

UNI Europa response to the EU public consultation on the European Pillar of Social Rights

1. What do you see as most pressing employment and social priorities?

At the start of its mandate in 2014, the European Commission promised progress on social issues, saying it wanted to achieve a 'social AAA' Europe. So far, however, none has materialised and by any objective credit standard, the European social rating still has junk status. Whilst the European Commission increasingly talks about Social Europe, its activities go in a different direction, particularly on workers' rights.

The world of work is rapidly changing, with quality, full-time jobs steadily disappearing, replaced by bogus self-employment and atypical work contracts, and pay and conditions deteriorating for many workers. The EU's promise to balance flexibility for companies with worker protection has been broken, creating an overwhelming impression of an EU too skewed towards the interests of big business, with workers, trade unions and citizens coming a distant second. Workers find it hard to believe that Europe will live up to its social commitments at a time when they desperately need jobs and job security, well-defined rights and a fair standard of living.

The European Pillar of Social Rights (EPSR) must therefore result in a comprehensive and legally binding EU social action programme encompassing legislation, policy-making mechanisms and financial resources, and that takes due account of the interests of service workers – the largest part of the workforce and at the core of European societies and economies. The services sector employs 70% of European workers and generates 70% of Europe's GDP.

The EPSR – as well as EU policy and legislation more widely – must ensure respect of national labour market models and of the European social model. It must promote the advancement of workers' rights, the crucial role of trade unions and collective bargaining, and of working conditions, with guarantees for quality employment, decent pay and high living and working standards for all.

2. How can we account for different employment and social situations across Europe?

There are a growing number of employment, social and economic inequalities, not just between but also within the EU Member States, exacerbated by EU austerity policies, and which include a reduced role for trade unions' role and weakened collective bargaining power.

The EU must – in close cooperation with the social partners – commit to creating quality jobs and working conditions for all, reinforcing social protection schemes, and investing in the real economy once more.

The EU cannot allow low-wage economies to drive down standards across all the Member States, and must put an immediate end to all policy loopholes (for example in the Posting of Workers Directive) which are allowing social dumping to take place on such a massive scale.

3. Is the EU "acquis" up to date and do you see scope for further EU action?

Further EU action must urgently be taken to update the EU 'acquis' and address the rapidly changing world of work. Technological change, globalisation, the negative effects of digitalisation, zero-hour contracts and project-based work competed for in digital hiring halls are turning the labour market inside out. Digitalisation in particular hits service sector workers hard, especially those in the mid-skill and mid-salary range.

The EPSR must lead to the creation of an updated EU 'acquis' and a real and substantive social action programme encompassing legislation, policymaking mechanisms and financial resources. It must:

- promote trade union and collective bargaining rights at national level and with multinational companies;
- proactively address the labour dimension of digitalisation in order to guarantee a just transition for workers;
- ensure that employers cannot evade national and EU obligations towards their employees and that governments cannot dilute workers' rights;
- include social partners in the entire decision-making process at the EU and national levels;
- substantively increase EU investment programmes with a focus on creating quality jobs and fostering a general pay rise in Europe;
- reform social security systems to provide decent living standards for all, including workers in non-standard forms of employment;
- improve the enforcement of and build on existing EU employment and social rights;
- guarantee a rebalancing of EU policies and decision-making to put Social Europe first.

4. What trends would you see as most transformative? [Please select at most three from the list below] between 1 and 3 choices

Demographic trends (e.g. ageing, migration)

Changes in family structures

New skills requirements X

Technological change X

Increasing global competition

Participation of women in the labour market

New ways of work X

Inequalities

Other

5. What would be the main risks and opportunities linked to such trends?

Digitalisation is a key challenge for Europe, closely linked to and reinforced by other major trends like globalisation, new forms of work (often precarious), services automation, an ever faster pace of innovation and rising inequality.

Digitalisation and the collaborative economy offer some new potentials for services workers. However, the EU must ensure the online economy does not create a second labour market

with poorer social and fundamental rights and a hollowing out of Europe's Social Model. Fewer and fewer jobs are immune to globalisation, and digitalisation in particular is putting services workers from around the world in competition against each other. A level playing field must be created between on and offline businesses and workers, with guaranteed employment, collective bargaining and social rights for all.

The EPSR needs to shape an inclusive transition towards good and fair digital work, with good working conditions, a safe and secure work environment and a fair employment relationship. The EU must stop digitalisation from further splitting society into a few winners and many losers with an even more unequal distribution of wealth.

The majority of Europe's workforce has medium-skilled and -waged jobs but these are being hollowed out due to an increasing division between high-skilled and more manual jobs. Workers need new skills for an increasingly digitalised economy, with many current skills predicted to become obsolete in just 2-5 years. The EPSR must ensure continuous re- and upskilling, particularly through Lifelong Learning, and equal access to training schemes and funding regardless of employment status, to support all skill development needs.

The EU must create a new education and training system for everyone in the labour market, including crowd-workers and those in the sharing economy, to engage in training. This should include a strong mechanism for skill anticipation, skill matching and job placement, with social partners at the centre.

6. Are there policies, institutions or firm practices – existing or emerging – which you would recommend as references?

The EU must ensure, in the EPSR and beyond, that the role of trade unions is fully protected and promoted across all the Member States and that the fundamental trade union rights of social dialogue and collective bargaining are fully enshrined and advanced at all levels. The autonomy of the social partners must also be fully guaranteed.

It is recognised – including by employers – that the countries with the most developed social partnerships and effective social systems are amongst the most successful and competitive in the world, even in times of crisis. Collective bargaining is a key instrument in combating discrimination and inequalities evident across all European societies.

7. Do you agree with the approach outlined here for the establishment of a European Pillar of Social Rights?

I strongly agree

I agree

I disagree

I strongly disagree X

UNI Europa, along with the ETUC, believes the EPSR could be a way of getting Europe back on track, but only if it provides a credible promise of hope for working people. The EU's ambition must be for working life once again to provide a positive and predictable future, based on fairness, progress and social safety. We need a broad and large working class that is not in a precarious working and living situation. We need a Europe where social and employment rights take precedence over unrestricted capital – which is not currently the case. Social rights must be promoted and defended with the same institutional urgency and commitment as economic and fiscal rules.

The EPSR must lead to a real and substantive social action programme encompassing legislation, policymaking mechanisms and financial resources, to ensure an upward convergence in terms of employment and social rights for all.

Decent jobs and working conditions must be protected and promoted, not just minimum standards. In-work poverty, precariousness, poor working conditions and labour market segmentation need to be urgently addressed. The EPSR must include a programme for Decent Work and Quality Jobs and it should relaunch social protection as a ground for managing transition, supporting inclusive growth and responding to people's needs.

8. Do you agree with the scope of the Pillar, domains and principles proposed here? (If you wish to provide detailed comments on any of the 20 domains, please see the section "Detailed comments by domain" below)

1. Skills, education and life-long learning

I agree

2. Flexible and secure labour contracts

I disagree

3. Secure professional transitions

I agree

4. Active support for employment

I agree

5. Gender equality and work-life balance

I agree

6. Equal opportunities

I agree

7. Conditions of employment

I agree

8. Wages

I agree

9. Health and safety at work

I agree

10. Social dialogue and involvement of workers

I agree

11. Integrated social benefits and services

I agree

12. Health care and sickness benefits

I agree

13. Pensions

I agree

14. Unemployment benefits

I agree

15. Minimum income

I agree

16. Disability benefits

I agree

17. Long-term care

I agree

18. Childcare

I agree

19. Housing

I agree

20. Access to essential services

I agree

Are there aspects which are not adequately expressed or covered so far?

The EPSR must include legislative proposals for upwards convergence of employment and social rights, and must be binding for all EU Member States, not just the Eurozone countries.

At its core, the EPSR should promote and further advance the crucial role of trade unions, including social dialogue and collective bargaining rights, which are proven to be the most successful way of delivering social rights and progress in the workplace. This includes rebuilding social dialogue in the places and countries where it has been eroded due to EU austerity and 'better regulation' policies.

9. What domains and principles would be most important as part of a renewed convergence for the euro area? (Please select maximum 5)

1. Skills, education and life-long learning X

2. Flexible and secure labour contracts

3. Secure professional transitions
4. Active support for employment
5. Gender equality and work-life balance
6. Equal opportunities X
7. Conditions of employment X
8. Wages X
9. Health and safety at work
10. Social dialogue and involvement of workers X
11. Integrated social benefits and services
12. Health care and sickness benefits
13. Pensions
14. Unemployment benefits
15. Minimum income
16. Disability benefits
17. Long-term care
18. Childcare
19. Housing
20. Access to essential services

Comments:

Addressing all of the above principles is crucial in order to boost upward convergence and promote and extend employment and social rights across Europe – not just the Eurozone – and it is reductive of the European Commission to limit the choice to just 5 of these options.

10. How should these be expressed and made operational? In particular, do you see the scope and added value of minimum standards or reference benchmarks in certain areas and if so, which ones?

For UNI Europa, the EPSR's purpose must be to address the imbalance between EU level economic legislation, which often undermines social and labour regulation at national level. Europe needs to improve living and working conditions for all and social rights must always come before business freedoms. Instead, the EU continues to build a neo-liberal internal market with new business models and forms of work, hollowing out and weakening existing labour standards.

The EU Commission started the process with its AAA-rated Social Europe slogan but in UNI Europa's assessment, Social Europe still has junk rating and is close to default. Whilst the EU increasingly talks about Social Europe, actual activities go in a different direction, especially with the erosion of workers' rights and protections, even questioning the fundamental right to strike.

Cooperating closely with the ETUC, UNI Europa is hopeful that a EPSR could deliver improved rights and protections for workers across Europe. However, to do so, the EPSR must have substance, including a comprehensive social action programme with legislation, policymaking mechanisms and financial resources. The EU's ambition must be for working life once more to provide a positive and predictable future for all, based on fairness,

progress and social safety. We need a broad and large working class that is not in a precarious working or living situation.

Concrete policy and legislative action is key to foster social dialogue and collective bargaining throughout Europe at all levels, including in particular guaranteeing the right to organise and enhancing trade union bargaining power at national level vis-à-vis multinational companies.

Benchmarks are helpful for tracking progress on the implementation of rights and agreed objectives but are not sufficient to address workplace realities.

UNI Europa, ETUC, trade union federations and the entire labour movement will continue to push for a EPSR that makes a real difference for workers.

Detailed comments by domain

1. Skills, education and life-long learning

All workers must have the right to quality lifelong learning and vocational (re)training and the EPSR should include provisions for a well-funded European right to lifelong paid educational leave and training (not financed by workers) to ensure workers are properly able to adapt to the changing world of work and gain the qualifications needed for their current job / labour market requirements. These should include specific measures for low-skilled workers and workers in vulnerable sectors, whilst also recognising that workers with higher skill sets also need access to a wide range of re-education and skills development schemes. The EPSR must commit to ensuring equal access to training schemes and funding for all workers, regardless of employment status, to support their skills development needs.

The EPSR must support secure transitions between education and work, between work and periods of unemployment, and career advancement, and help workers increase their employability, notably by promoting work-based learning in all forms, with special attention to apprenticeships (the EPSR should include proposals for a European quality framework on apprenticeships), and by involving social partners, companies, chambers and Vocational Education Providers, as well as by stimulating innovation and entrepreneurship. This means investment in education and training, in particular Vocational Education and Training, to develop all levels of skills to adapt to the changing needs of the labour market, as well as workers' own ambitions. The EPSR should also recognise that increasing opportunities for skills development further up the labour market can create knock-on opportunities further down. Education and training is not a zero-sum game. Employers have a major responsibility to invest in their workforce and provide progression routes and career development opportunities. Trade unions must have a central role and cooperate fully with employers to achieve the best outcome for workers.

2. Flexible and secure labour contracts

Current EU policies and practices are promoting flexibility for employers far more than security for workers. It is widely recognised that every single labour market in the EU is more flexible today than it was 20 years ago. A concerted commitment is therefore needed from the EU to guarantee more security for workers' jobs, pay and conditions – they have already delivered more than enough in terms of increased flexibility.

A key goal of the EPSR must be to tackle the range of problems that workers experience when they try to exercise their already existing EU employment rights. New rights are also needed to address emerging challenges in the new world of work. The Pillar must reverse the trends at EU and Member State levels which allow employers to distance themselves from their responsibilities.

For example, there is inadequate protection for workers who report abuse. Costly proceedings and the absence of a clear right for workers to be represented by their trade unions combine with ineffective enforcement mechanisms at Member State level to undermine workers' confidence that their rights are taken seriously.

The damage caused by the absence of effective protection is felt not only by workers, their families and communities, but also by responsible businesses, and by the EU and its Member States. Security for workers must always take precedence over flexibility for companies.

3. Secure professional transitions

The EPSR must cooperate closely with the social partners to support secure transitions between education and work, between work and periods of unemployment (with appropriate social security support), and career advancement in work, along with steps to increase worker employability. This should be delivered by promoting work-based learning in all its forms, with special attention to apprenticeships (the Pillar should include proposals for a European quality framework on apprenticeships), by involving the social partners and by stimulating innovation and entrepreneurship. This means investment in education and training, in particular Vocational Education and Training, as a means to develop all levels of skills to adapt to the changing needs of the labour market, as well as workers' own ambitions.

The EU must also recognise that increasing opportunities for skills development further up the labour market can create knock-on opportunities further down. Education and training is not a zero sum game. Employers have a major responsibility to invest in their workforce, and provide progression routes and career development opportunities. Trade unions have a central role to play in this and must be able to cooperate fully with employers to achieve the best outcomes for workers.

4. Active support for employment

Building a strong social dimension in Europe means ending the unacceptable levels of unemployment, especially for young workers and women. Long-term unemployment is a particular problem. Reversing the austerity measures that created recession and deflation, particularly in the Eurozone, is essential.

All people under the age of 25 should be entitled to receive a good-quality job offer within a period of 4 months after becoming unemployed or leaving formal education.

Public investment, including a general pay rise, for quality job creation and higher wages for sustainable and more equal growth should be the fundamental pillars of a new economic strategy and should be a top priority of the EPSR.

5. Gender equality and work/life balance

A new EU framework on equality between women and men is urgently needed. The European Commission's silence regarding the lack in this regard is not acceptable and shows that it is not listening to the concerns of EU citizens on this vital issue.

Equal treatment policies need to be reinforced to promote gender equality in the European labour market. It is also high time the gender pay and pension gaps were closed. Companies should be obliged to undertake equal pay audits, and pay and salary systems and their application should be made fully transparent.

In order to promote gender equality and strengthen Europe's competitiveness, it is vital to improve the legislative and non-legislative framework of maternity leave as well as other

leave provisions, including carers' leave. Despite the existing EU directives, namely the maternity leave directive and the parental leave directive, policies have not significantly contributed to improving gender equality, i.e. by increasing a greater and more equal participation of women in the labour market. It is for these reasons that the European Commission must come forward with a revised maternity leave directive, a revised parental leave directive, a new directive on paternity leave as well as a new directive on carers' leave. The existing directives on work/life balance must be strengthened to allow for more leave time, fully paid, individual and non-transferable. More working arrangements which reflect the flexibility needs of workers, properly monitored and time-bound, could help establish a better work/life balance for parents and/or carers. The European Commission and the Member States need to ensure that the Barcelona targets on child care are properly applied and implemented.

The EPSR should also ensure that it is possible for Member States to go beyond the minimum standards recommended by the EU in their own national legislation.

6. Equal opportunities

All workers are entitled to full equal treatment rights, whatever their status, and unfair and discriminatory minimum wage rates, for example for young people on the basis of age, should be prohibited.

Youth unemployment deserves particular attention and the EPSR should provide for the continuation and full implementation of the European Youth Guarantee.

7. Conditions of employment

A key goal of the EPSR must be to tackle the range of problems that workers experience when they try to exercise their already existing EU employment rights. In addition, new rights are needed to address emerging challenges in the new world of work. The Pillar needs to reverse the legal trends at EU and Member State level that allow employers to distance themselves from their responsibilities under the social acquis, in particular the EU employment Directives.

Increasingly precarious work arrangements mean many workers are prevented from exercising their legal rights. In particular, growing numbers of online platform and self-employed workers need adequate protection and enforcement of their rights, including to social dialogue and collective bargaining. The Pillar must also focus on improved information, consultation and representation for workers, along with new rights to address unfair working conditions.

8. Wages

The European economy is wage-led. However, due to austerity policies and public budget cuts, real wages have not kept up with productivity increases or profits, and poverty wages and mistreatment have now become the norm for too many workers across the EU. Companies have seen a sizeable increase in income but are paying the workers proportionally the lowest wages in decades.

The EPSR must guarantee that all workers are given fair and decent wages, set where possible by collective agreement. Trade union rights, autonomy and their fundamental role to negotiate wages must be fully respected by employers and Member States.

Public investment for quality job creation and higher wages for sustainable and more equal growth are the fundamental pillars of a new economic strategy. A wage rise as well as substantive protection from unfair dismissal is the only fair way out of the crisis.

The EPSR must also urgently address the gender pay and pension gap.

9. Health and safety at work

All workers have the right to a high level of occupational health and safety and to participate in setting prevention policies to promote such a workplace. The EU must ensure greater recognition of and support for workplace health and safety representatives, promoting health supervision, and the development of systems to ensure that realistic and equitable mechanisms exist to deal with personal injury claims and occupational accident and illness benefits in an efficient and effective manner. EU occupational health and safety directives should be updated to ensure they are compatible with the evolving world of work, including, for example, new initiatives on ergonomics. Psychosocial factors should also be explicitly covered in the EU Framework Directive on Health and Safety. A healthy physical and mental work environment are both crucial to ensure a happy, productive and efficient workforce.

All workers must also have the right to protection against insecurity in employment, which the EU could guarantee by placing limits on the practices that create insecurity at work, including prohibiting exploitative zero-hour contracts, if-and-when contracts and on-call arrangements, along with providing proactive protection such as the right to full-time work, adequate notice of working arrangements and support in restructuring situations, as well as protection in cases of dismissal.

Another fundamental right is to reasonable working time, and the EU should promote work/life balance, with restrictions to on-call work and afterhours calls and emails.

10. Social dialogue and involvement of workers

The EPSR must at all costs defend our fundamental right to social dialogue, including respect for sectoral social dialogue agreements. EU Treaty rights cannot be neutralised and social partner agreements cannot be conditioned to the principles of 'better regulation'. In this regard, UNI Europa expects a swift and positive EU decision to make the hairdressing social partner agreement on health and safety legally binding.

The EU must protect and promote, as its number one priority, the right to form and join a trade union – no matter the workers' employment status – to collective bargaining and collective action including the right to strike, and the right to social dialogue, information and consultation as well as participation.

Workers must also have the right to representation at work and in the board room, including through a general EU framework on information, consultation and board-level representation. The role and work of European Works Councils must be strengthened and an adequate EU framework for restructuring must be established.

11. Integrated social benefits and services

Welfare systems need to be about rights, not just assistance. The right to good quality social protection benefits, in particular to those based on all branches of social security and social assistance systems, are crucial in order to ensure a decent standard of living.

The right to good quality, available, affordable and accessible social services, adequately financed and provided by specifically qualified professionals, is also fundamental.

The EPSR must bring about tangible improvements in living standards, not just in terms of income but also on issues affecting the quality of people's lives and their ability to work, such as public services (including access to child and elderly care, transport, health and housing). It must also improve incomes for those who rely on social protection. Social welfare needs to be increased in real terms and substantial progress achieved towards

targets for decent living standards for people who rely on welfare. Social protection must cover people in and out of work, regardless of their employment contract and, in particular, be extended to the self-employed.

12. Health care and sickness benefits

Workers must have the right to good quality, public, affordable, accessible, preventive and curative health care and the right to good quality, public rehabilitation.

Social services must be adequately financed and provided by qualified professionals, including long-term care, childcare, and safe and affordable social housing for those who need it.

13. Pensions

Universal, public, solidarity-based and adequate retirement and old age pensions must be granted for all.

Public funding is needed to ensure adequate pension incomes after a whole life at work. Pension system sustainability and pension adequacy, in the given European demographic, employment and economic situation, cannot be in fact merely charged on labour and retirees' income. Public expenditure must be engaged in compensation systems which ensure adequate pension incomes to those who have inadequate or no pension entitlement at all, due to fragmented and discontinuous contributions.

Pension reforms must also ensure certain and transparent eligibility conditions, be sustainable and ensure a decent living standard for all.

14. Unemployment benefits

Good levels of financial security against periods of unemployment have to be regarded as an essential feature of the EU's labour market policy as well as an important part of social protection. Unemployment benefits must not be separated from broader labour market policy if the EU is to deliver the secure labour markets that workers in Europe need in order to face current and future challenges.

Every person in Europe must be entitled to access to financial support during periods of unemployment that is decent in both level and length. Any proposals which put social rights under pressure or call them into question entirely have to be rejected.

15. Minimum income

The EPSR must introduce a European Directive on adequate minimum income schemes, which would establish common principles, definitions and methods to grant rights throughout the EU and ensure guaranteed living standards and social inclusion for all.

The Pillar must also ensure the right to good quality social protection benefits for everyone, in all branches of social security, and including minimum income.

16. Disability benefits

The EU must promote employment for people with disabilities in an equal and non-discriminatory way, in compliance with the UN Convention on the Rights of Persons with Disabilities (to which the EU is a signatory). The EU should also consider a more holistic

approach as regards assistance and long-term care for people with disabilities, and must substantially increasing investments in training highly skilled carers.

17. Long-term care

A common European standard must be introduced, via a directive, on the right to quality and professional long-term care, including provisions for quality care, leave entitlements for carers and compensation for care leave. Besides being a ground for investment, quality job creation and inclusive growth, it must ensure dignity and quality services to all dependants, with a series of services and integrated provisions, whose costs must not withdraw the right to long-term care.

18. Childcare

The EU must introduce effective measures against child poverty. Family-related leave and flexible working arrangements should be combined with the availability, affordability, accessibility and quality of early childhood education, and care facilities for the elderly or for people otherwise in need of care. A proposal for an EU carers' leave directive should be designed so as not to reinforce existing gender stereotypes and practices. Investment in early childhood and care should be part of the European Investment Plan. Equally important would be the attainment of the Barcelona targets on childcare via the consistent application of the country specific recommendations and through the European Social Fund, for example.

19. Housing

EU housing policy must ensure the entire population is provided with high quality, safe and affordable housing opportunities, which is a basic human right. Housing should also be part of social dialogue.

20. Access to essential services

General, non-discriminatory access to high quality, safe and affordable services of general interest is a fundamental right. The trend of EU internal market and competition rules and austerity policies to put pressure on services of general interest needs to be reversed. Adequate regulatory and fiscal policy space for the regulation and provision of services of general interest needs to be guaranteed.