UNI Europa response to the Second Phase Consultation of Social Partners on a possible action addressing the challenges of access to social protection for people in all forms of employment in the framework of the European Pillar of Social Rights

UNI Europa is the European sectoral trade union federation for private services workers – the backbone of economic and social life in Europe. We represent 7 million workers in 272 national trade unions in 50 European countries.

We cover workers from the following sectors: Commerce, Banking Insurance and Central Banks, Gaming, Graphical and Packaging, Hair and Beauty, Information and Communication Technology Services, Media, Entertainment and Arts, Postal Services and Logistics, Private Care and Social Insurance, Industrial Cleaning and Private Security, Professional Sport and Leisure, Professionals/Managers and Temporary Agency Workers.

We support the ETUC response to both the first and second phase social partner consultations on access to social protection, and submit our specific UNI Europa response as a complement to the ETUC’s, with further details from the services worker perspective.

Our key UNI Europa demands are:

- For all workers in all forms of employment and work arrangements to have equal access to adequate social protection rights, benefits and entitlements, with a strict non-regression clause to ensure that widening access does not have a negative impact on the protection offered;
- For a full transferability and accumulation of these rights, benefits and entitlements no matter the form or duration of employment;
- For social protection coverage to be mandatory;
- For an EU Directive setting binding minimum principles and requirements, and for this to be fully and properly enforced;
- Whilst also ensuring that these minimum principles and requirements do not undermine the existing EU social acquis, national collective bargaining systems, the autonomy of social partners or the subsidiarity principle, nor lower existing national standards or lead to a downward harmonisation of rights.

UNI Europa welcomes the European Commission initiative to address the obstacles and barriers in accessing social protection and to ensure that access is granted to all workers, including genuinely self-employed workers and those in non-standard forms of employment, and no matter the duration of the employment relationship.
Access to social protection is a fundamental right and is especially relevant today in the context of the changing world of work, longer careers with more frequent changes to employment status, the impact of digitalisation on working models and the increase in precarious and non-standard forms of work, which often come without social protection rights, benefits and entitlements.

Giving all workers equal access to social protection will help ensure a level playing field within and across the EU Member States, avoiding a race to the bottom and worker exploitation. This would also help reduce inequalities between different working people and give workers in Europe the freedom to pursue all employment opportunities and change employment status without fear of losing out on rights. This can only help boost EU job-led growth and competitiveness. Strengthening social dialogue and collective bargaining at both the EU and national levels is a key element towards reinforcing and guaranteeing the right to adequate social protection for all.

This EU initiative must also, however, be seen in the context of ever increasing self-employed and non-standard forms of work – not always voluntary, and not always secure or of good quality. Full social protection and decent jobs must remain the ultimate objective of EU employment policy, with access to social protection just one part of this. To this end, the EU must stop its imposed and damaging cuts, austerity and deregulation measures, which are only having a negative impact on working conditions, social security systems, and workers’ and trade union rights.

UNI Europa is also concerned with the European Commission’s lack of reference to ‘adequate’ social protection. This must be a precondition to any social protection scheme in order to ensure the proper and right amount of support for all and to help fight inequality, poverty and exclusion.

When we talk of social protection, it should also be understood that this covers the right to adequate unemployment benefits, support from public employment services, access to training, old-age income and pensions, access to good quality healthcare, and secure and adaptable employment as well.

In a first instance, the European Commission asks for our views on the possible avenues for EU action regarding non-standard workers and the self-employed, that it set out in its second phase consultation document.

1 The objectives of coverage, transferability and transparency

In general, UNI Europa agrees with the European Commission’s objectives of coverage, transferability and transparency. More specifically:

On coverage:

- EU proposals on ensuring access to social protection should cover all workers – that is to say, both genuinely self-employed workers as well as those in non-standard forms of employment, and no matter the duration of the employment relationship.

- Workers in precarious jobs, jobs affected by digitalisation, and/or jobs created in the new world of work are especially vulnerable to employer abuse and exploitation – including no or insufficient access to social protection – and more EU action is urgently needed to address this. ‘Standard’ or ‘traditional’ forms of employment must, however, continue to be seen as the norm and reference point.

- EU proposals on access to social protection for all workers must also have a presumption of an employment relationship, including for online platform workers, where the online platform should be recognised as the employer. Outside the scope
of these proposals, however, the definition of ‘employer’ and of ‘worker’ should remain a national competence.

- It is important to clarify that enlarging the coverage of social protection to all workers must of course have no negative impact on the levels of benefits and protection already offered, and a strict non-regression clause must therefore be included.

- The possibility could also be explored of extending the scope to cover the right to collective bargaining, fair remuneration and freedom of association, with a guaranteed central role for social partners. Strengthening social dialogue and collective bargaining at both the EU and national levels is a key element towards reinforcing and guaranteeing adequate social protection for all.

**On transferability:**

- The transferability of social protection rights, benefits and entitlements has become especially crucial in light of the changing world of work. Workers should feel they are easily (and voluntarily) able to change from one job to another, from one form of employment to another, and from one Member State to another, without being penalised or losing already existing and/or acquired rights.

- Allowing workers to accumulate, preserve and transfer their social protection rights, benefits and entitlements would also mean that they would be contributing to social protection schemes in every form of employment or work relationship they undertake – helping to maintain social solidarity throughout a worker’s entire career, keep these schemes sustainable and ease pressure on other social safety nets of last resort.

- The transferability of these rights must, however, be adapted to the individual rather than lead to the individualisation of social protection benefits, so as to ensure a continuing collective dimension to these schemes.

**On transparency:**

- Member States must provide user-friendly and up-to-date information for all workers on their social protection rights and how to access them, including when moving from one EU Member State to another.

- Making these administrative requirements simple, clear and transparent will be an important additional support to workers, especially in the context of the changing world of work.

### 2 The options of mandatory or voluntary formal coverage

Social protection coverage should be mandatory. If it is only offered on a voluntary basis, employers could pressure workers not to sign up, even though this would mean they miss out on vital social protection which they have earned and to which they are entitled as a basic social right. Social protection must never be considered a ‘burden’ from which employers can opt-out.

Mandatory coverage would help to reduce social dumping, bogus self-employment, precarious work, undeclared work and social exclusion. Mandatory access to healthcare would also contribute to keeping Europe’s workforce healthy.

Mandatory coverage would guarantee a good stream of revenue into national social security systems, ensuring their sustainability and balancing out any additional costs linked to extending the coverage of these schemes to all workers in all forms of employment.

Mandatory social contributions from working people should be proportional and must come on top of, not be deducted from, their remuneration.
3 The appropriate action to ensure effective coverage

In terms of EU action:

- In light of the principle of subsidiarity, the EU should not detail the precise eligibility conditions and thresholds related to national social protection systems but rather support national measures that ensure effective coverage and upward convergence.
- Nevertheless, minimum standards must be guaranteed and any measures leading to discrimination or any worker’s exclusion from social security benefits must be removed.
- National and EU social partners must also be fully involved in developing, implementing and monitoring further EU action in this field.

In terms of the possible actions the EU could take, as outlined by the European Commission:

- Non-legislative action (Social Open Method of Coordination, Employment Guidelines, European Semester):
  o This would allow national and EU authorities and social partners to identify common issues, share good practice, and assess and monitor progress in terms of ensuring access to social protection for all workers.
  o However, whilst important, this action is not enough on its own – what is needed is concrete EU legislation on the basic right of access to social protection for all, with binding commitments and real enforcement at the national level (though without undermining or taking precedence over the existing EU social acquis, national collective bargaining systems, the autonomy of social partners or the subsidiarity principle).
  o UNI Europa also stresses that if any action is to be taken via the European Semester, that the European Commission must first imperatively ensure that social considerations are given the same weighting as financial ones – which is not always the case today.
- Council Recommendation:
  o This could help create a level playing field across the EU but its impact is likely to be limited and uneven if it remains non-binding.
  o If progress is to be monitored through the European Semester, UNI Europa again urges that the Commission first ensures a fair balance between the social and economic aspects.
  o Again, whilst important, this action is not enough on its own – what is needed is concrete EU legislation.
- EU Directive:
  o An EU Directive setting binding minimum principles and requirements to ensure all workers have an equal right to access social protection is crucial. All workers across Europe need firm guarantees that their fundamental right to social protection will be respected, no matter what form of employment they are in. Such EU-level action would go a long way to fighting worker exploitation, social dumping and in-work poverty.
  o Legislative proposals should also be accompanied by appropriate ‘flanking measures’ to ensure their enforceability and concrete implementation.
o An EU Directive must respect the autonomy of social partners and minimum requirements must under no circumstances be used to undermine the existing EU social acquis, national collective bargaining systems or the subsidiarity principle, nor to lower existing national standards or lead to a downward harmonisation of rights.

o Should it be necessary to propose the adoption of two Directives, due to the different legal bases in Articles 153 and 352 of the EU Treaty, the mutual coherency of both legal instruments must be ensured.

4 The minimum requirements appropriate to ensure transferability and transparency

Full portability of social protection rights, benefits and entitlements must be guaranteed across all the different systems and funds, no matter the worker’s form of employment or work arrangement, with mandatory, equalised and proportional contribution rates.

Up-to-date information on accessing social protection and on benefits, entitlements and contributions must be provided in a full, transparent, easily accessible and user-friendly manner.

As regards the European Commission’s question as to whether we would be willing to enter into a social partner negotiation with a view to concluding an agreement, we refer to the ETUC’s response, endorsed by its executive committee and supported by UNI Europa. Whilst the trade unions previously affirmed their availability to enter into negotiations, due to the lack of similar commitment from the employers’ side, we believe the conditions for formal negotiations no longer exist.

UNI Europa joins the ETUC in urging the Commission to come up with proposals, before the 2019 European elections, that will improve the situation for all workers across Europe.