
Consultation of the European Commission: Towards a European Pillar of Social Rights – Launching, implementing and enforcing

Main messages – Adopted by the Presidium of CESI

Preliminary remarks

The European Commission has repeatedly stressed the need for a ‘new start’ for social dialogue. Formal consultation meetings with social partners on the European Pillar of Social Rights have so far unfortunately been restricted to the cross-sector social partners. As a recognised European sectoral social partner and the voice of more than five million employees mainly from the public sector, CESI believes that a truly systematic inclusion of all recognised social partners in formal consultation meetings would be desirable.

There is a vital role to be played by the EU to bring economic and social cohesion: The growing interconnections of the Member States’ economic, financial and social architectures require a **strong signal towards more (effective) action by the EU**. Solidarity among the Member States must be the bedrock of the EU and its social model. Renationalisation of measures cannot be the answer.

Decreasing economic and social inequalities is the EU’s most important contemporary challenge. Social rights and equality should not primarily be seen as a “*productive factor*”¹ to generate additional economic growth, but also as a goal itself as well as a tool to achieve fair, resilient and sustainable economies. After years of increasing social dumping in the name of ‘competitiveness’, **it is high time for the EU to be there much more for citizens and workers again, not only for businesses, banks and multinationals**. Otherwise, the dismantling of the European integration project is a real danger.

A European Pillar of Social Rights which covers the EU in its entirety can be a vital instrument to achieve more economic and social justice, cohesion and equality throughout the EU. However, any Pillar’s success will depend on its ability to bring a **real upward social convergence**. If workers and citizens feel no substantial positive changes, the much-advertised Pillar initiative of the European Commission will fail and

¹ Communication ‘Launching a consultation on a European Pillar of Social Rights’, COM(2016) 127 final.

likely boomerang on the EU, further strengthening existing disillusion about European integration, reinforced by surging populist voices throughout the Union.

CESI in principle appreciates the European Commission's exercise to collect and take stock of existing rights and objectives existing in treaties, legislation and other documents of the European Union, including the **Charter of Fundamental Rights**, as an important precondition to set up a comprehensive European Pillar of Social Rights (c.f. Preliminary outline of the Pillar by the European Commission). Institutions, decision-makers and social partners must increasingly draw on social fundamental rights established in the Charter when creating a European consensus on social rights, **identifying gaps** in social and employment legislation, taking measures to **close them** and **enforcing rights** which already exist to concretely benefit all workers and citizens. However, texts adopted by the UN/International Labour Organisation (ILO) and the Council of Europe (including the European Social Charter) should not be forgotten in the analysis.

In the end, the Pillar initiative should be as broad as possible and ensure above all the following:

Closing legislative gaps

1. **Gaps in fields in which the EU has legislative competences must be closed via binding standards based on the highest level of job quality and protection** for workers and citizens. This relates especially to directives and regulations concerning:
 - i. New, flexible forms of employment, with the aim to guarantee labour rights and social security to those employed in the digital age. In this regard, legal certainty must be established about what constitutes 'self-employment' and 'employment', not least in order to fight bogus self-employment;
 - ii. Consequences of mobile and digital work models on employment relationships and worker rights, and new rules for professional training and health and safety obligations and liabilities for work outside office spaces;
 - iii. Adequate work-life balance based on a notion of gender equality according to which responsibilities in households should be equally shared;
 - iv. Fair labour mobility and non-discrimination of mobile and posted workers;
 - v. Comprehensive and transparent portabilities of pensions, social security and healthcare entitlements which follow workers during their career across employers and Member States;
 - vi. Effective and comprehensive information and consultation for all workers, regardless of the sector of employment and the trade unions of affiliation.

Enforcing legislation and rules

2. It is crucial that the EU, together with the Member States, the social partners, trade unions and employers, ensures the proper and swift implementation and enforcement of EU law and rules in employment and social affairs without exception. Enforcement is to be guaranteed **legally** (e.g. through proceedings, infringement procedures, collective agreements) **administratively** and **politically**. It is not least the task of trade unions to ensure a seamless representation of workers through high union membership density, a wide geographical coverage and inclusive cooperation and agreements among themselves, also transnationally.

Meaningful indicators to measure social progress

3. In areas in which the EU has no clear legislative competences, the EU must apply truly effective solutions to achieve higher levels of employment, social protection, social inclusion as well as better education, training and health (cf. Art. 9 TFEU). In the absence of 'large solutions' (revision of the treaties, a large fiscal capacity for the EU to deal with social challenges, a totally new 'consensus' for cohesion in employment and social affairs, ...), a first step could be the **development of a set of commonly accepted and meaningful indicators which can measure social change timely, effectively and to the most objective extent possible**. Once established, such social indicators should be monitored regularly by means of analogous benchmarks in the Member States which measures relative improvements.

Financing progress – More social investments

4. Implementing the Pillar – i.e. meeting the relative improvements defined by the benchmarks – will require more substantial public spending to ensure the delivery of services of general interest (SGI) necessary to implement its objectives. This requires more investments in areas such as early childhood care, health, education and training. Investment possibilities under the current EU's macroeconomic and fiscal surveillance framework (Stability and Growth Pact) remain very restrictive. More **flexibility and incentives** for increased public social investments should be enabled and encouraged by the EU – **A new Golden rule for public social investments is needed that puts the provision of social rights at its core**.

Inclusive social partner involvement – All workers count

5. While the effectiveness of the Pillar should be assessed regularly, it must be designed in a way that allows it to respond to new and emerging social and employment-related developments and challenges. Developing and implementing the Pillar should **involve all recognised social partners** at all levels of the process. Inclusive sectoral and interprofessional social dialogues are fundamental. If recognised social partners do not agree on the participation in European social dialogue, the European Commission is called upon to facilitate the participation of those organisations fulfilling the three criteria established by the European Commission to be recognised as a sectoral social partner in European sectoral social dialogue.²

² SEC(2010) 9064 final – Commission SWD on the functioning and potential of European sectoral social dialogue, p.5.