-life balance.
  10. Healthy, safe and well-adapted work environment and data protection.
- Social protection and inclusion:
  11. Childcare and support to children.
  12. Social protection.
  13. Unemployment benefits.
  14. Minimum income.
  15. Old age income and pensions.
  16. Health care.
  17. Inclusion of people with disabilities.
  18. Long-term care.
  19. Housing and assistance for the homeless.
  20. Access to essential services.

## 2. Relevance of the European Pillar of Social Rights

The European Pillar of Social Rights is established in a Recommendation. In other words, it is a law that is not binding on the States Members, nor is it protected by disciplinary measures in case of non-compliance. Nor has it been assigned a budget for its development. This is necessarily the case because social policy is not among the aims of the EU<sup>1</sup> and States are opposed to promoting a reform of the Treaties in order to include it.

Nevertheless, this does not mean that it should have a programmatic nature, but will effectively drive the social policies. Hereafter, the reasons are presented:

- Firstly, because many of the principles that it systematizes have effective protection in a multitude of European standards<sup>2</sup> and international laws. Despite the emergence of new factors, such as the digital revolution or globalization, several dysfunctions need to be modified.
- Secondly, the objective is to contribute to social development, improving daily life and supporting labour markets and welfare systems. These are also the fundamental objective of each State.

In this sense, it seems essential for all of them to adopt effective measures to solve the social effects of the crisis and guarantee an adequate European social model for the challenges of XXI century. All countries are suffering from social inequalities and precariousness in the labour market. Therefore, they cannot recharge a common plan to guide them towards the formulation of protection systems in Equality and the promotion of labour markets.

- In third place, because it is possible to finance it indirectly. Other important financial programs, such as the European Adaptation Fund for Globalization, as well as the European Social fund, can also carry it out effectively.
- Fourth, because EPSR has been accompanied not only by a series of non-legislative initiatives, but also legislative, on several of its basic aspects. Especially with regard to the protection of weaker ones, such as groups with problems of social inclusion and childhood.
- Finally, because it takes into consideration the realization of a following-up process by the European Commission on the implementation of the EPSR by every State member. Twelve indicators will be analysed in the framework of the political and economic coordination of the European Semester.

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<sup>1</sup> The Treaty on the Functioning of the European Union (TFEU) includes it as a competence shared, corresponding to the EU taking initiatives to ensure the coordination of policies of the Member States. Yes, it is within its objectives to combat social exclusion and discrimination and its values, human dignity, equality and human rights

<sup>2</sup> Title II of the TFEU contains many of these rights as guiding principles for actions and there are already more than 70 Directives that regulate different aspects of social and labor policy, such as equality in treatment, health and safety at work, temporary contracts, etc. It is also numerous jurisprudence of the Court of Justice of the European Union that defines and consolidates many of these principles

## 2.1. The social scoreboard

The [Social Scoreboard](#) is a tool attached to the EPSR.

It was agreed by the Commission and the Council. It consists on a series of statistical indicators, agreed and accepted by the States Members, with which it is intended to measure, in a transversal, transparent and similar way, the situation and evolution of different social variables in each State and with the whole EU and the euro zone.

The content of this table is also divided into three sections, parallel to the three chapters of the EPSR.

1. To measure equality of opportunities: aspects of equity related to education, the acquisition of capacities and the lifelong learning, equality between men and women in the labour market, inequality and upward mobility, living conditions and poverty, and youth.
2. To measure dynamic labour markets and conditions of fair work: the structure of the active population, the dynamics of the labour market and income.
3. To measure public support and protection and social inclusion: the provision of services and social safety nets.

The twenty principles contained in the EPSR are not going to be evaluated. Only fourteen factors have been collected.<sup>3</sup> These ones will have the same weight in the reports of the European Semester<sup>4</sup> as the macroeconomic scoreboard.

Therefore, the social perspective will be included in the official analyses. It will be taken into account after the semester and will be formulated to the States, becoming in a new governance instrument.

As the Commission indicates, “The scoreboard serves as a framework for reference to monitor the social progress in a tangible, global and objective way, so that it is easily accessible and understandable to citizens. It detects in time the most significant social and employment challenges faced by the Member States, the EU and the euro, as well as the progress made over time. To the effects of this table, ‘social progress’ is understood as the ability to improve and maintain well-being and opportunities, creating conditions for people to reach their full potential and to satisfy their basic needs”.

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<sup>3</sup> The Annex to the [Commission Staff Working Document about the Social Scoreboard](#) of April 26, 2017, collected only 12 principles. After the Joint Employment Report 2018, two more were added: "long-term unemployment rate" and "net income of a single-time, single-parent worker with no average salary".

<sup>4</sup> The [European Semester](#) is an annual cycle of economic and budgetary coordination of the European Union. It aims to give advises to the EU countries before they make political decisions at national level.

### 3. Pillar 1: Equal opportunities and access to the labour market

The chapter I of EPSR focuses on equal opportunities and access to labour market and includes **four** issues:

#### *1. Education, training and life-long learning*

Everyone has the right to quality and inclusive education, training and life-long learning in order to maintain and acquire skills that enable them to participate fully in our society and manage successfully transitions in the labour market.

#### *2. Gender equality*

Equality of treatment and opportunities between women and men must be ensured and fostered in all areas, including regarding participation in the labour market, terms and conditions of employment and career progression.

Women and men have the right to equal pay for work of equal value.

#### *3. Equal opportunities*

Regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, everyone has the right to equal treatment and opportunities regarding employment, social protection, education, and access to goods and services available to the public. Equal opportunities of under-represented groups shall be fostered.

#### *4. Active support to employment*

Everyone has the right to timely and tailor-made assistance to improve employment or self-employment prospects. This includes the right to receive support for job search, training and re-qualification. Everyone has the right to transfer social protection and training entitlements during professional transitions.

Young people have the right to lifelong education, apprenticeship, traineeship or a job offer of good standing within 4 months of becoming unemployed or leaving education.

Unemployed people (order) have the right to receive a personalised, continuous and consistent support. Long- term unemployed people have the right to an in-depth individual assessment at the latest at 18 months of unemployment.

### 4. Pilar 2: Fair working conditions

Chapter II of the European Pillar of Social Rights addresses the fair conditions of work, specified in six points:

### *5. Secure and adaptable employment*

Regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training. The transition towards open-ended forms of employment shall be fostered.

In accordance with legislation and collective agreements, the necessary flexibility for employers to adapt swiftly to changes in the economic context, shall be ensured.

Innovative forms of work that ensure quality working conditions shall be fostered. Entrepreneurship and self-employment shall be encouraged. Occupational mobility shall be facilitated.

Employment relationships that lead to precarious working conditions shall be prevented, including by prohibiting abuse of atypical contracts. Any probation period should have a reasonable duration.

### *6. Wages*

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

Adequate minimum wages shall be ensured, in such a way that provide that workers' needs, as well as workers' families, are covered, in the light of national economic and social conditions. At the same time, it must be ensured the possibility of access to employment and incentives to seek work. In-work poverty shall be prevented.

According to national practices as well as respecting the autonomy of social partner, all wages shall be set in a transparent and predictable way.

### *7. Information about employment conditions and protection in case of dismissals*

At the beginning of employment, workers have the right to be provided with a written communication about their rights and obligations resulted from the employment relationship, including on probation period.

Prior to any dismissal, workers have the right to be informed of the reasons and be granted a reasonable period of notice. They have the right to access to effective and impartial dispute resolution and, in case of unjustified dismissal, a right to redress, including adequate compensation.

### *8. Social dialogue and involvement of workers*

The social partners shall be consulted on the design and implementation of economic, employment and social policies according to national practices. They shall be encouraged to negotiate and conclude collective agreements in matters relevant to them, while respecting their autonomy and the right to collective action. Where appropriate, agreements concluded between the

social partners shall be implemented at the level of the Union and its Member States.

Workers or their representatives have the right to be informed and consulted in good time about matters relevant to them. Particularly on the transfer, restructuring and merger of undertakings and on collective redundancies.

Support for increasing the capacity of social partners, in order to promote social dialogue, shall be encouraged.

#### *9. Work-life balance*

Parents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to care services. Women and men shall have equal access to special leaves of absence in order to fulfil their caring responsibilities and be encouraged to use them in a balanced way.

#### *10. Healthy, safe and well-adapted work environment and data protection*

Workers have the right to a high level of protection of their health and safety at work.

Workers have the right to have access to a working environment adapted to their professional needs and which enables them to prolong their participation in the labour market.

Workers have the right to have their personal data protected in the employment context.

Principles 5 and 7 have been specified in a Commission [Proposal for a Directive on transparent and predictable working conditions in the European Union](#). Its main objective is the protection of atypical workers,<sup>5</sup> who will benefit, for the first time, from the right to know working conditions, and it also aims to complement that for those workers who already had this right. In addition, it aims to strengthen access to social protection for all people.

### **5. Pilar 3: Social protection and inclusion**

The last of the chapters, on social protection and inclusion, covers very diverse groups of people that, for different reasons, may be in a situation of vulnerability:

#### *11. Childcare and support to children*

Children have the right to affordable early childhood education and care of good quality.

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<sup>5</sup> Atypical workers (temporary, by services or similar) and self-employed in 2016 constituted almost 40% of the total in the EU and of them practically half lack sufficient social protection, or are not covered by the same employment services that the rest of the workers.

Children have the right to be protected from poverty. Children from deprived backgrounds have the right to specific measures to enhance equal opportunities.

### *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.

### *13. Unemployment benefits*

The unemployed have the right to adequate activation support from public employment services to (re)integrate in the labour market and adequate unemployment benefits of reasonable duration, in line with their contributions and national eligibility rules. Such benefits shall not constitute a disincentive for a quick return to employment.

### *14. Minimum income*

Everyone who lacks of 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.

### *17. Inclusion of people with disabilities*

People with disabilities have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs.

### *18. Long-term care*

Everyone has the right to affordable long-term care services of good quality, especially, home-care and community-based services.

### *19. Housing and assistance for the homeless*

Access to social housing or housing assistance of good quality shall be provided for those in need.

Vulnerable people have the right to appropriate assistance and protection against forced eviction.

Adequate shelter and services shall be provided to the homeless in order to promote their social inclusion.

### *20. Access to essential services*

Everyone has the right to access essential services of good quality, including water, sanitation, energy, transport, financial services and digital communications. Support for access to such services shall be available for those in need.

Some of these points are already also beginning to develop specifically, as is the case of family conciliation, through the initiative *New beginning*. With it, it has been possible to unblock the [Proposal for a Directive on work-life balance for parents and carers](#), which seeks to promote this reconciliation for family members other than mothers, in addition to promoting balance in the distribution of responsibilities family and women's access to the labor market.<sup>6</sup>

## ADDITIONAL CONTENTS

### *Websites:*

- [European Pillar of Social Rights.](#)
- [Social scoreboard.](#)
- [The European Pillar of Social Rights in 20 principles.](#)
- [Delivering on the European Pillar of Social Rights.](#)

### *Supporting documentation:*

- [European Pillar of Social Rights.](#)
- [Draft joint employment report from the Commission and the Council accompanying the Communication from the Commission on the Annual Growth Survey 2019.](#)
- [2019 Commission Work Programme – key documents.](#)
- [Report on the situation of fundamental rights in the European Union in 2017.](#)
- [Reflection paper on the social dimension of Europe.](#)
- [Charter of Fundamental Rights of the European Union.](#)
- [European Social Charter](#) of the Council of Europe (institution outside the EU).

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<sup>6</sup> This proposal for a directive includes a parental leave, with no remuneration lower than what would correspond in a sick leave, for a period between 10 days and four months, without being able to be transferred between both parents. It also provides for that minimum remuneration for 5 days a year for workers caring for seriously ill parents or dependents. In addition, parents may request a reduction in working hours flexible and flexible in the workplace until the child turns 12 (currently there are 8), some of these options are also given to caregivers of dependent relatives



Videos:

- [European Pillar of Social Rights](#)
- .
- Comisión Europea: Empleo, Asuntos Sociales e Inclusión: [Hacer realidad el pilar europeo de derechos sociales.](#)
- [Proclamación del pilar europeo de derechos sociales.](#)
- [Message by Marianne Thyssen, Member of the EC, on Pillar social rights](#)
- [Mensaje de la Comisaria Europea Marianne Thyssen sobre el Pilar de Derechos Sociales](#)
- [Work-Life balance for parents and carers](#)
- [Work-Life balance for parents and carers \(II\)](#)
- [Work-Life balance for parents and carers. A parent's voice.](#)
- [Work-Life balance for parents and carers. A carer's voice.](#)
- [Work-Life balance for parents and carers. A business voice.](#)
- [European Pillar of Social Rights: Different Sides of the Story.](#)
- [Pillar of Social Rights for young Europeans: youth unemployment.](#)