

## I

*(Resolutions, recommendations and opinions)*

## OPINIONS

## EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

546TH EESC PLENARY SESSION, 25.9.2019-26.9.2019

**Opinion of the European Economic and Social Committee on ‘The European Pillar of Social Rights — evaluation of the initial implementation and recommendations for the future’***(own-initiative opinion)*

(2020/C 14/01)

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**1. Conclusions and recommendations**

1.1. Believing that a realistic future for the European Union can only be based on marrying a sound economic basis with a strong social dimension <sup>(1)</sup>, the EESC has consistently advocated upward convergence and a more effective social policy at both EU and Member State levels <sup>(2)</sup>. The European Social Model (ESM) should also be strengthened and updated as an international reference. The effective implementation of the European Pillar of Social Rights (EPSR) of 2017, reaffirms the shared commitment to the ESM in the framework of a new socially inclusive strategy.

1.2. When taking action to implement the EPSR, through both policy programmes and legislative initiatives at EU and national level, the targets and principles of the Treaties, the distribution of competences between EU Institutions and Member States (MS) and, where appropriate, the non regression clause, have to be respected in a balanced way.

1.3. European legislation in appropriate areas should set a framework with general common standards, respecting the specific national situations and social systems and recognising effective and enforceable social rights for citizens at EU and national level. The targets of the Pillar should be respected in all areas of EU policy by using the horizontal clause <sup>(3)</sup>.

1.4. The EPSR is currently being implemented through legislative and non-legislative measures, through specific funding and through changes in the Semester process, which should be aimed at triggering upward convergence, setting minimum social standards to create a common level playing field.

1.5. It is important to establish and adopt basic standards for reliable and effective social protection systems <sup>(4)</sup> and fundamental services of general interest, which should be assessed on a regular basis by independent evaluators.

<sup>(1)</sup> OJ C 81, 2.3.2018, p. 145, points 1.2 and 2.2.

<sup>(2)</sup> E.g. in its opinions OJ C 13, 15.1.2016, p. 40; OJ C 81, 2.3.2018, p. 145 and OJ C 440, 6.12.2018, p. 135.

<sup>(3)</sup> Article 9 TFEU.

<sup>(4)</sup> OJ C 13, 15.1.2016, p. 40.

1.6. The Commission and the European Parliament should propose mechanisms for the proper involvement of all the representative social stakeholders, including the social partners and civil society organisations, at all relevant levels in the implementation of the EPSR <sup>(5)</sup>. Particular attention should be paid to the different roles and the strengthening of collective bargaining at national level, which can anticipate or be an alternative to legislation in specific areas of the labour market.

1.7. The implementation of the EPSR requires a robust budgetary base and investment at EU and MS level, through proper funding in the MFF, by means of a 'golden rule' for public investment with a social objective and the European Structural and Investment Funds (ESIF), which can be more clearly focused towards the EPSR and appropriate taxation policies <sup>(6)</sup>.

1.8. The European Semester and the National Reform Programmes — which apply equally to non-euro-area countries — and the Social Scoreboard are a key instrument for the implementation and monitoring of the Pillar <sup>(7)</sup>.

1.9. A new European Semester process should achieve social objectives in the framework of a social imbalance monitoring and new, measurable indicators should be introduced, together with targeted social Country Specific Recommendations.

1.10. Regular monitoring of the implementation of the EPSR, with a binding consultation of social stakeholders, should be promoted; the EESC proposes the establishment of a EU Social Policy Forum linked to the Semester process.

1.11. The EESC has already called for a clear and coordinated roadmap setting priorities for the implementation of the Pillar and the enforcement of existing social rights and standards. Fundamental needs and rights especially of vulnerable groups, disparities of opportunities, income and wealth within and between MS, inclusion policies and appropriate conditions for public and not-for-profit-services and social enterprises should be addressed as a priority.

1.12. This opinion sets out general guidelines, gives a general evaluation of the first steps and offers recommendations for the main instruments. It provides an update on the progress made at EU level on the measures adopted and instruments available, divided into the three main areas of the EPSR – equal opportunities and access to labour market, fair working conditions and social protection and inclusion — and puts forward proposals for the next steps.

## 2. Context and guidelines for implementation

2.1. The EPSR was solemnly proclaimed at the Social Summit for Fair Jobs and Growth in Gothenburg on November 2017. It stems from the overarching principles of the European Treaties, which enshrine the fundamental rights of citizens, whose enforcement remains the responsibility of all relevant players. Articles 9 and 151 of the TFEU set out the objectives of the European Social Model, which need to be adapted to the changes that have been taking place in the world of work and in our societies in the framework of a new socially inclusive strategy.

2.2. The EU and MS have progressively introduced and improved policies aimed at achieving better working and living conditions for their citizens with a European social model being a tool of competitiveness for the EU economy, while acknowledging that its implementation and updating remains a target in the EU. Great disparities exist between and within EU Member States, between social groups and social security systems. Many countries are facing challenges, some EU countries have more inclusive social systems, but others do not fulfil fundamental needs. The EPSR should lead MS and the EU level to provide modern solutions to current problems faced by European citizens and to guarantee a level playing field for sustainable enterprises in global competition. The EPSR is a political commitment and should engage EU institutions, MS, social partners, civil society organisations and all other relevant stakeholders in their respective competences in a spirit of mutual respect and for the direct benefit of all citizens.

2.3. The recent ILO Centenary Declaration for the Future of Work adopted at the International Labour Conference identifies some important lines of action, and sets forth measures that would modernise labour law and prevent exclusion, and it also envisages a set of investments in people's capacities, in the institutions of work and in decent and sustainable work that would shape the best environment for companies to thrive and for people to progress towards fairer working and living conditions, respecting national contexts and the specific role of social partners.

2.4. The UN 2030 Agenda puts forward 17 Sustainable Development Goals (SDGs) that the EU has committed to achieving by 2030, and the implementation of the EPSR will contribute to this.

<sup>(5)</sup> As listed in point 2.6.3.

<sup>(6)</sup> OJ C 262, 25.7.2018, p. 1, point 1.5 and point 1.6.

<sup>(7)</sup> OJ C 125, 21.4.2017, p. 10, point 6.3.1.

2.4.1. The EESC believes that a realistic future for Europe can only be based on marrying a sound economic basis with a strong social dimension. It is convinced that the European Union needs a renewed consensus on a sustainable economic and social strategy to deliver its promise to work for balanced economic growth and social progress leading to the increased wellbeing of its citizens <sup>(8)</sup>.

2.4.2. In the Sibiu Declaration of 9 May 2019 <sup>(9)</sup>, the EU Member States committed themselves to deliver where it matters most and to continue to be big on big matters and always uphold the principle of fairness.

2.5. At EU level, the EPSR is being implemented so far through:

- a) legislative and non-legislative measures, with an emphasis placed on the enforcement and examination of the existing Social Acquis, to be updated where necessary,
- b) through specific funding, and
- c) through some initial changes in the Semester process.

2.6. *Legislative and non-legislative measures at EU and national levels*

2.6.1. Open, dynamic and mobile labour markets are needed to support new and more diverse career paths and smooth transitions between jobs, sectors and employment statuses. Action is required to close labour market mismatches. Education and training systems need to be better tailored to labour market needs. Reforms should look at positive measures to promote active ageing of the workforce, make pension systems sustainable and adequate, and integrate migrants into the workforce.

2.6.2. When taking action to implement the Pillar, the EU and its MS will make use of all policy tools they consider necessary to achieve their common objectives, including policy programmes and legislative measures. The subsidiarity and proportionality principle and binding treaties' values, targets and principles will determine at what level such actions should be undertaken, prioritising the level which offers the best added value for the concerned stakeholders and contributes to the effective implementation of the EPSR. The distribution of competences, and where appropriate, the non regression clause, should be respected.

2.6.3. As a matter of participatory democracy and better regulation the EU and the MS will consult the social partners beforehand, according to Articles 153-155. Whether, during such consultation, the social partners show the intention to act autonomously in a system of social dialogue, the EU and the MS will refrain from intervening in the policy area concerned insofar as the social partners are able to deliver and achieve the objectives of the action concerned.

2.6.4. The remit and participation of other relevant stakeholders, such as public social services, associations of not-for-profit social services and housing providers, public insurances, social economy enterprises, welfare and youth organisations, social service consumers and representatives of vulnerable groups, have to be taken into account when implementing the EPSR.

2.6.5. MS, EU Institutions, social partners and civil society organisations should monitor the implementation of the EPSR and the effectiveness of existing measures. EU Institutions should support the MS and the social stakeholders at national level when implementing the EPSR.

2.6.6. European legislation in appropriate areas should set a framework with general and clear common standards, respecting the specific national situations, able to adapt to the diversity of social systems and the role of stakeholders, and recognising effective and enforceable social rights for citizens at EU and national level, and include a European added value <sup>(10)</sup>. The targets of the Pillar should be respected in all areas of EU policy, including by using the horizontal clause (Article 9 TFEU).

2.6.7. The implementation of the EPSR aims at triggering upward convergence, improving social and labour market conditions for European workers and citizens, improving and creating effective and reliable social security systems <sup>(11)</sup>, and modern, scientific-based, quality-evaluated social and health services, especially public and not-for-profit services, setting minimum standards to combat social dumping and at the same time creating a level playing field for performing economies, employment and sustainable enterprises, while enhancing citizens' trust in the EU. Social policy strategies should include the interests of SMEs and fair market conditions for them. It is important to establish and approve basic standards for services of general interest like housing, water and social services, which should be assessed on a regular basis, including by independent evaluators (research institutes, academies, etc.) who can be supported financially and their reports made public. Fundamental needs of citizens and vulnerable groups and dangerous disparities of opportunities, income and wealth within and between the MS need to be addressed as a priority.

<sup>(8)</sup> OJ C 81, 2.3.2018, p. 145, point 2.2.

<sup>(9)</sup> <https://www.consilium.europa.eu/en/press/press-releases/2019/05/09/the-sibiu-declaration/>

<sup>(10)</sup> OJ C 440, 6.12.2018, p. 28, point 3.3.

<sup>(11)</sup> OJ C 13, 15.1.2016, p. 40.

2.6.8. Particular attention should be paid to the different role of collective bargaining at national level and collective agreements, which can anticipate legislation or be an alternative to it by regulating specific areas of the labour market and of employment relationships. Thus social partners can play a role in the implementation process proving that they can obtain the same legal effect. In some MS, collective bargaining processes are not structured and collective bargaining coverage is very weak, and therefore disparities persist in the granting of the social rights enshrined in the EPSR. In such cases the law should intervene.

2.6.9. The quadripartite declaration 'A new start for social dialogue' encourages the development of effective collective bargaining. The social partners' joint commitment to the implementation of the EPSR is mirrored in the Joint working programme of the European social partners 2019-2021, which will be implemented also at the national levels contributing to the national reform process. The 2019-21 work programme will deliver specific proposals on subjects that are related to the implementation of the EPSR such as negotiations for an autonomous framework agreement on digitalisation, including possibilities and modalities for connecting and disconnecting as well as improving the performance of labour markets and social systems, and skills development <sup>(12)</sup>.

2.6.10. The role of civil society must be better recognised and reinforced. Civil dialogue needs to be strengthened to ensure that people, including young people <sup>(13)</sup> and those in vulnerable situations or facing discrimination, feel that they are able to participate in the design, implementation and review of policy-making processes <sup>(14)</sup>. The EESC is just now launching the national debates in selected EU Member States on how to achieve better involvement of the civil society in the European Semester circle <sup>(15)</sup>.

2.6.11. The Commission has taken practical measures to put the Pillar into practice at European level and has recently published an updated factsheet containing the legislative and non-legislative initiatives adopted so far <sup>(16)</sup>. The EESC has already called for a clear and coordinated roadmap <sup>(17)</sup> setting priorities for the implementation of the Pillar.

2.6.12. Measures for implementation of the EPSR should be based on a scientific analysis of the present legal and practical situation of social and health policies in MS and at EU level and should involve social stakeholders. The EESC proposes the establishment of an EU Social Policy Forum: the EU needs a permanent forum for communication, best practice, evaluation, expert seminars, social programmes, compliance with EU and MS rules and reform projects for MS and EU policies. As better enforcement of existing social rights remains a matter of concern, the Commission and MS must improve compliance with the EU rules. The new Forum should be linked closely to the EESC and the Semester process.

2.6.13. Non-legislative measures, which can be complementary tools for the effective implementation of the EPSR, include soft law instruments such as mutual recognition of well performing systems, common incentives, the open method of coordination, mutual learning, peer reviews, the engagement of MS in the media, as well as disincentive programmes <sup>(18)</sup>. The EESC welcomes initiatives aimed at mobilising civil society and stakeholders, which could be supported financially, such as Stand Up for the Social Pillar <sup>(19)</sup>.

## 2.7. *Financial policies and the coherent and targeted use of the EU funds*

2.7.1. To be properly implemented, the EPSR needs budgetary space and investments at both the European and national levels; it should be embedded in economic, financial and budgetary policies, and the future EU strategy with a holistic and coherent approach. The goal of higher productivity and less income disparity through education, empowerment and social inclusion plays a key role here <sup>(20)</sup>. The implementation of the EPSR should constitute one of the guiding principles for the definition of the next EU Multi-annual Financial Framework (MFF). This requires a coherent use of funds and making the Pillar a compass for the operational programmes and a tool to determine the impact of the Structural and Investment Funds, the ESF+ and the InvestEU fund and all other relevant EU budget headings. The criteria to access the EU funds should refer in a constructive and appropriate way to the Pillar's rights and principles, while taking into account national situations and the contributions of all social stakeholders. EU funds should not replace public financing of modern, good quality and accessible social security systems by and within the MS.

<sup>(12)</sup> European Social Dialogue, Work Programme 2019-2021.

<sup>(13)</sup> The importance of engaging young people in the dialogue was raised in several national debates in Slovenia, for example.

<sup>(14)</sup> OJ C 125, 21.4.2017, p. 10.

<sup>(15)</sup> OJ C 125, 21.4.2017, p. 10.

<sup>(16)</sup> [https://ec.europa.eu/commission/sites/beta-political/files/european\\_pillar\\_one\\_year\\_on.pdf](https://ec.europa.eu/commission/sites/beta-political/files/european_pillar_one_year_on.pdf)

<sup>(17)</sup> OJ C 81, 2.3.2018, p. 145, point 1.3.

<sup>(18)</sup> This refers to the better regulation toolbox of complementary or alternative measures to hard legislation.

<sup>(19)</sup> <https://www.etuc.org/en/pressrelease/stand-social-pillar-alliance-social-economy-enterprises-trade-unions-and-civil-society>

<sup>(20)</sup> OJ C 271, 19.9.2013, p. 91, point. 2.3.

2.7.2. The negotiations for the next MFF should aim to secure proper funding for employment and social policies. EU budget and debt rules <sup>(21)</sup> should be revised to respect fundamental rights as well as the targets of the Treaties and of the EPSR. Performing economies, debt control and social targets should be in an appropriate balance. As the EESC has stated repeatedly <sup>(22)</sup>, more public investment within the MS can also be facilitated by means of a 'golden rule' for public investment with a social objective, which would allow more flexibility in budget rules. Increasing income levels, sustainable growth, stronger social cohesion and preventing exclusion are joint targets to consider. More public investment can also be supported, especially by the European Structural and Investment Funds (ESIF), which can be more clearly focused towards objectives highlighted in the EPSR <sup>(23)</sup>. Appropriate taxation policies, geared, *inter alia*, towards effectively combating tax fraud, tax avoidance and aggressive tax planning, should make it possible to raise additional funds to contribute to the financing of the EPSR <sup>(24)</sup>.

## 2.8. *The European Semester*

2.8.1. The EPSR affects European economic governance. It is already embedded in the milestone documents of the European Semester and was the subject of country-specific recommendations (CSRs) in 2018. The 2019 Joint Employment Report <sup>(25)</sup> (JER) gained a prominent role in the EU Semester together with the Annual Growth Survey (AGS).

2.8.2. The EESC considers the European Semester and the National Reform Programmes –which apply equally to non-euro-area countries— a key instrument for the implementation and monitoring of the Pillar <sup>(26)</sup>. A reference framework, benchmarks and coordinated policy exchanges to support Member States, EU-Institutions and social partners' efforts to improve the performance of employment and social policies may be necessary to achieve progress.

The Social Scoreboard should regularly monitor progress in the implementation of the Pillar in both the JER and the country reports. It should work in an integrated manner with the already existing Employment Performance Monitor (EPM) and Social Protection Performance Monitor (SPPM) developed by the MS. It can be improved, since its benchmarking technique (based on the distance from EU averages) may provide an overly optimistic representation of the social performance of MS. The 14 scoreboard indicators and subindicators (35 in all) should be subject to continuous revision, involving the social partners and civil society organisations, to adapt them to the political objectives and changing socio-economic situations in Europe.

2.8.3. A new European Semester should achieve social objectives in the framework of social imbalance monitoring to rebalance the predominance of fiscal and macroeconomic requirements. The Social Scoreboard should monitor and target all of the Pillar's rights and principles, and include improved and new measurable indicators. Such indicators could include, besides statistics, real access to quality based social services, enforceable social rights, social and labour integration of migrants, collective bargaining coverage, participation of social stakeholders in the Semester process and access to apprenticeships and quality higher education. The Commission should monitor the implementation of the national reform plans in close cooperation with the social partners and relevant civil society organisations, thereby promoting social country-specific recommendations. The number and structure of recommendations should be appropriate and monitor the progress made on the priorities indicated in the roadmap.

2.8.4. The involvement of the social partners should be strengthened in line with the provisions of the TFEU, enabling them to be consulted on the design and implementation of economic, employment and social policies according to national practices. The timely and meaningful involvement of the social partners is essential to improve engagement in policies, thereby facilitating their successful implementation in a way that balances the interests of workers and employers. Cooperation between the social partners can be a driving force for successful, sustainable and inclusive economic, employment and social inclusion policies <sup>(27)</sup>. Consultation of the social partners should be mandatory <sup>(28)</sup>.

2.8.5. The participation of civil society organisations, service provider associations and public insurances has also proved to be effective in designing policies that implement the EPSR through the European Semester.

<sup>(21)</sup> OJ C 177, 18.5.2016, p. 35.

<sup>(22)</sup> OJ C 227, 28.6.2018, p. 1, points 1.8 and 3.6; OJ C 327, 12.11.2013, p. 11; OJ C 227, 28.6.2018, p. 95, point 1.4, OJ C 226, 16.7.2014, p. 21; OJ C 262, 25.7.2018, p. 1, point 3.14 and OJ C 190, 5.6.2019, p. 24, point 1.8.

<sup>(23)</sup> OJ C 262, 25.7.2018, p. 1, point 1.5.

<sup>(24)</sup> OJ C 262, 25.7.2018, p. 1, point 1.6.

<sup>(25)</sup> <https://data.consilium.europa.eu/doc/document/ST-6167-2019-INIT/en/pdf>

<sup>(26)</sup> OJ C 125, 21.4.2017, p. 10, point 6.3.1.

<sup>(27)</sup> OJ C 282, 20.8.2019, p. 32, point 3.3.2.

<sup>(28)</sup> OJ C 282, 20.8.2019, p. 32, point 3.3.5.

2.8.6. Considering the increasing role that the EU Semester plays in guiding the spending of the EU budget, this should not happen to the detriment of current or future clauses that ensure transparency, openness and accountability in the planning and spending of the EU budget.

2.8.7. Well-designed benchmarks can act as a compass for the necessary national reforms aimed at increasing the performance of labour markets and of social systems. There should be a clear prioritisation of the issues covered, focusing on those that will have a positive impact on competitiveness and employment, and the sustainability, effectiveness, inclusiveness and efficiency of social systems. This exercise should be a joint endeavour on the part of the Council, Commission, Member States and social partners. Likewise, national social partners should be fully involved by national governments when implementing the pillar's principles and rights.

### 3. State of implementation and proposals for next steps

3.1. Based on the context and guidelines for implementation, and with reference to the points 2.6.1, 2.6.2 and 2.6.3 concerning the distribution of competences between EU Institutions and MS and the involvement of all stakeholders, this chapter identifies some priorities that should be addressed in the months to come. However, this is not an exhaustive set of actions that would be needed to implement the Pillar.

#### 3.2. *Equal opportunities and access to labour market*

3.2.1. A Directive on Work-Life Balance was adopted in 2019 and should bring tangible benefits to families, especially women and children, introducing a minimum standard for parents and carers. The national social partners according to Article 153 of the TFEU have a crucial role to play in ensuring through collective agreements its swift transposition, adapting the EU law to the actual needs of the country, while respecting agreements or legislation that already fulfil the standards of the directive.

3.2.2. When implementing the Work-Life Balance Directive, particular attention should be paid to viable and fair solutions for adequately compensating employees who use parental leave, as well as with regard to flexible working conditions, and including a possible revision of the Barcelona targets. Affordable child- and other care services should also be considered with a view to supporting families.

3.2.3. The EESC has called for an integrated gender equality strategy <sup>(29)</sup>. In the light of the Joint Declaration by the European ministers on Gender Equality <sup>(30)</sup>, the EESC calls for gender pay gaps to be eliminated <sup>(31)</sup>. In particular, the needs of SMEs have to be addressed in order to ensure that excessive administrative burdens are avoided.

3.2.4. It remains crucial to recognise the need to consider and address the implications of wage gaps on the future pensions of women, pension gaps and their higher poverty risk.

3.2.5. The EESC underlines once again that labour market participation and quality of work can improve thanks to increased investment in active labour market policies and by setting common standards for the effective functioning of public employment services (PES) <sup>(32)</sup>. This also applies to not-for-profit employment services, with the aim of reducing the timeframe in transitions, ensuring the use of acquired skills, supporting more and diverse career paths and heading towards stable employment <sup>(33)</sup>. Combating long-term unemployment, integrating migrants in the labour market and reintegrating people who are experiencing discouragement is another key policy area which needs urgent targeted measures, which may include the right of workers to receive support for job-seeking, training and requalification.

3.2.6. Ensuring a right to lifelong learning for everyone should be on the EU agenda <sup>(34)</sup>. The national education, training and apprenticeship systems should be further developed with focus on STEM (science, technology, engineering and mathematics) areas and development of dual systems which will lead to better matching of labour market needs.

#### 3.3. *Fair working conditions*

3.3.1. In the short run, the focus should be on monitoring the implementation of the revised Posting of Workers Directive, affirming the equal treatment principle, and the Directive on Transparent and Predictable Working Conditions, setting minimum rights for all employment relationships, together with the establishment of a European Labour Authority, which aims to improve enforcement of the EU Acquis and the effectiveness of labour inspections.

<sup>(29)</sup> OJ C 240, 16.7.2019, p. 3, point 1.3.

<sup>(30)</sup> Joint Declaration on 'Gender Equality as a Priority of the European Union today and in the future' signed on the occasion of the Informal Meeting of Gender Equality Ministers on 12 October 2018 in Vienna.

<sup>(31)</sup> OJ C 110, 22.3.2019, p. 26, points 3.1.1 and 3.1.3.

<sup>(32)</sup> The EESC has adopted a specific opinion on PES (OJ C 353, 18.10.2019, p. 46).

<sup>(33)</sup> OJ C 353, 18.10.2019, p. 46.

<sup>(34)</sup> OJ C 237, 6.7.2018, p. 8, point 4.10.

3.3.2. The EESC recommends that employee involvement in companies be reinforced, especially with a view to increasing productivity and managing the introduction of new technologies, and harnessing the impact on the organisation of work and the workforce's skills. In this context, the EESC looks forward to the outcome of the negotiations between the European social partners on the Framework Agreement on Digitalisation.

3.3.3. The EESC supports the development, in the framework of social dialogue at appropriate national and European levels, of adequate measures on 'just transitions' introducing measures and actions to manage, change and grant minimum protection in cases of reorganised workplaces or collective dismissals stemming from (technological, demographic, globalisation, climate change, circular economy) transitions, including the right to engage in collective bargaining to anticipate change and provide support to affected workers (evolution of the Directive on Collective Dismissals<sup>(35)</sup>). The EESC also looks forward to the adoption by the co-legislators of the European Globalisation Fund.

3.3.4. Employee involvement in corporate governance, as part of their rights to information and consultation, should be adapted to the new legal framework on non-financial information<sup>(36)</sup> and with a view to dealing with the necessary due diligence in the accountability requirements of enterprises.

3.3.5. The EESC considers it useful to set benchmarks that help assess the adequacy of low wages in order to prevent poverty among wage-earners, including by promoting analysis and the exchange of good practices through the available mutual learning processes and by introducing common standards to set transparent and predictable minimum wages, where they exist and if the social partners want them.

3.3.6. Also taking into account the importance given to health and safety in the ILO Centenary Declaration, the EESC recommends taking action to ensure that workers can benefit from the best technologies to improve health and safety in the workplace and prevent accidents, taking into due account the impact this can have on privacy and performance control.

3.3.7. All Member States should have the same opportunity to count on effective collective bargaining systems. Where necessary, legal and operational frameworks should be built or improved to perform free, autonomous and effective collective bargaining. Legal and operational frameworks should be supported by means of suitable resources for capacity building for the social partners in the ESF+, and promoting social dialogue and involvement of the social partners, especially in the EU Semester.

#### 3.4. *Social protection and inclusion*

3.4.1. The EPSR provides measures to guarantee social protection for everyone living in the EU. Social policies at EU and MS level contributed to the improvement of the European social model which has to be updated based on the targets of the EPSR. The balance between individual responsibility — of workers and enterprises with social contributions — and solidarity needs to be ensured in order to meet the new challenges arising from the impact of globalisation, digitalisation, climate change and labour mobility.

3.4.2. Particularly important are the principles and rights connected to the fundamental needs and equal opportunities of vulnerable groups addressed in chapter 3 of the Pillar, such as disadvantaged children and young people and people without sufficient resources. An effective Agenda for people with disabilities is an essential target of the EESC<sup>(37)</sup>. Fundamental rights and principles are not being implemented in all Member States. An adequate minimum income (14) in combination with active support for employment (4), adequate old age income (15), access to education and training (1), housing and assistance to the homeless (19) are not all guaranteed across the EU, nor are reliable and effective benefits and services.

3.4.3. The potential of innovation through new technologies and digitalisation should be used for public services and the social economy while respecting citizens' rights<sup>(38)</sup>. At the same time, social and cultural challenges that may be created by commercial digital platforms<sup>(39)</sup> and competition imbalances should be addressed to regain a fair base for SMEs, to achieve local wellbeing and also social inclusion in disadvantaged regions.

<sup>(35)</sup> Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies (OJ L 225, 12.8.1998, p. 16).

<sup>(36)</sup> Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups (OJ L 330, 15.11.2014, p. 1).

<sup>(37)</sup> SOC/616 Shaping the EU agenda for disability rights 2020-2030 (ongoing).

<sup>(38)</sup> OJ C 353, 18.10.2019, p. 1.

<sup>(39)</sup> OJ C 353, 18.10.2019, p. 17.

3.4.4. In some MS, solidarity-based benefits and services are not granted to everybody and are not subject to legal action. Alongside good practices and progress, the Country Reports also show poorly coordinated and integrated social policies, inadequate systems, a high risk of poverty, no active inclusion, substantial regional differences and a lack of investment in and access to healthcare and other services of general interest. To deal with this problem, public authorities and recognised, not-for-profit services should be provided with appropriate conditions to guarantee the delivery of good quality public services.

3.4.5. The EESC welcomes the Council Recommendation on Access to social protection for workers and the self-employed, which addresses gaps in access to social protection facing people employed in non-standard contracts and in various forms of self-employment. This should be combined with further measures to implement the Recommendation, like an assessment according to the monitoring framework agreed upon in the Recommendation and on the basis of action plans submitted by Member States and contributions by social partners and civil society organisations.

3.4.6. Reinforcing the capacity of Member States to activate social transfers to fulfil the basic needs of people from birth to old age is urgently needed too. This involves:

- adopting a European Framework Directive on a minimum income to stem poverty and promote an inclusive labour market <sup>(40)</sup>,
- exploring the possibility of setting common minimum standards in the field of unemployment insurance in the EU Member States <sup>(41)</sup>,
- ensuring the accessibility to social and political functions for persons with disabilities,
- revisiting the ‘cost of ageing’ formula and transforming it into a ‘dignity of ageing’ concept that puts the adequacy of pensions, health services and long-term care at the heart of economic governance without neglecting the focus on sustainability of the pension systems,
- creating specific programmes for public housing and housing accessibility in favour of low-income households,
- investing in childcare facilities in the direct interest of children and disadvantaged young people; the EESC welcomes the proposal of the Commission and EP to introduce a child guarantee; and
- ensuring access to quality education for all and extending the youth guarantee.

3.4.7. The EESC asks the EU co-legislators to resume the negotiations on the revision of Regulation 883 on the Coordination of Social Security Systems, and asks the Member States to accelerate the implementation of the European Accessibility Act.

3.4.8. The role of social services, social economy enterprises and not-for-profit organisations should be promoted with targeted measures and specific funding.

### 3.5. *Cross-cutting measures*

3.5.1. The EPSR should reshape the features and requirements of better regulation at EU and national level, so that all criteria, including the cost-benefit analysis, fully reflect the economic, social and environmental impact in the areas under regulation, addressing also the impact on SMEs.

3.5.2. Specific resources, including specific budget lines, should be made available to local authorities, the social partners and other civil society organisations to encourage and support the action they need to take to implement the EPSR (conferences, studies, training, information, exchange of experts, etc.).

Brussels, 25 September 2019.

*The President*  
*of the European Economic and Social Committee*  
Luca JAHIER

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<sup>(40)</sup> OJ C 190, 5.6.2019, p. 1.

<sup>(41)</sup> The EESC is preparing an opinion SOC/583 on ‘Common minimum standards in the field of unemployment insurance in EU Member States’ (ongoing).



## ANNEX

The following amendments, which received at least a quarter of the votes cast, were rejected in the course of the debate (Rule 59(3) of the Rules of Procedure):

**Point 2.3**

Amend as follows:

*2.3 The recent ILO Centenary Declaration for the Future of Work adopted at the International Labour Conference (ILC) identifies some ~~important~~ lines of action for the ILO. In the declaration, the ILC also calls upon all members, taking into account national circumstances, to work individually and collectively, on the basis of tripartism and social dialogue, and with the support of the ILO, to further develop its human-centred approach to the future of work. The declaration touches upon issues such as, ~~and sets forth measures that would modernise labour law and prevent exclusion, and it also envisages a set of investments in strengthening people's capacities and, in the institutions of work and promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all in decent and sustainable work that would shape the best environment for companies to thrive and for people to progress towards fairer working and living conditions,~~ respecting national contexts and the specific role of social partners.*

**Reason**

The proposed modifications aim to ensure that the text of the paragraph corresponds to the content of the ILO Centenary Declaration. Furthermore, for the purposes of this opinion, see the general statement on how ILO Members should work - individually and collectively - to support their approach to future of work.

**Outcome of the vote**

In favour	56
Against	121
Abstentions	3

**Point 2.5**

Amend as follows:

*2.5 At EU level, the EPSR is being implemented so far through:*

- a) ~~legislative and non-legislative measures, with an emphasis placed on the enforcement and examination of the existing Social Acquis, to be updated where necessary,~~*
- b) through specific funding, and*
- c) through some initial changes in the Semester process.*

**Reason**

This point talks about what kind of measures have been taken at EU level so far to implement the EPSR. Thus it is not logical to refer to updating of the existing acquis.

**Outcome of the vote**

In favour	56
Against	124
Abstentions	2

**Point 2.6**

Amend as follows:

*2.6 ~~General comments on~~ Legislative and non-legislative measures at EU and national levels*

**Reason**

The main heading and the subheading of this section is proposed to be modified so that it reflects the text that is proposed to be added in the new points proposed below.

**Outcome of the vote**

In favour	49
Against	126
Abstentions	8

**First new point before current 2.6.1**

Add a first new point before current 2.6.1:

**The basic premise for the implementation – general approach****Reason**

The main heading and the subheading of this section is proposed to be modified so that it reflects the text that is proposed to be added in the new points proposed below.

**Outcome of the vote**

In favour	55
Against	119
Abstentions	5

**New point after point 2.6.1**

Add a new point after current point 2.6.1:

The basic premise must be that issues lacking a clear transnational dimension within the area of labour law are more appropriately dealt with at national level. EU legislation, which builds on a one-size-fits-all-model, and does not take into consideration differences between character and size of businesses, sectors or traditions and systems in Members States must be avoided. It also undermines the possibility for trade unions and employer associations to negotiate agreements that are tailor-made for different industries, particularly important in countries where the social partners have a high degree of freedom to regulate on working and employment conditions, both independently and as a complement to national legislation.

**Reason**

To be given orally.

**Outcome of the vote**

In favour	51
Against	116
Abstentions	6

**Point 2.6.4**

Amend as follows:

2.6.4 MS<sub>7</sub> and EU Institutions, ~~social partners and civil society organisations~~ should monitor the implementation of the EPSR and the effectiveness of existing measures in the framework of the European Semester, while ensuring the involvement of social partners and civil society organisations. EU Institutions should support the MS and the social stakeholders at national level when implementing the EPSR.

**Reason**

This modification is introduced to reflect the fact that in the monitoring of the implementation of the EPSR, the role of the EU and the Members States on one hand and the role of social partners and civil society on the other differs.

**Outcome of the vote**

In favour	54
Against	120
Abstentions	1

**Point 2.6.5**

Delete the current point:

~~2.6.5 European legislation in appropriate areas should set a framework with general and clear common standards, respecting the specific national situations, able to adapt to the diversity of social systems and the role of stakeholders, and recognising effective and enforceable social rights for citizens at EU and national level, and include a European added value<sup>(1)</sup>. The targets of the Pillar should be respected in all areas of EU policy, including by using the horizontal clause (Article 9 TFEU).~~

<sup>(1)</sup> OJ C 440, 6.12.2018, p. 28, point 3.3.

**Reason**

To be given orally.

**Outcome of the vote**

In favour	48
Against	123
Abstentions	5

**Point 2.6.5**

Amend as follows:

2.6.5 European legislation in appropriate areas should set a framework aiming at ~~with general and clear common~~ feasible standards, respecting the specific national situations, able to adapt to the diversity of social systems and the role of stakeholders, and recognising effective and enforceable social rights for citizens at EU and national level, and include a European added value<sup>(1)</sup>. The targets of the Pillar should be respected in all areas of EU policy, including by using the horizontal clause (Article 9 TFEU).

<sup>(1)</sup> OJ C 440, 6.12.2018, p. 28, point 3.3.

**Reason**

When the aim is to respect the diversity among the Member States in the field on social system one cannot call for general or common standards.

**Outcome of the vote**

In favour	48
Against	120
Abstentions	4

**Point 2.6.6**

Amend as follows:

2.6.6 The implementation of the EPSR aims at triggering upward convergence in terms of employment and social outcomes, improving and adapting social and labour market conditions for European workers and citizens, improving and creating effective, sustainable and reliable social security systems <sup>(1)</sup>, and modern, scientific-based, quality-evaluated social and health services, especially public and not-for-profit services, aiming at fair working conditions setting minimum standards to combat social dumping and while at the same time creating a level playing field for performing economies, employment and sustainable enterprises, and while enhancing citizens' trust in the EU. Social policy strategies should include the interests of SMEs and fair market conditions for them. It is important to establish and approve basic standards for services of general interest like housing, water and social services, which should be assessed on a regular basis, including by independent evaluators (research institutes, academies etc.) who can be supported financially and their reports made public. Fundamental needs of citizens and vulnerable groups and dangerous disparities of opportunities, income and wealth within and between the MS need to be addressed as a priority. Social inclusion based on equal opportunities and fair living conditions should be promoted by all Member States.

<sup>(1)</sup> OJ C 13, 15.1.2016, p. 40.

**Reason**

The implementation of the EPSR should result in upward convergence of employment and social outcomes as it is the outcomes that determine whether policy choices have been successful. As stated in the preamble of the EPSR (point 12), 'The aim of the European Pillar of Social Rights is to serve as a guide towards efficient employment and social outcomes when responding to current and future challenges (...)' The text should also mention adapting social and labour condition (not only improving) as such adaptations may be necessary as a result of changes in our societies and working life. Social security systems must be reliable and effective, but also sustainable.

The EPSR is not about setting minimum standards to combat social dumping so this part should be deleted.

The list of issues that should be addressed as priorities should not include issues not covered by EPSR's principles (e.g. disparities of wealth and income within or between Member States).

**Outcome of the vote**

In favour	53
Against	115
Abstentions	3

**Point 2.6.7**

Amend as follows:

2.6.7 Particular attention should be paid to the different role of collective bargaining at national level and collective agreements, which can anticipate legislation or be an alternative to it by regulating specific areas of the labour market and of employment relationships. Thus social partners can play a role in the implementation process proving that they can obtain the same legal effect. In some MS, collective bargaining processes are not structured and collective bargaining coverage is very weak, and therefore disparities persist in the granting of the social rights enshrined in the EPSR. In such cases the law should intervene. The EESC therefore encourages MS to strengthen the capacities of national social partners.

**Reason**

We propose to delete the end of the second sentence as it is not at all clear what is meant by 'obtaining the same legal effect'. National systems vary in terms of the respective roles of collective bargaining and legislation in regulating the labour market, in the levels at which bargaining is conducted (cross-sectoral, sectoral, company and workplace, regional, occupational), and in the way in which negotiations at different levels may interrelate (articulation) [source Eurofound].

**Outcome of the vote**

In favour	59
Against	114
Abstentions	2

**Point 2.6.8**

Amend as follows:

2.6.8 *The quadripartite declaration 'A new start for social dialogue' encourages the development of effective collective bargaining. The social partners' joint commitment to the implementation of the EPSR is mirrored in the Joint working programme of the European social partners 2019-2021, which will be implemented also at the national levels contributing to the national reform process. The 2019-21 work programme addresses the following six priorities: digitalisation; improving the performance of labour markets and social systems; skills; addressing psychosocial aspects and risks at work; capacity building for stronger social dialogue; the circular economy will deliver specific proposals on subjects that are related to the implementation of the EPSR such as negotiations for an autonomous framework agreement on digitalisation, including possibilities and modalities for connecting and disconnecting as well as improving the performance of labour markets and social systems, and skills development* <sup>(1)</sup>.

<sup>(1)</sup> European Social Dialogue, Work Programme 2019-2021.

**Reason**

It is important to make sure that the text of the opinion follows the formulations used in the European Social Partners' work programme. (For instance connecting and disconnecting are mentioned in the work programme in the context of statement about organising a joint fact-finding seminar where they will explore different experiences).

**Outcome of the vote**

In favour	53
Against	115
Abstentions	6

**Point 2.6.10**

Amend as follows:

2.6.10 *The Commission has taken practical measures to put the Pillar into practice at European level and has recently published an updated fact-sheet containing the legislative and non-legislative initiatives adopted so far* <sup>(1)</sup>. *The EESC has already indicated that it believes that a clear roadmap for the implementation of the EPSR would help to foster convergence and achieve its objectives.* ~~called for a clear and coordinated roadmap~~ <sup>(2)</sup> ~~setting priorities for the implementation of the Pillar.~~

<sup>(1)</sup> [https://ec.europa.eu/commission/sites/beta-political/files/european\\_pillar\\_one\\_year\\_on.pdf](https://ec.europa.eu/commission/sites/beta-political/files/european_pillar_one_year_on.pdf)

<sup>(2)</sup> OJ C 81, 2.3.2018, p. 145, points 8.3 and 1.3.

**Reason**

We propose to use the exact wording from the opinion SOC/564.

**Outcome of the vote**

In favour	50
Against	113
Abstentions	4

**Point 2.6.11**

Amend as follows:

2.6.11 *Measures for implementation of the EPSR should be based on a scientific analysis of the present legal and practical situation of social and health policies in MS and at EU level and should involve social stakeholders. The EESC could act as a facilitator.* ~~The EESC proposes the establishment of an EU Social Policy Forum: t~~ *The EU needs to encourage ways a permanent forum for communication, exchange of best practice, evaluation, expert seminars, social programmes, compliance with EU and MS rules and reform projects for MS and EU policies. As better enforcement of existing social rights remains a matter of concern, the Commission and MS must improve compliance with the EU rules. The new Forum should be linked closely to the EESC and the Semester process.*

**Reason**

It is not at all clear what is meant with the reference to creating 'a EU social policy forum'. There is no need for creating new instruments/platforms and the reference to the forum should be deleted. What is important is the consultation and involvement of relevant stakeholders in the implementation of the EPSR.

**Outcome of the vote**

In favour	52
Against	114
Abstentions	3

**Point 2.7.2**

Amend as follows:

2.7.2 The negotiations for the next MFF should aim to secure proper funding for employment and social policies. EU budget and debt rules<sup>(4)</sup> should be revised to respect fundamental rights as well as the targets of the Treaties and of the EPSR. Performing economies, debt control and social targets should be in an appropriate balance. As the EESC has stated previously repeatedly<sup>(2)</sup>, financing the implementation of the Social Pillar will also depend heavily on resources available at the Member-State level. It will require funding from state budgets for investment and also for the running costs of activities over the next few years. This may be constrained by EU budget and debt rules<sup>(3)</sup>. As has already been stressed repeatedly by the EESC<sup>(4)</sup>, consideration should be given to ways of enhancing the flexibility permitted within these, for example by means of a 'golden rule', which would allow public investment with a social objective in order to achieve the aims of the Social Pillar, notably by: increasing income levels, stronger social cohesion and preventing the exclusion of otherwise disadvantaged groups who cannot otherwise play a full part in society, while generating sustainable economic growth. more public investment within the MS can also be facilitated by means of a 'golden rule' for public investment with a social objective, which would allow more flexibility in budget rules. Increasing income levels, sustainable growth, stronger social cohesion and preventing exclusion are joint targets to consider. More public investment can also be supported, especially by the European Structural and Investment Funds (ESIF), which can be more clearly focused towards objectives highlighted in the EPSR<sup>(5)</sup>. Appropriate taxation policies, geared, inter alia, towards effectively combating tax fraud, tax avoidance and aggressive tax planning, should make it possible to raise additional funds to contribute to the financing of the EPSR. Ensuring efficient use of additional funding requires the implementation of the action programmes and roadmaps for the implementation of the Social Pillar as an integral part of the European Semester, and in particular the development of National Reform Programmes and convergence programmes<sup>(6)</sup>.

<sup>(4)</sup> OJ C 177, 18.5.2016, p. 35.

<sup>(2)</sup> OJ C 227, 28.6.2018, p. 1 points 1.8 and 3.6; OJ C 327, 12.11.2013, p. 11; Annual Growth Survey 2018, point 1.4, not yet published; OJ C 226, 16.7.2014, p. 21; and OJ C 262, 25.7.2018, p. 1, point 3.14 and OJ C 190, 5.6.2019, p. 24, point 1.8.

<sup>(3)</sup> OJ C 177, 18.5.2016, p. 35.

<sup>(4)</sup> OJ C 227, 28.6.2018, p. 1, point 1.6; Euro area economic policy 2018, points 1.8 and 3.6; OJ C 327, 12.11.2013, p. 11, point 1.4, OJ C 226, 16.7.2014, p. 21.

<sup>(5)</sup> OJ C 262, 25.7.2018, p. 1, point 1.5.

<sup>(6)</sup> OJ C 262, 25.7.2018, p. 1, point 1.6.

**Reason**

It is important to use the exact wording of the opinion referred to ensure a better balance in the text and also to refer to the statements made in earlier opinions about the implementation of the Pillar as part of European Semester.

**Outcome of the vote**

In favour	55
Against	112
Abstentions	4

**Point 2.8.4**

Amend as follows:

2.8.4 A new European Semester cycle should achieve social objectives in the framework of comprehensive social imbalance monitoring to rebalance the predominance of fiscal and macroeconomic requirements. The Social Scoreboard should monitor and target all of the Pillar's rights and principles, and include improved and new measurable indicators. Such indicators could include, besides statistics, real access to quality based social services, enforceable social rights, social and labour integration of migrants, collective bargaining coverage, participation of social stakeholders in the Semester process and access to apprenticeships and quality higher education. The Commission should monitor the implementation of the national reform plans in close cooperation with the social partners and relevant civil society organisations, thereby promoting social country-specific recommendations. The number and structure of recommendations should be appropriate and monitor the progress made on the priorities indicated in the roadmap.

**Reason**

It is unnecessary to talk about a 'new' European semester as the European Semester was introduced already in 2010. Furthermore there is no need to seek for a 'new' European Semester while all efforts should be focused on ensuring the effective and result-oriented functioning of the existing European Semester. One should rather refer to the new European Semester cycle. The EPSR is accompanied by a 'Social Scoreboard' which tracks trends and performances across EU countries in three areas related to the principles under the Pillar. The Scoreboard feeds into the European Semester of economic policy coordination and serves to assess progress towards 'a social "triple A" for the EU as a whole. This means there is a comprehensive monitoring taking place.

**Outcome of the vote**

In favour	49
Against	117
Abstentions	4

**New point before current point 3.1**

Add a new point before current point 3.1:

The EESC has already stressed in its related opinion<sup>(1)</sup> that the Pillar could provide a good opportunity to demonstrate that the EU level is still capable of delivering a proper response, where appropriate, to the challenges faced by ordinary people, while fully respecting the division of competences and the principle of subsidiarity.

<sup>(1)</sup> OJ C 125, 21.4.2017, p. 10–26.

**Reason**

This sentence outlines what must be kept in mind as regards to implementing EPSR and next steps: that EPSR could be a good opportunity to show that EU is able to provide proper response where action is appropriate. At the same time, it underlines the importance of full respect of division of competence and the principle of subsidiarity.

**Outcome of the vote**

In favour	50
Against	114
Abstentions	4

**First new point after current point 3.1**

Add a first new point after current point 3.1:

The synergy between EU and national social policy and actions is essential. Because the EU social model is based on different national models, which must be preserved, the EU needs to respect national competences and the diversity of Member States' social systems, which are based on deeply rooted political choices and societal models. The main task of the EU should therefore be to provide the best possible conditions for its Member States and social partners and to support them in their efforts to put in place identified reforms.

**Reason**

It is necessary to underline the importance of synergy between EU and national social policy and actions also in the text of the conclusions and recommendations. The preamble of the EPSR clearly states that 'Delivering on the European Pillar of Social Rights is a shared political commitment and responsibility. (...)' Furthermore, the preamble explicitly refers to respecting division of competences and taking due account of different socio-economic environments and the diversity of national systems, including the role of social partners, and the principles of subsidiarity and proportionality.

**Outcome of the vote**

In favour	45
Against	116
Abstentions	4

**Point 3.2.2**

Amend as follows:

3.2.2 *When implementing the Work-Life Balance Directive, particular attention should be paid to viable, affordable and fair solutions for adequately compensating employees who use parental leave, as well as with regard to flexible working conditions that are adapted to the needs of the workplace, and including a possible revision of the Barcelona targets. Affordable child- and other care services should also be considered with a view to supporting families.*

**Reason**

Solutions adopted in the Member States in the implementation of the Work-Life Balance Directive as regards adequately compensating employees using parental leave must also be affordable. Any solutions as regards flexible working conditions need to take into account also the needs of the workplace.

As Barcelona target were set by the European Council (in 2002), their possible revision is not linked to the implementation of the WLB Directive – thus this part should be deleted.

**Outcome of the vote**

In favour	49
Against	109
Abstentions	5

**Point 3.2.3**

Amend as follows:

3.2.3 *The EESC has called for an integrated gender equality strategy <sup>(1)</sup>. In the light of the Joint Declaration by the European ministers on Gender Equality <sup>(2)</sup>, the EESC calls for unjustified gender pay gaps to be eliminated <sup>(3)</sup>. In particular, the needs of SMEs have to be addressed in order to ensure that excessive administrative burdens are avoided.*

<sup>(1)</sup> OJ C 240, 16.7.2019, p. 3, point 1.3.

<sup>(2)</sup> Joint Declaration on 'Gender Equality as a Priority of the European Union today and in the future' signed on the occasion of the Informal Meeting of Gender Equality Ministers on 12 October 2018 in Vienna.

<sup>(3)</sup> OJ C 110, 22.3.2019, p. 26, points 3.1.1 and 3.1.3.

**Reason**

This addition makes the text more accurate. The measures to combat pay gap must be directed towards fighting unjustified pay gaps.

**Outcome of the vote**

In favour	45
Against	114
Abstentions	5

**Point 3.2.5**

Amend as follows:

3.2.5 *The EESC underlines once again that labour market participation and quality of work can improve thanks to increased investment in active labour market policies and by setting common standards for the effective functioning of public employment services (PES) <sup>(1)</sup>. This also applies to not-for-profit employment services, with the aim of reducing the timeframe in transitions, ensuring the use of acquired skills, supporting more and diverse career paths and heading towards sustainable jobs stable employment <sup>(2)</sup>. Combating long-term unemployment, integrating migrants in the labour market and reintegrating people who are experiencing discouragement is another key policy area which needs urgent targeted measures, which may include ~~the right of workers to receive support for~~ workers in terms of job-seeking, training and requalification.*

<sup>(1)</sup> The EESC has adopted a specific opinion on PES, OJ C 353, 18.10.2019, p. 46.

<sup>(2)</sup> OJ C 353, 18.10.2019, p. 46.



**Reason**

The first modification follows the text of the quoted opinion. As for the urgent targeted measures, this would be better formulated in 'an active manner'. It is about offering support for workers for job-seeking, training and requalification, not about formulating this in terms of 'a right'.

**Outcome of the vote**

In favour	47
Against	110
Abstentions	2

**Point 3.2.6**

Amend as follows:

3.2.6 Ensuring ~~access a right~~ to lifelong learning for everyone should be on the EU agenda <sup>(1)</sup>. The national education, training and apprenticeship systems should be further developed with focus on STEM (science, technology, engineering and mathematics) areas and development of dual systems which will lead to better matching of labour market needs.

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<sup>(1)</sup> OJ C 237, 6.7.2018, p. 8, point 4.10.

**Reason**

We should focus on promoting policies that ensure that everyone has access to lifelong learning. Furthermore, while the quoted opinion refers to importance of lifelong learning and promoting participation in lifelong learning, it does not seem to state that right to lifelong learning should be on the EU agenda.

**Outcome of the vote**

In favour	48
Against	116
Abstentions	2

**Point 3.3.1**

Amend as follows:

3.3.1 In the short run, the focus should be on monitoring the implementation of the revised Posting of Workers Directive, which ensures the protection of posted workers during their posting, linked to the provision of services affirming the equal treatment principle, and the Directive on Transparent and Predictable Working Conditions, setting minimum rights for all employment relationships, together with the establishment of a European Labour Authority, which aims to improve enforcement of the EU Acquis and the effectiveness of labour inspections.

**Reason**

The modified wording describes the purpose of the Posting of Workers Directive.

**Outcome of the vote**

In favour	43
Against	118
Abstentions	2

**Point 3.3.2**

Amend as follows:

3.3.2 The EESC ~~encourages recommends that~~ employee involvement in companies ~~be reinforced~~, especially with a view to the overall aim of increasing productivity and supporting managing the introduction of new technologies, and harnessing the impact on the organisation of work and the workforce's skills. In this context, the EESC looks forward to the outcome of the negotiations between the European social partners on the Framework Agreement on Digitalisation.

**Reason**

The proposed modifications aim to emphasise the importance of employee involvement in relation to supporting the introduction of new technologies.

**Outcome of the vote**

In favour	46
Against	118
Abstentions	4

**Point 3.3.3**

Amend as follows:

3.3.3 EESC supports the development, in the framework of social dialogue at appropriate national and European levels, of adequate measures on "just transition" introducing on the one hand measures and actions ~~facilitating to manage~~ change and on the other hand ~~grant minimum adequate~~ protection in cases of reorganised workplaces or collective dismissals stemming from (technological, demographic, globalisation, climate change, circular economy) transitions, including the support right to engage in collective bargaining, ~~to~~ anticipation of change and provision of support to affected workers ~~(evolution of the Directive on Collective Dismissals<sup>(4)</sup>)~~. The EESC also looks forward to the adoption by the co-legislators of the European Globalisation Fund.

<sup>(4)</sup> Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies.

**Reason**

One should delete references to 'the right to engage in collective bargaining' and 'evolution of Directive on Collective Dismissals' as any text on EESC's views on the implementation of the EPSR should be linked to highlighting issues that Member States should be taking into account in their efforts to develop their labour markets and/or social protection systems.

**Outcome of the vote**

In favour	49
Against	109
Abstentions	1

**Point 3.3.4**

Amend as follows:

3.3.4 Employee involvement in corporate governance, as part of their rights to information and consultation, should be assessed in the light of ~~adapted to the new legal framework on non-financial information<sup>(1)</sup> and with a view to dealing with the necessary due diligence in the accountability requirements of enterprises.~~

<sup>(1)</sup> Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups.

**Reason**

Modification proposed to keep the text at a more general level. It is too early to talk about adaptation of the new legal framework on non-financial information.

**Outcome of the vote**

In favour	49
Against	114
Abstentions	1

**Point 3.3.5**

Amend as follows:

3.3.5 *The EESC considers it useful to set benchmarks that help assess the adequacy of low wages in order to prevent poverty among wage-earners, including by promoting analysis and the exchange of good practices through the available mutual learning processes and by introducing common standards to set transparent and predictable minimum wages, where they exist and if the social partners want them.*

**Reason**

Introducing common standards to set minimum wages is not desirable nor acceptable as wages are a matter that must be subject to national level discussions.

**Outcome of the vote**

In favour	51
Against	114
Abstentions	2

**Point 3.4.6**

Amend as follows:

3.4.6 *Reinforcing the capacity of Member States to activate social transfers or other measures to fulfil the basic needs of people from birth to old age is urgently needed too. This involves:*

- ~~supporting and strengthening also at the European level the efforts of the Member States to develop and update~~ *adopting a European Framework Directive on a minimum income systems to stem poverty and promote an inclusive labour market<sup>(+)</sup>;*
- ~~exploring the possibility of developing setting common principles~~ *minimum standards in the field of unemployment insurance in the EU Member States<sup>(2)</sup>;*
- *ensuring the accessibility to social and political functions for persons with disabilities;*
- *revisiting the 'cost of ageing' formula and transforming it into a 'dignity of ageing' concept that puts the adequacy of pensions, health services and long-term care at the heart of economic governance without neglecting the focus on sustainability of the pension systems;*
- *creating specific programmes for public housing and housing accessibility in favour of low-income households;*
- *investing in childcare facilities in the direct interest of children and disadvantaged young people; the EESC welcomes the proposal of the Commission and EP to introduce a child guarantee; and*
- *creating a genuine European area of learning, facilitating ensuring access to quality education for all and extending the youth guarantee.*

<sup>(+)</sup> OJ C 190, 5.6.2019, p. 1.

<sup>(2)</sup> The EESC is preparing an opinion SOC/583 on 'Common minimum standards in the field of unemployment insurance in EU Member States'

**Reason**

As EPSR is about guiding Member States in developing their social systems, this should be focus of the bullet point on minimum income. Furthermore, the opinion referred to has as an annex a counter opinion expressing a different view.

As there is no concrete Commission proposal on the child guarantee, it is premature to express support to it.

Reference should also be made to the need to create a genuine European area of learning.

#### Outcome of the vote

In favour	51
Against	112
Abstentions	2

#### Point 1.1

Amend as follows:

*1.1 Believing that a realistic future for the European Union can only be based on marrying a sound economic basis with a strong social dimension <sup>(1)</sup>, the EESC has consistently advocated upward convergence in terms of employment and social outcomes and a more effective social policy at both EU and Member State levels <sup>(2)</sup>. The European Social Model (ESM) should also be strengthened and updated as an international reference. The effective implementation of the European Pillar of Social Rights (EPSR) of 2017, reaffirms the shared commitment to the ESM in the framework of a new socially inclusive strategy.*

<sup>(1)</sup> OJ C 81, 2.3.2018, p. 145, points 1.2 and 2.2.

<sup>(2)</sup> E.g. in its opinions OJ C 13, 15.1.2016, p. 40; OJ C 81, 2.3.2018, p. 145 and OJ C 440, 6.12.2018, p. 135.

#### Reason

What is relevant for the strong social dimension is upward convergence of employment and social outcomes since it is the outcomes that determine whether policy choices have been successful. This has also been made clear in the preamble of the EPSR which states in point 12 that ‘The aim of the European Pillar of Social Rights is to serve as a guide towards efficient employment and social outcomes when responding to current and future challenges (...)’

#### Outcome of the vote

In favour	47
Against	116
Abstentions	1

#### Point 1.3

Delete the current point:

~~1.3 European legislation in appropriate areas should set a framework with general common standards, respecting the specific national situations and social systems and recognising effective and enforceable social rights for citizens at EU and national level. The targets of the Pillar should be respected in all areas of EU policy by using the horizontal clause <sup>(4)</sup>.~~

<sup>(4)</sup> ~~Article 9 TFEU.~~

#### Reason

To be given orally.

#### Outcome of the vote

In favour	48
Against	123
Abstentions	5

**Point 1.3**

Amend as follows:

1.3 European legislation in appropriate areas should set a framework aiming at feasible~~with general common~~ standards, respecting the specific national situations and social systems and recognising effective and enforceable social rights for citizens at EU and national level. The targets of the Pillar should be respected in all areas of EU policy by using the horizontal clause <sup>(1)</sup>.

<sup>(1)</sup> Article 9 TFEU.

**Reason**

When the aim is to respect the diversity among the Member States in the field on social system one cannot call for general or common standards.

**Outcome of the vote**

In favour	48
Against	120
Abstentions	4

**Point 1.4**

Amend as follows:

1.4 The EPSR is currently being implemented through legislative and non-legislative measures, through specific funding and through changes in the Semester process, which should be aimed at triggering upward convergence in terms of employment and social outcomes and at the same time aiming at feasible, setting minimum social standards to create a common level playing field.

**Reason**

The implementation of the EPSR should result in upward convergence of employment and social outcomes as it is the outcomes that determine whether policy choices have been successful. This has also been made clear in the preamble of the EPSR which states in point 12 that 'The aim of the European Pillar of Social Rights is to serve as a guide towards efficient employment and social outcomes when responding to current and future challenges (...).'

**Outcome of the vote**

In favour	47
Against	116
Abstentions	1

**New point after current point 1.4**

Add a new point after current point 1.4:

The basic premise must be that issues lacking a clear transnational dimension must be dealt with at national level. The primary role of the EU should be to provide incentives, information and know-how for Member States and social partners to design, implement and evaluate policies addressing the structural labour market challenges they face.

**Reason**

To be given orally.

**Outcome of the vote**

In favour	49
Against	113
Abstentions	3

### New point after current point 1.4

Add a new point after current point 1.4:

The synergy between EU and national social policy and actions is essential. Because the EU social model is based on different national models, which must be preserved, the EU needs to respect national competences and the diversity of Member States' social systems, which are based on deeply rooted political choices and societal models. The main task of the EU should therefore be to provide the best possible conditions for its Member States and social partners and to support them in their efforts to put in place identified reforms.

#### Reason

It is necessary to underline the importance of synergy between EU and national social policy and actions also in the text of the conclusions and recommendations. The preamble of the EPSR clearly states that 'Delivering on the European Pillar of Social Rights is a shared political commitment and responsibility. (...)' Furthermore, the preamble explicitly refers to respecting division of competences and taking due account of different socio-economic environments and the diversity of national systems, including the role of social partners, and the principles of subsidiarity and proportionality..

#### Outcome of the vote

In favour	45
Against	116
Abstentions	4

### Point 1.7

Amend as follows:

1.7 The implementation of the EPSR requires a robust budgetary base and investment at EU and MS level, through proper funding in the MFF, by means of a 'golden rule' for public investment with a social objective and the European Structural and Investment Funds (ESIF), which can be more clearly focused towards the EPSR and appropriate taxation policies <sup>(1)</sup>. As earlier stated by the EESC, financing the implementation of the Social Pillar will also depend heavily on resources available at the Member-State level. It will require funding from state budgets for investment and also for the running costs of activities over the next few years. This may be constrained by EU budget and debt rules. As has already been stressed repeatedly by the EESC, consideration should be given to ways of enhancing the flexibility permitted within these, for example by means of a 'golden rule', which would allow public investment with a social objective in order to achieve the aims of the Social Pillar <sup>(2)</sup>.

<sup>(1)</sup> OJ C 262, 25.7.2018, p. 1, point 1.5 and point 1.6.

<sup>(2)</sup> OJ C 262, 25.7.2018, p. 1, point 3.1.4 (and the references therein).

#### Reason

It is important to use the exact wording of the opinion referred to ensure a better balance in the text.

#### Outcome of the vote

In favour	55
Against	112
Abstentions	4

### Point 1.9

Amend as follows:

1.9 A new European Semester cycle process should achieve social objectives in the framework of a social imbalance comprehensive monitoring carried out as part of the process, and new, measurable indicators should be introduced, together with targeted social Country Specific Recommendations.

**Reason**

It is unnecessary to talk about a 'new' European semester as the European Semester was introduced already in 2010. One should rather refer to the new European Semester cycle. Furthermore, there is no need to seek for a 'new' European Semester while all efforts should be focused on ensuring the effective and result-oriented functioning of the existing European Semester. The EPSR is accompanied by a 'Social Scoreboard', which tracks trends and performances across EU countries in three areas related to the principles under the Pillar. The Scoreboard feeds into the European Semester of economic policy coordination and serves to assess progress towards 'a social "triple A" for the EU as a whole. This means there is a comprehensive monitoring taking place.

**Outcome of the vote**

In favour	49
Against	117
Abstentions	4

**Point 1.10**

Amend as follows:

*1.10 Regular monitoring of the implementation of the EPSR, with a ~~binding~~regular consultation of social stakeholders, which could be facilitated by the EESC should be promoted; ~~the EESC proposes the establishment of a EU Social Policy Forum linked to the Semester process.~~*

**Reason**

The meaning of the word 'binding' is unclear in this context and it should be replaced by the word 'regular'. It is not at all clear what is meant with the reference to creating 'a EU social policy forum'. There is no need for creating new instruments/platforms and the reference to the forum should be deleted. What is important is the consultation and involvement of relevant stakeholders in the implementation of the EPSR.

**Outcome of the vote**

In favour	52
Against	114
Abstentions	3

**Point 1.11**

Amend as follows:

*1.11 The EESC has already indicated that it believes that a clear roadmap for the implementation of the EPSR would help to foster convergence and achieve its objectives <sup>(1)</sup>. The EESC has also called for a clear and coordinated roadmap setting priorities for the implementation of the Pillar and the enforcement of existing social rights and principles standards. Fundamental needs and rights especially of vulnerable groups, disparities of opportunities, income and wealth within and between MS, inclusion policies and appropriate conditions for public and not-for-profit-services and social enterprises should be addressed as a priority.*

<sup>(1)</sup> *OJ C 81, 2.3.2018, p.145, point 8.3.*

**Reason**

We propose to use the exact wording from the SOC/564 opinion. The list of issues that should be addressed as priorities should not include issues not covered by EPSR's principles (e.g. disparities of wealth and income within or between Member States).

**Outcome of the vote**

In favour	50
Against	113
Abstentions	4