
Action memo for CESI member organisations and affiliates

Towards a successful implementation of the 20 Principles and Rights of the European Pillar of Social Rights Core messages, texts and action points for CESI members & affiliates

I. Purpose of the European Pillar of Social Rights

The European Pillar of Social Rights (EPSR) is **the European Commission's new, overarching flagship initiative for more social justice and social equality**. It is conceived for euro area Member States but applicable to all EU Member States wishing to be part of it, and it applies only to those that legally reside in the EU (irregular migrants are excluded).¹ The EPSR comprises areas in which the EU has direct legislative competences as well as policy areas which are at the discretion of the Member States.

The EPSR was launched in April 2016 after a consultation process in which CESI was actively involved.² The official analysis report of the consultation by the European Commission mentions CESI's priorities on several occasions.³

II. Content and scope of the Pillar

The EPSR comprises 20 principles and rights (plus accompanying material and initiatives) that are supposed to cover, together, all core aspects for fair and well-functioning labour markets and welfare systems. These 20 principles and rights are structured around three sections:

1. *Equal opportunities and access to the labour market*: 4 principles on Education, training and life-long learning; Gender equality; Equal opportunities; Active support to employment.

¹ European Commission Communication with further information about the rationale and background of the EPSR: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2017:0250:FIN>

² CESI's Opinion on the EPSR: http://www.cesi.org/wp-content/uploads/2014/03/CESI_Messages-Social-pillar_EN_20161201_ADOPTED-1.pdf

³ European Commission Report on the public consultation on a European Pillar of Social Rights: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1494929508490&uri=CELEX:52017SC0206>

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2. *Fair working conditions*: 6 principles on Secure and adaptable employment; Wages; Information about employment conditions and protection in case of dismissals; Social dialogue and involvement of workers; Work-life balance; Healthy, safe and well-adapted work environment.
3. *Social protection and inclusion*: 10 principles on Childcare and support to children; Social protection; Unemployment Benefits; Minimum income; Old-age income and pensions; Health care; Inclusion of people with disabilities; Long-term care; Housing and assistance for the homeless; Access to essential services.

The 20 principles and rights of the EPRS are a set of ideal-case scenarios that are supposed to act like a reference framework to assess which policies and measures should be taken by policy-makers at the EU and national (and by extension regional and local) levels to achieve the objective of fair and well-functioning labour markets and welfare systems.

Sample principle: Education, training & life-long learning – *Please see the full list of principles in the annex*

“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 society and manage successfully transitions in the labour market.”

The European Commission issued a special text (a so-called Commission Staff Working Document) which explains, for every principle, EU legislative powers and their limits, any existing EU legislation and measures, the scope and envisaged changes by the EPSR, and, importantly, guidance on what the EU, Member State governments and social partners can do to achieve the principle.⁴

III. Implementation of the Pillars’ 20 principles and rights

The implementation of the 20 principles and rights of the EPRS will occur in two strands:

1. In some areas, where there is scope and EU competence for action (as defined in the EU Treaties), it is up to the European Commission to issue legislative proposals or non-legislative measures to realise principles under the EPRS. In the case of legislative proposals the EU’s two co-legislators -the European Parliament and the Council of Ministers- need to negotiate to amend texts according to their political visions before adopting them as new laws.

For instance, the European Commission has already tabled legislative proposals to help achieve principle 9 (better work-life balance). Additional legislation at the EU level is also expected concerning principle 12 (better access to social protection) and principles 5 and 7 (stricter rules on labour contracts and core contractual rights for all).⁵

⁴ Commission Staff Working Document on the 20 principles and rights of the ERPS: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1494929441507&uri=CELEX:52017SC0201>

⁵ Further information about initiatives to implement the principles of the ERPS at the EU-level: http://europa.eu/rapid/press-release_IP-17-1006_en.htm

2. In other areas the EU does only have limited powers to act, so **it will be the national Member State governments (and, by extension, regional and local governments) as well as the social partners which need to implement the principles and rights under the Pillar**. As the EU has no legislative powers, the principles under the ERPS in these areas are without any legal standing and not binding in any way. The EU can recommend, but has no direct mechanism to force Member States to act.

To monitor progress in the implementation of the 20 principles and rights of the EPSR in the Member States, the European Commission developed a 14 indicator-strong 'Social Scoreboard' which will regularly accumulate quantitative data ranging from the share of early leavers aged 18-24 from education and training to at-risk-of-poverty-rates and transition rates from temporary to permanent contracts.⁶

The results of the monitoring exercise will be published every year in November in the European Commission's Joint Employment Report.⁷ Results will be broken down by Member States in the European Commission's Country Reports (published every year in February)⁸ and then processed, ideally, into Country-Specific Recommendations (adopted by the Council of Ministers during the summer months).⁹

IV. Action points for CESI member organisations and affiliates

The ERPS could make Europe more social and fairer but this will depend to a considerable extent on the Member States to take ownership of the objectives of the 20 principles and rights and design new and better policies. In many Member States, this will mean hard to work for trade unionists!

The Council of the EU -i.e. governments of the Member States- is scheduled to endorse the ERPS at the highest political level towards the end of this year. This will not add any more legal weight to the ERPS but a political commitment by national governments of the Member States is an important leverage tool for trade unionists. Here is what you could do:

- **Analyse the Commission Staff Working Document on the 20 principles and rights of the ERPS¹⁰ and map this against the experiences of your trade union organisation.** Are there discrepancies? If so, approach the relevant government section in your Member State and highlight gaps between the ERPS which it formally committed to and the reality of national policies. Trade unions need to take ownership and seize the ERPS politically, administratively and legally!
- Influence recommendations the European Commission is giving every year to the Member States on the EPSR:

⁶ Social Scoreboard to measure progress on the Pillar: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1494929282379&uri=CELEX:52017SC0200>

⁷ Website location of the publication of the annual Joint Employment Report: https://ec.europa.eu/info/strategy/european-semester/european-semester-timeline/setting-priorities_en

⁸ Website location of the publication of the yearly Country Reports for all Member States: https://ec.europa.eu/info/strategy/european-semester/european-semester-timeline/analysis-phase_en

⁹ Website location of the publication of annual country-specific recommendations: https://ec.europa.eu/info/strategy/european-semester/european-semester-timeline/eu-country-specific-recommendations_en

¹⁰ Commission Staff Working Document on the 20 principles and rights of the ERPS: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1494929441507&uri=CELEX:52017SC0201>

- **Contact the representation office of the European Commission in your national capital¹¹ and make an appointment to discuss your priorities and challenges that are remaining for a full realisation of the EPRS in your country.** The representations of the European Commission in the capitals of the Member States have special officers in charge of social/ economic policies and relations with stakeholders like trade unions and social partners.
 - **Watch out for the yearly Joint Employment Report¹² (each November), Country Reports¹³ (each February) and Country-Specific Recommendations¹⁴ (each July).** Do you share what the European Commission has written about your country? Were your concerns taken into consideration? If not, make an appointment with the representation office of the European Commission again to discuss this.
- **Relay all good and bad experiences with your national governments and officials of the representation of the European Commission in your country back to CESI.** This greatly helps the General Secretariat steer its advocacy work at the EU-level!

¹¹ Contact information of the European Commission's representations in the different Member States: https://ec.europa.eu/info/contact/local-offices-eu-member-countries_en#commission-representation-offices

¹² Website location of the publication of the annual Joint Employment Report: https://ec.europa.eu/info/strategy/european-semester/european-semester-timeline/setting-priorities_en

¹³ Website location of the publication of the yearly Country Reports for all Member States: https://ec.europa.eu/info/strategy/european-semester/european-semester-timeline/analysis-phase_en

¹⁴ Website location of the publication of annual country-specific recommendations: https://ec.europa.eu/info/strategy/european-semester/european-semester-timeline/eu-country-specific-recommendations_en

The 20 principles and rights under the European Pillar of Social Rights

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 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 continued education, apprenticeship, traineeship or a job offer of good standing within 4 months of becoming unemployed or leaving education. People unemployed have the right to personalised, continuous and consistent support. The long-term unemployed have the right to an in-depth individual assessment at the latest at 18 months of unemployment.
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 be of 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 a way that provide 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. All wages shall be set in a transparent and predictable way according to national practices and respecting the autonomy of the social partners.
7	Information about employment conditions and protection in case of dismissals	Workers have the right to be informed in writing at the start of employment about their rights and obligations resulting 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 on matters relevant to them, in particular on the transfer, restructuring and merger of undertakings and on collective redundancies. Support for increased capacity of social partners 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 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.
11	Childcare and support to children	Children have the right to affordable early childhood education and care of good quality. Children have the right to protection from poverty. Children from disadvantaged 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 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.
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, in particular 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.