

European Pillar of Social Rights – Quo Vadis?

The Overwhelming Ambition for a Social Europe





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Abstract

With the announcement of the creation of a European Pillar of Social Rights, three years ago, the European Union raised high expectations. Some were afraid that the European Pillar of Social Rights would not be able to live up to these expectations. The Social Pillar illustrates an overwhelming ambition to reaffirm the social dimension of Europe but within the existing rules of the game, the existing competences and especially the rules of subsidiarity which confer the major responsibilities for social and fiscal policy to the national level. This initiative creates overwhelming expectations, but they probably need to be implemented at national level. This leaves overwhelming responsibility at national level and its political stakeholders. The European Pillar of Social Rights is a reminder, if not a wakeup call, of those national competences. But at the same time, recent European initiatives have extended these national responsibilities with European legislation. There is no contradiction between responsibilities at national level and European ambition. Full commitment at the European and national level might be the sixth option for the future development of Europe. It should be the narrative for the European elections in May 2019.

Preface

Testimonial 1

Seminar of Eurofedop, Belgium, Ghent, 8-9 June 2017: Towards a European Pillar of Social Rights

It was almost summer, but still spring in terms of achieving the Social Pillar. We came together in the solemn setting of the Augustinian monastery. There is still this feeling of mistrust that Europe really intends to interfere in working conditions, and that it can deliver what it is promising. In the early stages of the debate, the European trade union Eurofedop highlighted clearly that the Social Pillar was not the first and not the only charter of social rights, as the Charter of Fundamental Rights of the European Union and the European Social Charter of the Council of Europe illustrate. The members of Eurofedop gave examples of how those principles and rights, including trade union rights, were established in sectors with active trade unions such as telecom, health services, ... or how in other situations these principles and rights still need to be claimed before higher courts.

Since then, increasing numbers of analyses have confirmed that the joint solemn declaration of the Social Pillar and the road towards it created a momentum, or even more a renewed starting point, for social progress in Europe and upward social convergence.

Testimonial 2

Seminar of CET Europe, Belgium, not in a monastery or historic building, but in the premises of the European Economic and Social Committee,

Brussels, 20 June 2017: Social rights, integration and inclusion in the labour market

As Dutch-speaking researchers at the Catholic University of Leuven, we are grateful for the opportunity that we had thanks to Europe to meet up again (of course in Brussels) with our French-speaking “compatriots” and to rediscover the spirit of grassroots social initiatives in that part of the country and also around Europe. In particular, we learnt more about the non-profit initiatives of training and socio-economic integration for those at risk of being left behind.

Once upon a time, we were among the last people to be convinced of the strength and relevance of a federal Belgian social protection system. As a result, we are aware that there is a risk that people living in the same country but in different regions will come together less and less: you could call it “devolution”. However, a European initiative has brought us together by chance. The grassroots experiences presented from southern Belgium illustrated the variety of social initiatives, highlighting disappointment about the European project. European policies have not always followed a straight upward line of social progress. Despite the ambition to have no regression, certain Member States have had periods and decisions of real regression. In the last decade, it has been the grassroots organisations that have voiced disappointment about the lack of perspective in terms of social protection and social progress. In this context, it could be said that the Social Pillar came at the right time. For some it already seems to be too late. For others, it will remain too little and too late. For me, it is better late than never. And looking back, it will probably be seen as progress. Even the mere fact that the new Member States have been included in this path of upward economic and social protection is in itself already a giant leap forward in quantitative terms.

During the EZA educational year 2017/2018, we presented a draft version of this paper to an audience at nine seminars held within the framework of the EZA educational and training programme. It provides a good example of thought and perhaps also of change in thought that can be observed in social debate over the last twelve months. Initially, there was great scepticism about the added value of the Social Pillar on the one hand and the potential to deliver what it promises on the other. There was even doubt whether the European institutions would be able to conclude this process successfully. At the end of the year, those sceptics had to admit that the process of introducing the Social Pillar was completed even ahead of schedule, complemented by other and new initiatives. There is an increasing awareness that it is not the end point but a renewed starting point.

For some, the Social Pillar and the accompanying debate, organised or at least triggered by the European institutions themselves, became the signal to push for further and fast institutional reform towards more social and economic integration. Some did not believe that it could ever deliver what it promises. Others, in turn, repeated disappointment about the lack of perspective for social protection or social progress that has been voiced over the last decade, and the negative influence it has on the attitude towards Europe. For all those reasons, the Social Pillar came at the right moment. For some it already seems to be too late, for others it will remain too little and too late. For me, it is better late than never. But let us particularly keep in mind the long-term economic and social progress that has been achieved for a growing number of Member States and their population. To a large extent, social progress has to be made on a national scale and is therefore our own responsibility. That also is what the European Social Pillar reminds us.

In 1992, we conducted research to assess the potential impact of the European monetary and economic integration on national welfare states, as being typical for the European social model. We concluded at the time that it

would be possible to aim for redistribution throughout Europe, but that social convergence was already supported by well-established national welfare states.¹ For that reason, every five years HIVA has organised a conference for EZA on the state of the (national) welfare systems in the EU Member States. At one point, we reported that the national welfare states were “alive and kicking”. We observed joint economic and social progress, also for the new Member States, following a similar or common growth path. At other times we had to recall “horror stories” of austerity and reforms considered to be undesirable from a social viewpoint. The model of a Social Europe is built on well-established national systems of social protection. These are often supported or inspired by European initiatives. This still holds true with the European Social Pillar. Other observers of the European welfare state seem to come to the same conclusion: “The European Union is not itself a welfare state, but supports and facilitates the development of flourishing national welfare states”.² If the European Social Pillar could give a boost to that alone, it would be a real promise of social progress. It is up to social movements and policymakers to transform this promise into reality. That is the narrative of the European Social Pillar.

We thank EZA and the European Union for the research opportunities while preparing this paper and presenting it to the EZA members in their various seminars and conferences. We thank the EZA member organisations for their hospitality and for giving us the possibility to join their debates and reflections. We especially thank our colleagues Liesbeth Op De Beeck and Frederic De Wispelaere for their contribution to this paper and their dedication to the topic of the welfare state. And finally, we have to thank Esmeralda Van den Bosch, head of the EZA Brussels office, for her dedication to the topic

1 Pacolet J., Gos E., (1994, p. 134. ‘At that time, we thought that in the long run it would be needed less since regional and European economic convergence would occur. Federal (i.e. European), interpersonal and interregional redistribution would be needed in the short run or the transition period. A greater federal distribution (and/or safeguarding of national systems) is/are necessary to make the EMU politically acceptable’. It seems that Europe is in the middle of the debate about the political acceptability of the economic and monetary integration.

2 F. Vandenbroucke (2018), p. 89

of the welfare state and to the work format of social movements and their educational role.

Em. Prof. Dr. Jozef Pacolet

1 Introduction

Testimonial 3

Seminar of Cartel Alfa, Romania, Predeal, 5-8 October 2017: The effectiveness of national systems of social protection

We had a debate on the impact of trade unions on social policy and the effect of economic and social policy on working conditions. The key aspect is the real net income earned by workers. There is (still) a lack of trust towards the role of the state and as to how it can guarantee the necessary social protection. This is reinforced by negative experiences among others with the construction of a second pension pillar and the persistence of fraud on several levels. It soon became clear which huge challenges the new Member States were facing. These consist in simultaneous improvement of the primary labour and income conditions for workers, the traditional welfare state for adequate income protection, the new welfare state for adequate services for the ill, disabled and senior citizen, and the latest aspect consisting of adequate primary labour conditions and social protection for the workers in new industries of the sharing economy and 'uberisation'. The Social Pillar seems to address all of these aspects. It confirms the overwhelming ambition of Europe. Countries face a real challenge in coping with it all at the same time, with the need for strong social movements with a strong voice and a government willing to listen. The Social Pillar could help. It reminds me of the statement by Willem Drees, father of the welfare state in the Netherlands after World War II: 'Not everything is possible, and not everything is possible at the same time'.

In the morning, I walked through the rain in this mountain village that is a winter resort. I walked through streets that showed a lack of mainte-

nance and private houses in the same state, revealing a deprived region rather than a touristic 'hotspot'. As I returned to the seminar, I wondered who was to blame. In August 2018, the streets of Bucharest saw massive demonstrations against persistent fraud and corruption³ and against the lack of justice.

The European Centre for Workers' Questions (EZA) has invited the Research Institute for Work and Society (HIVA) to jointly implement a practical academic project about the introduction of a European Pillar of Social Rights by the European institutions.

The European institutions launched an ambitious project to deepen the social dimension of integration in general and of the Economic and Monetary Union (EMU) in particular. The project includes reinforcing social dialogue and the financial effort for structural reforms and investment in infrastructure as well as strengthening the social acquis and improving the social dimension of European economic governance, which also is at the core of the EMU and of the Stability and Growth Pact.

Reinforcing the social acquis includes the installation of a European Pillar of Social Rights, reforming the Posting of Workers Directive to create a deeper and fairer European labour market and the European accessibility act to improve the living conditions of the disabled and senior citizens by providing better and more affordable products and services.

Reinforcing the social dialogue includes greater involvement of the social partners in the European Semester, boosting the capacity-building activities of national social partners and enhancing the employment and social perfor-

3 De Standaard, 13 August 2018, Bart Beirlant, Zelfs de Roemeens expats hebben genoeg van corruptie.

mance of reforms and policy initiatives. The European Pillar of Social Rights includes the dimensions of equal opportunities and access to the labour market, fair working conditions and adequate and sustainable social protection. All these initiatives are interconnected. Deepening the EMU and governance it entails is related to the European Pillar of Social Rights, but is also influenced by financial and investment ambitions and by the reinforced integration of social dialogue in those processes of change and goal setting.

With their influence on national policymaking and its choices and outcomes, these initiatives could limit or, on the other hand, facilitate Europe's social development. Improved awareness of the impact of European ambitions when it comes to deepening the social dimension of European integration and its potential is at the core of greater participation by national social movements and policymakers in the process at European level.

Belgium currently sees a lively debate about working time, the balance between work and family life and the need to reform (i.e. reduce) corporate tax. The same topics are covered by the European Commission's Work Programme 2017 to promote fairer taxation of companies in the internal market and the work-life balance for working parents. Imagine the scope for reinforcing national policies and mitigating the risks if these policies were transferred to the European level.

The EZA project entailed writing an academic paper on the introduction of the European Pillar of Social Rights, and then justifying the paper as a practical academic project in the face of opinions and debates as they took place in several EZA seminars and workshops. This paper reports on the results of the joint effort. The practical academic project gives an overview of the labyrinth of reforms with a focus on the content of the Social Pillar and its potential impact on the process of governance of national policies in particular. It aims to apply Ariadne's thread to the overwhelming ambition comprising the long list of initiatives launched by the European Commission on

top of the Social Pillar. All of this is at the heart of the European Semester. The European Pillar of Social Rights is expected to give social priorities and impact a greater role in the European Semester, where the social partners are invited to participate. We will discuss how this will be achieved. We will observe how this debate is also at the core of national policies. Applying Ariadne's thread to the debate in no less than nine seminars of EZA member organisations provides a realistic overview of the expectations of the workers' movements in Europe.

2 The social face of Europe: initiatives from the past to the future

Testimonial 4

Seminar of UNAIE (Unione Nazionale delle Associazioni degli Immigrati ed Emigrati), Italy, Riva del Garda, 19-22 October 2017: The Europe of everyone for everyone: the European Pillar of Social Rights

Italian migrants are spread all over the world but also maintain ties with their hometown, creating an informal community without frontiers. The history of migration and the fight to improve the working conditions and social protection of those mobile workers and their families goes back to the start of the European Union, the creation in 1951 of the ECSC (European Coal and Steel Community) and the regulation of 1959 on the coordination of social security for mobile workers. Italy was one of the founding nations of those institutions. Organisations such as Trentini nel mondo and UNAIE illustrate that it is not only a common institutional history. For the mobile workers themselves, this is also a personal or family biography. A major concern to facilitate and accommodate cross-border mobility and improved social protection for mobile workers was/is at the core of European regulation. Revisions of the existing regulations put these intentions into specific terms. However, some comments in the seminar revealed a kind of 'resentment' against 'Brussels', its policies or policy intentions. Perhaps this 'resentment' has been coloured too much by the austerity policies since 2008. But the election results and the Italian government that was formed in spring 2018 indicate that this feeling is certainly not coming to an end. It is hopefully too soon to see which success the Social Pillar will have in coping with this 'resentment'.

2.1 The overwhelming ambition for a social Europe

The current state of European integration is sometimes depicted as a stand-still or an impasse. For others, the present situation in the European project shows that Europe has defaulted completely with the return of nationalism and even populism. The discrepancy between the reality of the European institutions' overwhelming initiatives and ambitions for the Euro area, including the social dimension in particular, and the perception of an impasse could see scepticism persist or, at best, lead to confirmation of a democratic deficit. The role of Ariadne's thread in the paper consists in finding a way through the labyrinth of reforms for greater transparency in what is happening, indicating the role that citizens can play and what the benefits will be, as well as providing reassurance that it will be for better and not worse.

This scientific position paper consists of three parts:

1. An overview of the planned reforms in early 2017 and the evolution since then;
2. What citizens can or should expect from these reforms and what is already happening. Is it really an incremental and substantial change in regime, or is it business as usual? Or will it possibly no longer be too little, too late?
3. How workers' movements can participate in the debate and the process, and make the impact and relevance more visible to the citizens or to workers. This third dimension will be the Ariadne's thread illustrating what Europe can do for its citizens, so that citizens are more convinced to do something for Europe.⁴ It is by participating that we can safeguard those social dimensions.

⁴ Reversing the quote of John F. Kennedy in his inauguration address in January 1961: 'Ask not what your country can do for you, ask what you can do for your country.'

2.2 Institutional milestones in the development of the European Union

Before looking in detail at some of the 'social initiatives' Europe has taken over the last years, we begin with an overview of the important milestones in the evolution of the European Union.

Table 2.1 **The European Union's institutional milestones**

April 1951	Treaty of Paris (establishment of the European Coal and Steel Community as a forerunner of the European Union and a first step towards European integration; France, West Germany, Italy and the Benelux as first members)
1957	Treaty of Rome (EC with six member states: Belgium, Netherlands, West Germany, France, Luxembourg, Italy)
1958	First regulation on the coordination of social security for mobile persons, in place from 1959
1973	Denmark, Ireland and UK join the EU
1974	First Social Action Programme
1981	Greece joins the EU
1985	The Commission sends the European Council a White Paper on the completion of the internal market (by 1992)
1986	Spain and Portugal join the EU

February 1986	Single European Act
1989	Second Social Action Programme – Social Charter
February 1992	Treaty of Maastricht (7 February 1992) and Social Policy Protocol
1992	Getting rid of the remaining obstacles for the internal market
1993	Start of the European internal market
1995	Austria, Finland and Sweden enter the EU which now has 15 Member States
1995	Third Social Action Programme
1996	Stability Pact reinforcing convergence
October 1997	Treaty of Amsterdam, integrating the Social Chapter of the Treaty, enlarging the role of the EU concerning healthcare and introducing the European Employment Strategy
Januar 1999	Start of the EMU in eleven Member States (Euro area)
2000	Lisbon strategy for growth, employment and social cohesion
2000	Adjustment of the first Social Agenda 2000-2005
December 2000	Charter of Fundamental Rights of the European Union, European Council of Nice

January 2001	Greece becomes the 12th Member State of the Euro area
2001	Start of the Open Method of Coordination for pensions and social inclusion
December 2001	Establishment of the Convention on the Future of Europe
1 January 2002	Introduction of the tangible euro bank notes and coins
2002	Treaty of Nice: formalising the Social Protection Committee
2003	Announcement of streamlining the Open Method of Coordination for pensions, social inclusion, healthcare and long-term care
2004	Start of the Open Method of Coordination for health and long-term care
May 2004	Further enlargement of the EU with ten new Member States: Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Slovenia, Cyprus and Malta
October 2004	Proposition for a Treaty establishing a Constitution for Europe
February 2005	Approval of the Social Agenda 2005-2010
2006-2008	“Complete streamlining” of economic policy guidelines, European guidelines for employability and the Open Method of Coordination concerning social protection

January 2007	Bulgaria and Romania join the European Union
2007	Slovenia adopts the Euro
2007	Treaty of Lisbon
2008	Cyprus and Malta adopt the Euro
2009	Slovakia adopts the Euro
2010	European Financial Stability Facility for Euro area Member States
2010	European Stability Mechanism created and operational in 2012
2010	Monitoring and coordination of fiscal and economic policies in the 'European Semester' in all Member States
2011	Estonia adopts the Euro
2011	Macroeconomic Imbalance Procedure and 'Six Pack' on monitoring, coordination and enforcement of economic governance
2012	The Fiscal Compact of the 'Treaty on Stability, Coordination and Governance' for the Euro area Member States
2012	European Stability Mechanism is operational

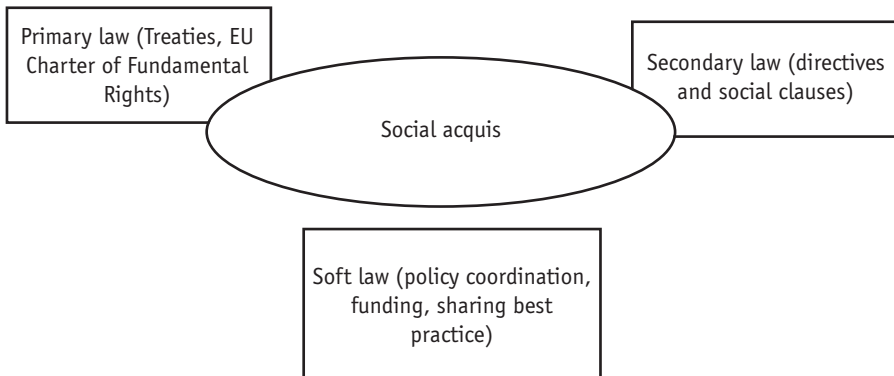
2013	Common timeline for Euro area Member States to prepare their budget: 'Two-Pack'
2014	Croatia joins the European Union
2014	Latvia adopts the Euro
2014	Review of the Six-Pack and Two-Pack
2015	Lithuania adopts the Euro
2015	Communication 'Making the best use of flexibility within the rules of the Stability and Growth Pact'
2015	Launching of the Labour Mobility Package
2016	Launching of a consultation on a European Pillar of Social Rights within the Euro area and optional for other Member States
1 March 2017	White Paper on the Future of Europe
26 April 2017	European Commission recommendation on the European Pillar of Social Rights + Social Package (accompanying legislative and non-legislative initiatives, reflection paper on the development of the social dimension of Europe)
17 November 2017	Solemn declaration of the European Pillar of Social Rights

Source: Pacolet, J. & De Wispelaere, F., 2015, pp. 673-675; Bean, C. et al., 1998

2.3 The social acquis and the evolution of European social policy

The social acquis is part of the *acquis communautaire*, the cumulative body of European Community legislation. The social acquis includes the laws, principles, policy objectives, declarations, resolutions and international agreements relating to the social policy of the EU.

Figure 2.1 Social acquis



Social policy in Europe has known a long history of continuous evolution. At the beginning, it was a means to complete and secure market integration. In the meantime, it has evolved substantially and has developed into a method to deliver social policies (European Commission, 2016d). Labour regulations also underwent a development and have grown in importance as policy tools. They have evolved from protecting workers to instruments for stimulating employment growth. Nevertheless, labour law at the EU level together with social legislation is limited to a few specific topics (e.g. equal treatment at the workplace, pregnant workers, parental leave, written statement on employment conditions, working time, posted workers, 'non-standard'

work, integration of persons excluded from the labour market, occupational health) (ILO, 2016, p. 25). As stated in the Treaty on the Functioning of the European Union, the EU 'supports and complements the activities of the Member States' in these areas.

Already in 1957, a European Social Fund (ESF) was created by virtue of the Treaty of Rome. The objective of the ESF was to both improve the employment opportunities for workers and to contribute to their standard of living. With regards to employment, remuneration and working conditions, any kind of discrimination based on nationality between workers of the Member States has been abolished and the free movement of workers has become a right. Attention also focused on gender equality and equal pay for equal work, as well as the protection of health and safety in the workplace. The Treaty of Rome also entailed the obligation for the Council to act in the area of coordinating social security. As a consequence, EU secondary legislation in this field has existed since then (European Commission, 2016d, p. 3).

From the very beginning, the free movement of workers and citizens has been the quintessence of European integration. To facilitate this and to safeguard the social security rights of mobile European citizens and workers, the coordination of the social security system has been organised right from the beginning (Regulation no. 3/1958 concerning social security for migrant workers, Regulation (EEC) no. 1408/71 and Regulation (EC) no. 883/2004. In addition, an Advisory Commission was installed that carefully monitored and implemented these regulations. This has proven to be a solid basis of regulation that has been regularly updated, including the latest revision proposed in December 2016 (see section on Labour Mobility Package).

In the mid-1980s, the idea of an EU social policy came more to the forefront. This was the result of the increased integration which came along with the Single Market Programme, the enlargement of the European Community and the pressure for minimum labour standards (Bean, C. et al., 1998, p. 2).

The Single European Act of 1986 was a further step in the development of European social policy, including minimum requirements on the health and safety of workers. Eventually, the Social Protocol of the Maastricht Treaty enabled (at least) a minimum expansion in the areas for EU action. The provisions of the Social Protocol were integrated in the Amsterdam Treaty of 1997 and made binding for all Member States whereas this was not the case before. Working towards the achievement of a highly competitive social market economy is one of the elements of the 2007 Lisbon Treaty (European Commission, 2016d, p. 3).

The Community Charter of the Fundamental Social Rights of Workers of 1989 adopted by all Member States with the exception of the UK, is one of the initial reference points of fundamental social rights in the EU. Many of its provisions are now integrated in the EU Charter containing numerous social and welfare rights and principles which need to be respected by both the EU institutions as well as the Member States.

The EU has to promote the well-being of its people, to work towards a sustainable and highly competitive social market economy, with full employment and social progress characterised by a high level of protection. Social exclusion and discrimination are combated, and social justice, protection, equality and solidarity are promoted within an atmosphere of overall cohesion. In achieving these goals, the EU and its Member States are given the appropriate (legal) means laid down in primary and secondary law (European Commission, 2016d, pp. 4-5).

The social *acquis* mainly consists of secondary law, mostly directives. These directives provide a concrete expression or implementation of the social rights prescribed in the Treaties and the EU Charter (primary law). Several directives relate to the protection of workers, such as the Employment Equality Directive, the Racial Equality Directive, the Pregnant Workers Directive, the Parental Leave Directive, the Written Statement Directive, the

Working Time Directive, the Posting of Workers Directive and labour law directives concerning 'atypical' contracts. The social acquis is rather limited in the area of social protection (combating social exclusion, modernisation of social protection systems) as the EU does not have the same competence as it has to adopt legislation relating to the protection of workers. The EU's law-making competence is limited as it operates on the basis of shared competence and can only establish minimum requirements in these fields (European Commission, 2016d, pp. 4, 6-11).

Besides primary and secondary legislation, the EU can rely on soft law. Although not legally binding, soft law provides a framework for social rights. In addition, the EU has the competence to coordinate the employment policies of its Member States (European Commission, 2016d, pp. 12-13). Soft law and soft coordination mechanisms need to be strengthened in order to achieve real convergence in social and employment outcomes as is envisioned nowadays. This is the opinion of the International Labour Organization (ILO). Soft social convergence can only be effective when it is built on a social basis which applies to all Member States. The European Pillar of Social Rights might be an opportunity to work towards stronger types of coordination and governance (ILO, 2016, pp. 30-31). Another way for the EU to adopt social legislation is to implement agreements concluded between the social partners (European Commission, 2016d, p. 5).

The world is changing all the time. Current transformations and changes make it necessary to question whether the social acquis as it is today is still fit for purpose. Does the social acquis still provide a legislative framework that is fit for Europe and its future? (ILO, 2016, p. 25). The social acquis has been revised in the context of developing a European Pillar of Social Rights, which is not only built on the social acquis but is also an 'aggiornamento' for some aspects.

2.4 The Social Chapter of the Maastricht Treaty

The Social Chapter refers to the Social Policy Protocol and the Agreement on Social Policy annexed to the Maastricht Treaty which was signed on 7 February 1992. The Maastricht Treaty paved the way for a European Monetary Union and introduced elements of a political union (e.g. common foreign and international affairs policy). The Treaty of Maastricht is also referred to as the Treaty on the European Union.

The Maastricht Treaty responded to an impasse in terms of social policy provisions. The Social Policy Protocol was a legal mechanism created to resolve this impasse. Eleven EU Member States agreed on the provisions set out by a new Social Chapter. These provisions reflected the Agreement on Social Policy concluded by the European social partners on 31 October 1991. One Member State opposed, i.e. the UK. However, unanimity was required to adopt the Maastricht Treaty. In the end, the Protocol on Social Policy and the Agreement on Social Policy were annexed to the Maastricht Treaty. The Treaty offered a compromise in the form of an 'opt-out' for the UK (<https://www.eurofound.europa.eu>).

In essence, the Social Chapter implied a modest extension of decision-making by qualified majority voting to some areas of social policy. These are equal opportunities, working conditions, information and consultation and the integration of persons excluded from the labour market. In the Social Chapter, unanimity was retained for social security, dismissals, employee representation, employment of third-country nationals legally residing in the EU and financial contributions for the promotion of employment and job creation. Areas such as pay and trade union rights were not included in the scope of the Social Chapter.

As a result, between 1992 and 1997, Europe operated at 'two speeds' in employment and industrial relations. Two parallel sets of provisions co-exist-

ed: one applicable to all and one applicable to all but the UK. It was only in 1997, with the election of a Labour government, that the UK 'opted in'. The provisions of the Agreement on Social Policy were integrated in the Amsterdam Treaty of 7 June 1997. This was the end of the Social Policy Protocol (<https://www.eurofound.europa.eu>).

The timeline below gives a schematic overview.

Figure 2.2 **Timeline of Social Chapter**



2.5 The European Employment Strategy

The European Employment Strategy originated in 1997. The European Union and its Member States took action to establish a set of common objectives for their employment policy. The purpose of the European Employment Strategy is to help coordinate the employment policies of the Member States. While the Member States retain the main competence for their policies in this area, the role of the European Union is to advise, monitor and coordinate the policymaking. The agreed employment strategies are implemented using the steps taken in the European Semester process.

The European Employment Strategy consists of employment guidelines. Since 2005, the employment guidelines have been a part of the broad economic policy guidelines covering all economic levels (micro and macro). The Europe 2020 strategy (see 2.7) launched in 2010 has ten such integrated guidelines. Four of them refer directly to the European Employment Strategy. As such, the European Employment Strategy is part of the Europe 2020 strategy.

The European Union and the Member States have agreed upon a specific annual monitoring procedure, better known as the European Semester. Each year, in line with the guidelines, the European Commission follows up the employment policies of the Member States. A set of indicators is used for this purpose. After evaluating the employment policies, country-specific recommendations are formulated for further action at Member State level. The Open Method of Coordination is used whereby the Employment Committee (representatives of the Member States) discusses policies and priorities. It provides a forum for mutual learning and for the exchange of good practices (European Commission, 2010a).

2.6 The Open Method of Coordination

The Open Method of Coordination (OMC) is a soft intergovernmental governance tool. Although it was already created in the 1990s as part of the Employment Strategy and the Luxembourg process together with the European strategy from 1997 with employment guidelines and national employment action plans, the OMC was formally introduced as an instrument of the Lisbon Strategy in 2000. It serves to identify and promote effective social policies. It aims at sharing best practices and achieving convergence towards EU goals which fall under partial or full competence of the Member States such as employment, social protection, education, youth and vocational training. It involves the establishment of guidelines, indicators, benchmarks, national and regional targets, backed by periodic evaluations. The results are compared between Member States with best practices being shared, mutual learning and with Member States being stimulated to take (more) action. In 2001, the OMC was first used for pensions and social inclusion. Since 2003, the areas of health and long-term care have also been monitored (<http://eur-lex.europa.eu/>). The Luxembourg process recognised the need to promote employment policies at European level and thus inspired national action plans. Therefore, the process was an example of how

long it took to finally recognise the massive problem of unemployment that emerged in many countries since the 1970s and the successive oil crises. It was too little and too late for sure, but it also illustrates that the European social dimension has definitively been there since then, and was able to inspire national policies. Other domains such as social protection and long-term care were discovered rather late at European level. Nevertheless, the lack of European incentives does not excuse the national level from national vigilance regarding new risks and new needs. At the same time, the employment guidelines from the 1990s taught us that at that point, almost any policy was welcome. Only a discussion about reducing the weekly working time was a no-go. This was a European taboo, that was rightly ignored by some countries such as France which introduced the 35-hour week in 2000. Today, Europe invites us to reflect on the reconciliation of work and private life and the need to take measures. Too little and too late again? Perhaps it could have been put on the agenda from 1997 on.

As the former President of the European Council, Herman Van Rompuy, (2015) admitted: 'because of the unanimity rule, the European Union risks to be 'too little and too late''. This warrants permanent vigilance but at the same time we must admit that once the decisions are made, they have a wide-reaching coverage and probably constitute an overwhelming ambition for most Member States. This applies all the more so in view of the fact that, as nicely phrased in the recent recommendation on social protection (2018) (for many probably "too little"), "Member States can be more ambitious" (see further).

2.7 The Europe 2020 strategy

The Europe 2020 strategy was presented in 2010 in the wake of the economic and financial crisis. It embodied Europe's vision for a 21st century market and was a strategy for growth and jobs for the next ten years. Smart, sustainable and inclusive growth were at the core of the Europe 2020 strategy.

Smart growth stands for an economy based on knowledge and information. Sustainable growth promotes a more efficient, greener and competitive market. Inclusive growth refers to a high-employment economy which delivers social and territorial cohesion. The Europe 2020 strategy's aim was to overcome the structural weaknesses in the European economy, improve competitiveness, productivity and to bring about a sustainable social market economy (European Commission, 2010b, pp. 2-5). Key targets were set in five domains which had to be reached by the end of 2020. The table below gives an overview of the five domains and the corresponding targets.

Table 2.2 Europe 2020 domains and key targets

Employment
75% of the people aged 20-64 are employed
Research and development (R&D)
3% of the EU's GDP is invested in R&D
Climate change and energy
20% less greenhouse gas emissions compared to the 1990 levels
20% of the energy is renewable
20% increase in energy efficiency
Education
Rates of early school leavers are below 10%
Minimum 40% of the people aged 30-34 have completed higher education
Poverty and social exclusion
Minimum 20 million fewer people in/at risk of poverty and social exclusion

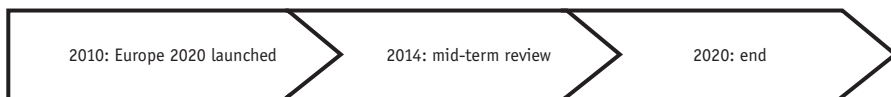
Source: European Commission, 2016b

These key targets give an overall view of what the situation should be in Europe by 2020. They represent common objectives to be met by all EU countries. A mix of EU and national action is therefore required. Although these targets are applicable to all EU countries, they do not represent a 'one

size fits all' approach. Each of these targets has been translated into national targets, taking into account the specific situation of each Member State. In their annual national reform programmes as part of the European Semester, the governments of the EU Member States report on their efforts and trajectories towards the national target. The key targets are interrelated and mutually reinforcing. Improvements in the education system are beneficial in terms of employability and help reduce poverty. Investing in clean technologies is a step towards combating climate change as well as an opportunity to create new jobs and businesses (European Commission, 2010, pp. 2-31). A more detailed look shows that these key targets illustrate ambitions for sustainability, including the ecological dimension, towards a genuine social and ecologic market economy. Nevertheless, a look at the country-specific recommendations reveals a poor level of implementation in some Member States.

A mid-term review of the initiative took place halfway through the Europe 2020 strategy. One of the main findings of the 2014 review was that, five years after its launch, Europe 2020 was still considered to be an appropriate framework for the promotion of jobs and growth, both at the EU and national level (European Commission, 2014a; European Commission, 2015, pp. 1-6).

Figure 2.3 **Timeline of Europe 2020 targets**



2.8 The reinforced economic governance of the Economic and Monetary Union (EMU): Six Pack, Fiscal Compact and Two Pack

In the beginning, this narrative towards a more 'social Europe' seemed to be limited to the Open Method of Coordination (OMC). It was a good first step. The streamlining of macroeconomic policies included an increasingly social dimension. An integrated approach had already developed when the great financial and economic crisis occurred in 2008 and 2009.

The sense of urgency imposed by the crisis led to a massive increase of new institutions and instruments, within the European Union and the Euro area.⁵ All those new institutions and instruments were intended primarily to stabilise the financial system. But the sustainability of public finances very soon became the centre of European governance. One could say that the welfare state, as an important part of public finances, became the centre of economic monitoring and governance. The European economic governance that developed after the 2008 crisis turned into fully blown monitoring of the European welfare state, with a particular focus on national welfare states because of their impact on national public finances. However, this European economic governance did not develop suddenly. Compliance with the Maastricht criteria and subsequently with the Stability and Growth Pact (1997) were the starting point for what was developed in the last eight years.

The financial and economic crisis, as well as the resulting budgetary crisis dominated the evolution towards stricter economic governance. A long list of new mechanisms emerged in response to the fact that the lack of gover-

⁵ Since the latest enlargement in 2015, the Euro area consists of Austria, Belgium, Cyprus, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Slovakia, Slovenia and Spain.

nance for macroeconomic imbalances could have caused an ongoing fiscal and financial crisis. Soft policy coordination developed into hard monitoring and governance. In fact, these new mechanisms reinforced the concerns for which the Stability and Growth Pact tried to formulate answers.

Hard monitoring started in 2011 with the 'Six Pack' (five new regulations and one directive)⁶ for the EU as a whole as well as for the members of the Euro area in order to improve surveillance and the effect of the existing Stability and Growth Pact (Buffel, Vanalme, 2014 and de la Porte, Heins, 2016). The Six Pack redefined the existing target for fiscal deficit to a structural budget deficit of 1% of GDP, introduced reinforced surveillance of the medium-term budgetary objectives (MTO) set in each Member State and introduced a "macroeconomic imbalance procedure" defining a broader scoreboard of indicators that DG ECFIN had to take into account, going beyond mere financial indicators. Now it included private debt, unit labour cost and unemployment. The Six Pack enlarged the excess deficit procedure base by adjusting the criteria of deficit and debt, and provided sanctions in case of non-compliance. Finally, it provided rules for more automatic governance procedures and national fiscal rules and councils to govern them. The Treaty on Stability, Coordination and Governance adopted in 2012 established the Fiscal Compact and improved the coordination of economic governance for the Euro area (Buffel, Vanalme, 2014 and de la Porte, Heins, 2016). The Treaty was applicable to the EU-25 (without United Kingdom, Czech Republic, and Croatia) and is binding for the Euro area. The Fiscal Compact introduced a so-called 'golden rule' to limit structural deficit to 0.5% of GDP (1% if debt is significantly below 60%) and would like to see this limit introduced in the national constitutions. The 2012 Treaty on Stability, Coordination and Governance also introduced the role of the European Court of Justice in the surveillance procedure and improved coor-

6 A regulation is immediately applicable in each Member State, a directive needs to be implemented in the national legislation.

dination of economic policies in the Euro area. It came into effect in 2013, when twelve Member States signed the Treaty.

The Two Pack was applicable from 30 May 2013 and reinforced the measures of the Six Pack with two regulations, now only applicable to the Member States of the Euro area (Buffel, Vanalme, 2014 and de la Porte, Heins, 2016). For the Euro area countries, it introduced even more intrusive rules for budget surveillance: a clear guideline gives the European institutions close scrutiny of the details of the national budgets, and thus of national policy, even before those budgets are voted in the national parliament: 'Euro area countries are now developing budgets in the shadow of EU surveillance (de la Porte, Heins, 2016, p. 30). Governance is also tightened for countries with financial problems, while independent national bodies need to monitor compliance with budgetary rules.

These strict rules that go far beyond the original macroeconomic targets of the EMU are naturally being criticised for their impact on national autonomy. But they are criticised to an even greater extent for the risk of budgetary austerity instead of consolidation or deflation, knowing that after the 2008-2009 collapse, the European economy was more in need of an expansionary budgetary policy and new investments. However, here again it was possible to see a growing 'socialization' of those instruments', which also became clear in the European Semester (Zeitlin and Vanhercke, 2014). Surveillance will be further reinforced when the European Semester monitors implementation of the European Social Pillar, close to the governance of fiscal discipline, as planned (see below). For us, it illustrates the potential of valuing social and economic integration, development and convergence at the same level, although others conclude that surveillance and implementation via the European Semester are not at the same level (high to medium for the fiscal policy, medium to low for the social policy) (de la Porte, Heins, 2016, p. 37). The risk of separate worlds remains, however, when for instance separate scoreboards are also introduced.

The danger of deterioration in fiscal policy is confirmed by the creation of an additional advisory body on the so-called 'fiscal stance', the European Fiscal Board. This advisory board was installed by the Five Presidents Report⁷ in line with the importance of fiscal stability and independent fiscal guidance or monitoring at national level by independent fiscal councils, as underlined since 2011. The Five Presidents Report says: 'It should advise, not implement policy. Enforcing the rules should remain the task of the European Commission, which should be able to deviate from the views of the European Fiscal Board provided that it has justifiable reasons and explains them' (Five Presidents Report, 2017, p. 23). Taken literally it seems to give great weight to a non-elected body. But it is in line with the principle of 'comply or explain' put forward for the independent national fiscal councils. This is an expression of concern about sustainable public finances that goes beyond the principles of the Maastricht Treaty for nominal deficit of 3% and a 60% ratio of debt-to-GDP. The Fiscal Compact as part of the Treaty on Stability, Coordination and Governance, repeats that deficit should be below 3% of GDP but structural deficit should be below 0.5% (or 1% when debt-to-GDP is below 60%).

2.9 The European Semester: reconciling economic and social European governance

The European Semester was established in 2010 as a framework for coordinating economic policies across the European Union. It offers EU-wide and country-specific guidance to Member States on priority reforms and discusses their economic and budget plans, as well as monitoring their progress at specific times during the year (European Commission, 2014b).

⁷ The five Presidents at the time were: European Commission President, Jean-Claude Juncker, the President of the European Council, Donald Tusk, the President of the Eurogroup, Jeroen Dijsselbloem, the President of the European Central Bank, Mario Draghi, and the President of the European Parliament, Martin Schulz.

The European Semester was set up to ensure sound public finances and help prevent excessive public debts. It supports structural reforms while boosting investment and growth in order to create more jobs in the EU. In addition, the European Semester monitors the steps and progress that EU countries make towards the Europe 2020 targets (European Commission, 2014b).

The European Semester is based on a set annual timeline. November is the start of the annual cycle, which ends in October of the following year, with different phases in-between. In November the European Semester starts with an Annual Growth Survey which sets the EU priorities for the following year in line with Europe 2020 targets. In February, the Commission publishes country reports on their overall economic and social developments. From March to April, the EU Member States present their National Reform Programmes and budgetary plans. The National Reform Programmes contain detailed information on the reform agenda each country sets for itself, including how they want to reach the Europe 2020 targets. The Commission then assesses these programmes and provides each EU country with specific recommendations on how to boost jobs and growth. The recommendations include a strong focus on employment and social performance. The recommendations should be taken into account by the Member States when they adopt their budget and economic plans for the next year (European Commission, 2014b; European Commission, 2016d, p. 13).

The European Semester seems to provide the framework for steering and monitoring national economic and social reforms. Recommendations have been formulated for most of the Member States with regard to their public finances and welfare systems, paying specific attention to their pension and healthcare systems. The Social Protection Committee prepares Council discussions on social protection and on the country-specific recommendations in the context of the European Semester. The Commission also works with this Committee using the Open Method of Coordination in the areas of social inclusion, healthcare and long-term care and pensions. More recently, they

published a Social Protection Performance Monitor, a Pension Adequacy Report and a report on LTC challenges. The Ageing Reports 2009, 2012, 2015 and 2018 (recently published) assess the future sustainability of public spending on social protection (EC, 2009; 2012, 2015a, 2018). We have entered the age or era of 'sustainability'. But it was not until September 2015 that employment and unemployment were integrated in the indicators of macroeconomic imbalance as part of the economic governance... despite the fact that (full) employment was one of the objectives of the Federal Reserve System in the US (Steelman, 1978) since the 1970s. Is it still too little and too late? 'Active' welfare states promoting the (re)activation of persons support the ambition of full employment while guaranteeing the sustainability of social protection systems in terms of financing and expenses (see also Vandenbroucke, 2012). The social dimension of the EU has certainly not come to an end. In March 2016, a consultation started to create a 'Social Pillar' for the Euro area and as an option for the other Member States.

But before looking at that initiative in more detail, another important initiative had been launched: the Labour Mobility Package, revising the functioning of several important instruments of social and labour market policy.

2.10 The Labour Mobility Package

The Labour Mobility Package is a legislative package which aims to support labour mobility within the EU and to coordinate social security systems to fight abuse and reinforce social rights. It is an initiative created in the context of the evolution towards a deeper and fairer European internal market. The intention to adopt a Labour Mobility Package was announced in the Commission's 2015-2016 Work Programme. The package includes a targeted review of the Posting of Workers Directive, action to better coordinate social security systems, and an enhanced European Network of Employment Services (EURES) (European Commission, 2015).

2.10.1 Revision of the Posting of Workers Directive

The posting of workers is an important aspect of the European internal market. As the number of posted workers increases, so do the problems such as unfair practices and unequal pay. A targeted revision of the 1996 Directive on the Posting of Workers (96/71/EC) was submitted by the European Commission on 8 March 2016 (European Parliament) to improve the balance between the freedom of cross-border work and the social rights of cross-border workers in the current situation.

The Posting of Workers Directive was initially adopted in 1996 as a mandatory framework of terms and conditions of employment which need to be applied to posted workers. The rights included in the 1996 Posting of Workers Directive are listed in the table below.

Table 2.3 Posting of Workers Directive 1996 – set of rights

Minimum rates of pay
Maximum working periods and minimum rest periods
Minimum paid annual leave
Conditions of hiring out workers through temporary work agencies
Health, safety and hygiene at work
Equal treatment of men and women

Source: European Commission, 2016e

In 2014, the Enforcement Directive was approved. It intended to strengthen the practical application of the Posting of Workers Directive. It provides instruments to tackle and sanction fraud, the circumvention of rules and other abuses. The ability of the Member States to monitor working conditions and to enforce rules is enhanced by means of national control measures and checks and monitoring mechanisms. The Enforcement Directive

also facilitates better cooperation and exchange of information between Member States. It was supposed to be transposed by the Member States by 18 June 2016 (European Commission, 2016e).

On 8 March 2016, the European Commission proposed a targeted revision of the rules on the posting of workers. This revision is based on the principle of the same remuneration for the same work in the same place. Marianne Thyssen, Commissioner for Employment, Social Affairs, Skills and Labour Mobility said: “I have said from day one of my mandate that we need to facilitate labour mobility, but that it needs to happen in a fair way. Today’s proposal will create a legal framework for posting that is clear, fair and easy to enforce.” (European Commission, 2016f).

The objective of the targeted revision is to bring about changes in three areas.

Table 2.4 Areas of change targeted in the revision

Remuneration of posted workers, including situations of subcontracting
Rules on temporary agency workers
Long-term posting

Source: European Commission, 2016f

Initially, eleven Member States had objected to the targeted revision. Despite their protest, on 20 June 2016 the European Commission decided that the proposal for a targeted revision did not breach the subsidiary principle. On 25 November 2016, it was discussed for the last time by the preparatory bodies. A week later, on 2 December 2016, a draft report was published by the Committee on Employment and Social Affairs (EMPL).

One of the proposal's key targets was to bring the working conditions of posted workers better in line with those of local workers performing similar activities, well summarised by the slogan 'same pay for the same work in the same place'. At the end of May 2018, the Parliament, Council and the Commission reached agreement on the targeted revision in trilogue negotiations. The final text was published on 9 July 2018 in the Official Journal of the European Union as Directive (EU) 2018/957. Member States need to adopt and publish the laws, regulations and administrative provisions necessary to comply with the Directive by 20 July 2020.

Figure 2.4 Timeline of Posting of Workers Directive



2.10.2 The coordination of social security regulations

On 13 December 2016, the European Commission proposed a Regulation of the European Parliament and the Council amending Regulation (EC) No. 883/2004 on the coordination of social security systems and Regulation (EC) No. 987/2009 on the procedure for the implementation of the coordination of social security systems. The objective was to make sure that social security coordination rules develop in line with current developments in the EU. With the proposal, the European Commission aimed to provide a balanced approach for facilitating free movement of workers and protecting worker's rights. At the same time, the Commission intends to continue fighting abuse and fraud by reinforcing the tools available to national authorities. It is a means of creating greater transparency, legal certainty and fairness. The focus of the proposal lies in a number of areas which had not been given sufficient attention and where current regulations needed to be updated. The areas requiring improvements are mentioned in following table (Kiss, M., 2017).

Table 2.5 Coordination of social security – areas of particular interest

The coordination of long-term care benefits
The coordination of unemployment benefits and family benefits
The clarification of access of economically inactive persons to social benefits

Source: Kiss, M., 2017

The proposal also aims to strengthen the administrative rules relating to social security coordination of posted workers. Furthermore, it includes certain technical amendments regarding sickness benefits and periodic technical updates that reflect developments in national legislation affecting the application of EU rules. The proposal does not change the existing rules on the export of child benefits.

Amendment of the social security coordination is currently still in progress. A number of national parliaments have discussed the proposal since it was put forward by the European Commission in December 2016. During the following months, opinions continued to be discussed by the European Economic and Social Committee (EESC) as well as the Committee of the Regions (CoR). This took place in July 2017 and in November 2017 the EMPL Committee published its draft report. In October 2017, the Council also discussed the proposal. ‘Trilogue negotiations are ongoing’ was the most recent information according to the ‘legislative roadmap’ in May 2018. On 21 June 2018, the Council agreed its negotiating position on the coordination of social security systems and will be ready to start negotiations with the European Parliament once the latter has adopted its position.

Figure 2.5 Timeline for coordination of social security regulations



2.10.3 Enhanced European Network of Employment Services

EURES, the European job mobility portal, is a network for cooperation between the European Commission and European public employment services. EURES is a tool for the exchange of vacancies and job applications. It also provides information on the living and working conditions in Europe and was founded in 1993 (<http://www.consilium.europa.eu/>).

On 17 January 2014, the European Commission submitted a proposal for the reform of EURES. The objective of the regulation is to transform EURES into an effective European placement and recruitment instrument. Modernising EURES contributes to better intra-EU labour mobility. It supports fair mobility and increases access to employment opportunities throughout the EU. The revision of EURES better reflects new mobility patterns, changes in technology for the sharing of job vacancy data, the use of different recruitment channels by both job seekers and employers, and the increasing role of other labour market brokers besides the public employment services (European Commission, 2014c). The objectives of the EURES reform are:

Table 2.6 EURES reform objectives

To achieve a nearly complete supply of job vacancies in combination with an extensive pool of CVs available
To provide good automated matching between job vacancies and CVs across Member States, translating in all EU languages and understanding skills, competences, qualifications and occupations required at national and sectoral level

To make basic information on EURES available and offer any person interested access to the network
To assist any person interested with matching, placement and recruitment
To support the functioning of the EURES network through the exchange of information on national labour shortages and surpluses and the coordination of actions across the EU

Source: European Commission, 2014c

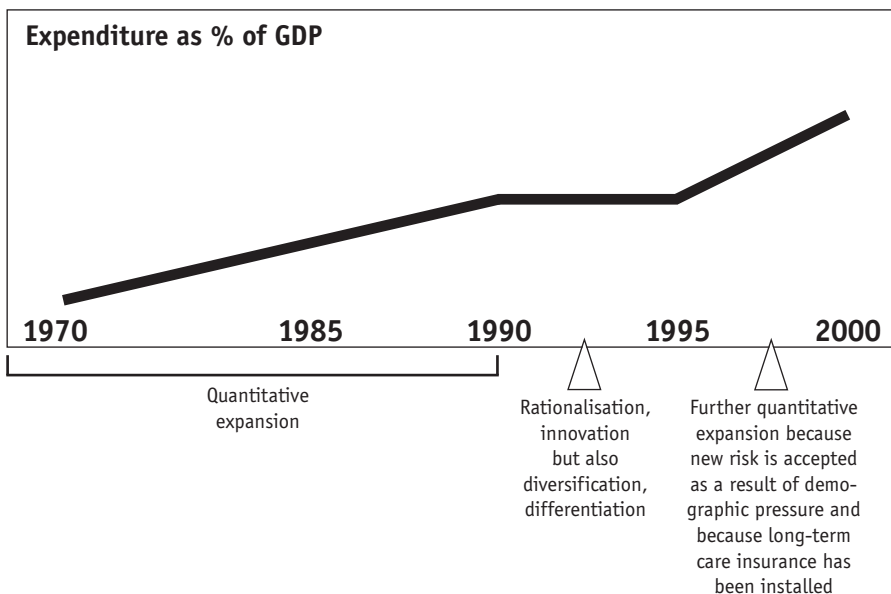
Following an agreement with the European Parliament, on 2 December 2015 the Committee of Permanent Representatives approved the new rules. On 25 February 2016, the European Parliament adopted its position on the proposal (<http://www.consilium.europa.eu/>). With regard to the EURES reform, Nicolas Schmit, Luxembourg Minister of Labour, Employment and the Social and Solidarity Economy, said: “This new regulation on the re-establishment of EURES emphasises the importance that we all put on one of the fundamental freedoms of Union citizens: the free movement of workers. It offers new job opportunities and thus is contributing to reduce unemployment in the European Union.”

2.11 Overall positive growth for economic and social progress

Looking at the past initiatives, the European Union has already taken many steps forward in its social evolution since the very beginning. However, the social dimension of Europe is also based on the social dimension of the national welfare states. Both the old and the new Member States reveal a common, probably sometimes interrupted, but general development of economic and social progress, as illustrated in the following figure. Interruptions coincided with cyclical periods of economic downturn, or periods of bud-

getary austerity with stagnating or even declining levels of social protection; sometimes those interruptions refer to a consensus that there was overexpansion. But on many occasions, further progress was desired and achieved, enlarging the breadth and depth of social protection. As researchers at HIVA, we have observed this in a series of 'state of the welfare states in the EU' conferences which we organised every five years for EZA (see the latest in Pacolet, 2015). This chapter has shown that this initiative coincided with the recurrent ambition at European level to promote and safeguard further social progress.

Figure 2.6 A common European path of economic and social progress at national level – social security expenditure as % of GDP

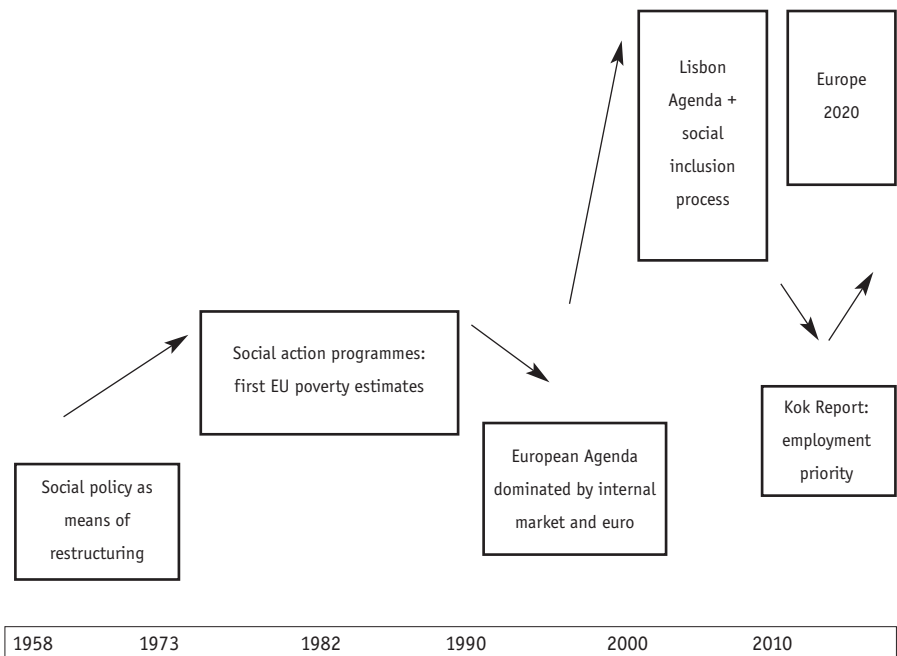


Source: Adapted from Pacolet, Bouten, Lanoye, Versieck, 1999

This common development has also been identified by A. Atkinson (2015) at the European level, as illustrated in the figure below. A positive trend can be seen, interrupted at certain moments by other priorities, with upward and downward movements. The figure below shows this nuanced evolution of social Europe.

It reflects the common and, we would say, overwhelming ambitions at European and national level for a social Europe, even when there are adverse trends. The debate about the Social Pillar reaffirms this ambition.

Figure 2.7 Nuanced evolution of social Europe



Source: Atkinson, A., 2015, p. 279.

In its policymaking, Europe has not always put basic social rights at the heart of its action. This caused its social evolution to stagnate or even decline. It could even be said that positive social evolution is hindered by Europe's policy at times. The stringency of the Stability and Growth Pact is an example. The Pact, created in 1997, is a framework of rules designed to ensure that Member States pursue sound public finances and coordinate their fiscal policies. Its main aim is to prevent fiscal policies from heading in a problematic direction endangering the economic stability of the European Union (preventive action). It also intends to correct excessive budget deficits or public debt burdens (corrective action). The rules of the Stability and Growth Pact are binding on all Member States and relate to the deficit and debt limits agreed in the EU Treaty of 1992. The EU Treaty limits annual budget deficits to 3% of GDP and public debt levels to 60%. These so-called convergence criteria have to be met in order for countries to share a common single currency, i.e. the Euro.

The rules of the Stability and Growth Pact are binding on the EU Member States and oblige them to meet their budgetary targets. The targets are outlined in the stability and convergence programmes and are assessed during the European Semester. An excessive deficit procedure is started when a country is unable to meet the targets and breaches the criteria, as was the case for Greece (<https://ec.europa.eu/>).

Because of its stringency, this top-down, macroeconomic framework and its criteria can hamper (social) progress and investment. It also hinders countries from meeting other internationally agreed obligations or recommendations. This is the case with the ILO conventions, which is unfortunate as they provide a comprehensive reference framework for practical implementation of a rights-based approach to social security at a national and regional level. Ever since the start of the ILO mandate, the promotion of social security for all has been a priority. Standards adopted by the ILO provide guidance in the establishment and maintenance of sound public social security

systems (ILO, 2017). The Greek drama shows that while a common growth path is the ambition, deterioration in the wrong direction can have dramatic consequences. This is exactly why there is such a need for policies of joint upward convergence.

The Greek debt crisis and the European austerity policies

The austerity policies imposed by the European Union in the context of the Greek crisis had numerous negative social consequences. The Greek debt crisis dates back to 2009. Since 2010, Greece has been receiving financial support. This support package, concluded with the “Troika” (European Commission, European Central Bank, International Monetary Fund), was needed to make it possible for Greece to deal with its financial difficulties and economic challenges resulting from the 2008 financial crisis. In return, Greece was forced to implement a number of (anti-social) cost-cutting measures and painful economic reforms, e.g. lowering pension expenditure and increasing tax levels. Such measures hardly left any room for investing in poverty reduction, healthcare or social housing. These extreme austerity policies, with the intention of preserving the Euro area, have had a negative social impact on Greece and its citizens. In December 2014, the Greek national income had decreased by 25% compared to 2007. People were confronted with a major fall in their standards of living. There was a steep rise in joblessness. Unemployment affected younger people the most. In addition, most of the unemployed were not covered by adequate social protection, leading to poverty. There were drastic cuts in wages and pensions and higher taxes. In addition, people were confronted with hardships in terms of health, housing and other areas of life. The Greek crisis has been exceptionally deep and long-lasting and is still ongoing. In 2015, at the request of Greece, a third assistance programme was launched under the European Stability Mechanism framework. It was intended to run until 2018. In August 2018, this pro-

gramme came to an end. It is now credible that Greece can meet its own financial obligations and needs. But more than a decade has been lost for restoring the damage to the economic development and social protection; indeed, no-one can say how long it will take before the previous levels are reached once more.

Source: Matsaganis, M.; Tinios, P.

3 An international view: parallel social initiatives

Testimonial 5

Seminar of UHM (Union Haddiema Magħqudin), Malta, St. Julian's, 23-25 November 2017, The contribution of workers' organisations to the European Pillar of Social Rights

Lunchtime seems to last forever in Malta, especially when you are waiting to take the floor. Later in the day, trade unionists from different EU countries began a training session to improve their 'effective' leadership. In the morning we followed the debate on the welfare state reform and especially the pension system. For a long time, Malta has been oriented to a mandatory pay-as-you-go pension scheme. A recent reform even reinforced it by cutting back a funded pension scheme for civil servants. But this reform further undermines the general pension scheme. To solve that growing problem, there seems to be an increasing consensus to opt for a funded pension scheme again. The debate on the expected problems of such a scheme, including adequacy, transparency and solvency, seemed to indicate that it already existed for everyone, despite the obvious need to cope with the adverse effects. How fast opinions change. There is a shift towards funded pension schemes even when problems of adequacy, sustainability, transparency and financial stability give cause for concern before we embark on that path. Should this then be our choice? Look before you leap.

3.1 United Nations' Universal Declaration of Human Rights

The United Nations' Declaration of Human Rights is seen as a milestone in the history of human rights. Representatives with different legal and cultural backgrounds from all over the world drafted the declaration. It was proclaimed by the General Assembly of the United Nations in Paris on 10 December 1948. Since then, it has been a common standard of achievements for everybody. For the first time, fundamental human rights were universally protected. The declaration recognises that the inherent dignity and the equal, inalienable rights of all people are the foundation of freedom, justice and peace (<http://www.un.org/en/universal-declaration-human-rights/>).

3.2 ILO Convention on Social Security

The International Labour Organisation's Social Security Convention of 1952 is the only international instrument, based on basic social security principles, that establishes global agreement on minimum standards for all branches of social security. The nine social security branches covered are:

Table 3.1 Social security branches

Medical care	Family benefits
Sickness benefits	Maternity benefits
Unemployment benefits	Invalidity benefits
Old-age benefits	Survivors' benefits
Employment injury benefits	

Source: <http://www.ilo.org>

Although the Social Security Convention covers all branches of social security, countries need not ratify all of them. Only three of them must be rati-

fied. This allows for a step-by-step extension of social security coverage. The convention sets out minimum standards relating to the population covered by social security schemes, the level of minimum benefits to be provided to protected persons as well as the conditions and period of entitlement to benefits (<http://www.ilo.org/>).

Table 3.2 Principles defined in the ILO convention

Guarantee of defined benefits
Participation of employers and workers in the administration of the schemes
General responsibility of the state for the due provision of the benefits and the proper administration of the institutions
Collective financing of the benefits by way of insurance contributions or taxation

Source: <http://www.ilo.org>

The convention does not stipulate how the minimum social security standards are to be achieved. It merely gives inspiration for the possibilities. This provides countries with enough flexibility in how they organise social security, depending on their own socioeconomic level. The convention also states that the social security schemes need to be administered on a tripartite basis, guaranteeing and strengthening social dialogue between the government, employers and workers.

In 2001 the ILO Governing Body confirmed the convention as an up-to-date standard. At an international ILO conference in 2011, it was recognised as a benchmark and reference in the gradual development of comprehensive social security coverage at national level. Since 1952, 48 ILO member states have ratified the convention (<http://www.ilo.org/>).

3.3 United Nations' International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights is a United Nations human rights treaty. It was adopted by the UN General Assembly on 16 December 1966. The treaty gives legal power to the Universal Declaration of Human Rights. The International Covenant on Economic, Social and Cultural Rights covers areas of public policy such as work, fair and just conditions of work, social security, adequate living conditions, health and education. The United Nations' Committee on Economic, Social and Cultural Rights monitors the Covenant (<http://www.ohchr.org/>).

3.4 United Nations' Millennium Development Goals and Sustainable Development Goals

In September 2000, the world leaders adopted the United Nations' Millennium Declaration. It was the start of a new global partnership to overcome the needs of the poorest and to fight hunger and diseases by setting out a number of targets to be achieved by 2015. These targets have become known as the Millennium Development Goals (MDGs).

Table 3.3 Millennium Development Goals (MDGs)

Eradicate extreme hunger and poverty	Improve maternal health
Achieve universal primary education	Combat HIV/AIDS, malaria and other diseases
Promote gender equality and empower women	Ensure environmental sustainability
Reduce child mortality	Global partnership for development

Source: <http://www.un.org/millenniumgoals/>

A United Nations Millennium campaign inspired people from around the world to take action in support of the Millennium Development Goals. Governments, foundations, businesses and civil society groups from all over the world rallied around the project by announcing their commitment. A concrete global action plan was adopted at the United Nations' Millennium Development Goals summit in 2010. A number of initiatives against poverty, hunger and disease were presented.

The Millennium Development Goals came to a conclusion in 2015 so that a new transformative post-2015 programme was launched to build on the achievement of the Millennium Development Goals. On 25 September 2015, a set of 17 goals was adopted to end poverty, protect the planet and ensure prosperity for all as part of a new 2030 sustainable development agenda. Each of the goals has specific targets which have to be achieved by 2030 (United Nations' General Assembly, 2015).

Table 3.4 Sustainable Development Goals (SDGs)

No poverty	Reduced inequalities
Zero hunger	Sustainable cities and communities
Good health and well-being	Responsible consumption and production
Quality education	Climate action
Gender equality	Life below water
Clean water and sanitation	Life on land
Affordable and clean energy	Peace, justice and strong institutions
Decent work and economic growth	Partnerships for the goals
Industry, innovation and infrastructure	

Source: United Nations' General Assembly, 2015, p. 14

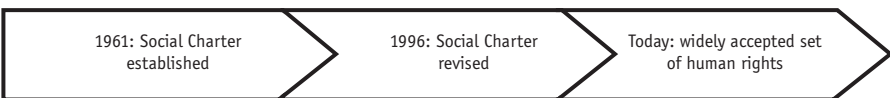
3.5 The Social Charter of the Council of Europe

The European Social Charter is a Council of Europe treaty guaranteeing fundamental social and economic rights. It entails a wide variety of human rights related to housing, health, education, social protection, work and welfare. The Social Charter focuses on the protection of vulnerable groups of persons such as senior citizens, children or people with disabilities. It is referred to as the social construction of Europe. It is an important aspect of human rights in Europe linked to the 1948 United Nations' Universal Declaration of Human Rights and the European Union's Charter of Fundamental Rights. The Social Charter is based on the principle of universality, interdependence and interrelation of human rights. Social rights are seen as human rights which stand on an equal footing with civil and political rights (<https://www.coe.int>).

The Social Charter has evolved over time. It was initially adopted in 1961 and was revised in 1996. Today the Social Charter is a widely accepted instrument of human rights in Europe. Almost all Member States of the Council of Europe (43 of 47) have ratified the Social Charter, with the exception of Liechtenstein, Monaco, San Marino and Switzerland. Its enforcement is subject to monitoring mechanisms (<https://www.coe.int>).

The following timeline gives an overview of the evolution of the Social Charter.

Figure 3.1 Timeline for Council of Europe's Social Charter



3.6 The link with the Social Pillar

The European Pillar of Social Rights draws inspiration from already existing (fundamental/international) rights and principles enshrined in other conventions or treaties such as the ILO conventions or the Social Charter of the Council of Europe. They proclaim similar rights. Existing documents should be used accordingly. Mutual consistency is important. One example here is recognising the right to social security which has been developed as a basic right through universally negotiated and accepted instruments (e.g. human rights instruments adopted by the United Nations; ILO).

The European Pillar of Social Rights does not overrule the existing rights and conventions. They remain valid. But in order for rights and conventions to be useful, they need to be ratified. On ratification, countries undertake to fully implement the rights, within the resources available to them (ILO, 2017).

However, many conventions have not yet been ratified by all the members, for example the Social Charter of the Council of Europe. It has been ratified by 43 of 47 members. The ILO conventions are also not ratified by all of its 187 member states. One example here is the Social Security (Minimum Standards) Convention of 1952 (no. C102). It is (partially) ratified by “only” 55 countries. The Equality of Treatment (Social Security) Convention of 1962 (no. C118) is ratified by even fewer countries, i.e. 38. When focusing on the European ILO member countries, all of them have ratified the eight core conventions.⁸ However, this is not the case for the ratification of the governance (priority) conventions⁹ (<http://www.ilo.org/>).

⁸ Freedom of Association and Protection of the Right to Organise Convention, Right to Organise and Collective Bargaining Convention, Forced Labour Convention, Abolition of Forced Labour Convention, Minimum Age Convention, Worst Forms of Child Labour Convention, Equal Remuneration Convention, Discrimination (Employment and Occupation) Convention

⁹ Labour Inspection Convention, Employment Policy Convention, Labour Inspection (Agriculture) Convention, Tripartite Consultation (International Labour Standards) Convention.

When looking at these 'prior' rights in the light of the Social Pillar, the question arises why the European Union as a whole does not ratify these existing rights? Well, it might not be as simple as it sounds. The recent EU-Canada CETA free trade agreement showed that it is harder if not impossible to achieve collective ratification if certain regions withhold their consent, in this case the Walloon region. If it is already difficult to convince individual Member States of the added value of certain rights, imagine how difficult this is when trying to do the same for the entire European Union. Europe consists of 'old' and 'new' Member States which all have their own unique political, economic and social history and therefore also different policy priorities.

It would be wishful thinking to assume that the European Pillar of Social Rights could accelerate the ratification of non-ratified conventions. The latter is merely a proclamation with no legally binding powers attached to it. The rights in the Social Pillar only become legally binding when they are translated into actual legislation (e.g. a directive). The viability of the Social Pillar can therefore be questioned when Member States opt out of the proclamation so that it remains no more than a soft instrument with an incomplete support base.

4 The European Pillar of Social Rights: ambitions and the means to get there

Testimonial 6

Seminar of Beweging.academie, United Kingdom, Liverpool, 28-29 November 2017, The European Pillar of Social Rights: a new chance for a revisited social Europe? The question of the inclusion and quality of life of workers in a revisited social policy scheme

After walking down to the port of Liverpool, where in the middle of the road I suddenly came face-to-face with (the statue of) the Beatles, I returned to my hotel, the prestigious grade-II-listed Royal Insurance Building. The former insurance estate has been transformed into a comfortable hotel, affordable for social movements and social scientists to hold discussions about social progress. Based on solid analytical thinking, new and old arguments and modalities were discussed in favour of a more integrated Europe and social protection at a European level. There seems to be no satisfaction with the present ambition of the Social Pillar that is trying to make progress (or is it muddling through?) within the present institutional arrangements. Efforts should be made to promote a social Europe at a more European federal level, while I myself would already be happy if we could improve the national systems of social protection. It reminds us that the ethically desirable should be a perspective going beyond what is practicable and feasible. Perhaps I underestimate the need to think a step ahead all the time, being too intoxicated by the overwhelming ambition that Europe is imposing.

4.1 Background

The European Pillar of Social Rights was part of the Commission's 2016 Work Programme. In his first State of the Union address to the European Parliament on 9 September 2015, EU President Juncker said: "We have to step up the work for a fair and truly pan-European labour market. [...] As part of these efforts, I will want to develop a European Pillar of Social Rights, which takes account of the changing realities of Europe's societies and the world of work. And which can serve as a compass for the renewed convergence within the euro area. The European Pillar of Social Rights should complement what we have already jointly achieved when it comes to the protection of workers in the EU. I will expect social partners to play a central role in this process. I believe we do well to start with this initiative within the Euro area, while allowing other EU Member States to join in if they want to do so."

The will to establish a European Pillar of Social Rights must be understood against a background of changing economic life, labour markets and societal trends. The initiative must be seen as a response to a double need: 1) overcoming the crisis and 2) moving towards a deeper and fairer Economic and Monetary Union (EMU) (European Commission, 2016a, pp. 2-3).

The crisis left its mark on Europe as a whole and on the individual Member States. Its effects are still very much visible. The consequences extend into political, economic and social life. Europe is facing high unemployment, and a significant share of the population is at risk of poverty or social exclusion. More fundamental changes include, for instance, changing social structures such as new family/work patterns, longer and more varied working lives, demographic changes, new forms of work, technological and digital changes and the emergence of new forms of inequality. These are all new trends challenging Europe and demanding that it adjusts to this changing and daring reality which, if not dealt with, may hamper opportunities for future

growth and socio-economic performance across Europe (European Commission, 2016a, pp. 3-5).

In order for Europe to prosper, it is crucial that Europe moves towards well-functioning and fair labour markets and welfare systems. This vision is gaining prominence. There is a growing consensus on the necessity for a more inclusive growth model. Crucial to modern social policy is the investment in human capital as a driver towards long-term growth, equality and social progress. The social dimension is a key element in the further integration and consolidation of the Euro area (European Commission, 2016a, p. 4). The establishment of a European Pillar of Social Rights is an opportunity for European institutions and social partners to review these new trends and challenges. It is a way to take action since a status quo and complacency are not options. It is an opportunity to take stock of past initiatives and to look forward at the same time. It is the Social Pillar's objective to encompass principles that are not only applicable for today's reality, but also for tomorrow (European Commission, 2016c, p. 3).

The following table gives an overview of the various European institutions and their role in implementing the European Pillar of Social Rights.

European Union institutions

European Commission

The European Commission is the politically independent executive arm of the European Union. The policy direction of the European Commission is set out by its President. The strategic objectives and the annual work programme are defined by the Commissioners. The European Commission is responsible for drawing up proposals for new laws such as those accompanying the European Pillar of Social Rights, the enforcement of these laws, the management of the EU policies and the allocation of EU funding.

European Parliament

The role of the European Parliament is legislative, supervisory and budgetary in nature. In its law-making role, the European Parliament, together with the Council of the European Union, is responsible for adopting EU laws proposed by the European Commission. The European Parliament also reviews the European Commission's work programme and decides on international agreements. Debates on the European Pillar of Social Rights have been ongoing in the European Parliament and the Parliament took a stance on the proposal.

Council of the European Union

The governments of the individual Member States are represented by the Council of the European Union. National ministers meet to coordinate policies and to discuss, amend and adopt EU laws based on propositions of the European Commission such as the European Pillar of Social Rights. The Council meets in varying configurations of responsible ministers depending on the area of policy that is being discussed.

Council of Economic and Financial Affairs (ECOFIN)

ECOFIN is made up of the ministers of economics and finance from all the Member States. They are responsible for economic policies, taxation and the regulation of financial markets and capital movement. ECOFIN coordinates the economic policies of the Member States towards further convergence of their economic performance and monitors their budgetary policies. The focus is on strengthening economic growth, job creation and investment. For these purposes, ECOFIN works on relevant legislation. The future architecture of the EMU, in line with the Five Presidents' Report, is another focal point of ECOFIN.

Council of Employment, Social Policy, Health and Consumer Affairs (EPSCO)

EPSCO brings together national ministers responsible for employment, social affairs, health and consumer policy. Together they work towards increasing employment levels, improving living and working conditions and ensuring high levels of health and consumer protection in the EU. EPSCO is responsible for drawing up the annual employment guidelines, adopting legislation and EU-wide rules, taking into account the responsibilities and national policies of the Member States.

Employment Committee (EMCO)

EMCO operates within the framework of the European Employment Strategy. As far as employment is concerned, it is the main advisory committee for the social affairs ministers in the EPSCO. Regular discussions are held with the European social partners and other related Council committees, such as those for economic policy and social protection. Most of the work is centred around advising ministers on the European Semester. Among other things, it monitors the progress made by the Member States towards the implementation of reforms within the European Semester and working towards the Europe 2020 targets. Together with the Social Protection Committee, EMCO has contributed to the work on the European Pillar of Social Rights.

Social Protection Committee (SPC)

The SPC is an advisory committee for the EPSCO, composed of representatives of each national social security administration and the European Commission (DG EMPL). It contributes to the work of the council by providing opinions on the European Pillar of Social Rights, the European

Semester, the social dimension of the EMU and the mid-term review of the Europe 2020 strategy.

Economic Policy Committee (EPC)

The EPC contributes to the work of the Economic and Financial Affairs Council (ECOFIN) by providing advice. It is composed of representatives of each national administration in charge of economic and fiscal policy, the European Commission and the European Central Bank (ECB).

Nowadays, the focus of the EPC is more than ever on growth and jobs, in particular on reforms supporting competitiveness as well as on ensuring the sustainability of public finances.

European Economic and Social Committee (EESC)

The EESC is an advisory body bringing together representatives of workers' and employers' organisations as well as other interest groups. It acts as a bridge between the decision-making EU institutions (European Commission, European Parliament and Council of the EU) and the EU citizens by issuing opinions on EU issues. The EESC gives interest groups a say on the legislative proposals of the EU.

European Fiscal Board

The European Fiscal Board is an advisory body installed by the Five Presidents' Report to monitor the so-called 'fiscal stance'¹⁰, the national and European fiscal policy choices and how this is related to the impact on economic development. The Board is composed of five independent experts.

¹⁰ Fiscal stance: A measure of the direction and extent of discretionary fiscal policy. It is defined as the annual change in the structural primary budget balance. When the change is positive, the fiscal stance is said to be restrictive; when the change is negative, it is said to be expansionary. (European Fiscal Board, 2017, Glossary)

4.2 Scope and ambitions

Well-functioning and fair labour markets that are also able to address related needs and challenges effectively are at the heart of the Social Pillar. It is the objective of the Social Pillar to provide a set of key principles for this purpose. The Social Pillar is based on the EU social acquis and complements it at the same time. The Social Pillar is developed for the Euro area with the option for other Member States to join in. It has the ambition to be a reference framework serving the following goals: 1) to screen the employment and social performance of the participating Member States, 2) to drive reforms at national level and 3) to serve as a compass for renewed convergence within the Euro area (European Commission, 2016a, p. 7).

The Social Pillar is structured around three chapters: 1) equal opportunities and access to the labour market, 2) fair working conditions and 3) adequate and sustainable social protection. The chapter on 'equal opportunities and access to the labour market' includes aspects such as skills development, life-long learning and active support for employment. The chapter on 'fair working conditions' builds upon a reliable balance of rights and obligations between workers and employers, between flexibility and security and emphasizes a prominent social dialogue. The last chapter on 'adequate and sustainable social protection' encompasses access to high-quality essential services (e.g. childcare, healthcare) and dignified inclusive living conditions (European Commission, 2016a, pp. 7-8; European Commission, 2016b, pp. 2-18).

A number of key principles have been selected for each of these three chapters. There are 20 principles in total. These principles are related to rights already inscribed in the EU (e.g. social acquis, Social Charter) and other sources of law. They also build upon shared values. The existing rights are not replaced by the principles introduced by the Social Pillar. The Social Pillar reaffirms them, and makes them more visible, understandable and explicit. The principles which are set out in greater detail provide possible

ways to operationalise, promote, take up and assess these rights while attempting to capture the latest changes in the social, legal and economic life (European Commission, 2017b; European Commission, 2017c; European Commission, 2017d).

Table 4.1 Principles of the European Pillar of Social Rights

Chapter I: Equal opportunities and access to the labour market
Education, training and life-long learning
Gender equality
Equal opportunities
Active support to employment
Chapter II: Fair working conditions
Secure and adaptable employment
Wages
Information about employment conditions and protection in case of dismissals
Social dialogue and involvement of workers
Work-life balance
Healthy, safe and well-adapted work environment and data protection
Chapter III: Social protection and inclusion
Childcare and support to children
Social protection of all workers and self-employed
Unemployment benefits
Minimum income
Old age income and pensions
Healthcare
Inclusion of people with disabilities
Long-term care
Housing and assistance for the homeless
Access to essential services

Source: European Commission, 2017b

Despite the shared values and rights, throughout Europe the situation varies widely for each of the principles set out in the Social Pillar. The intention is not to hide these differences, but to look at them in a new light. In doing so, the Social Pillar is a means to broaden and deepen social rights (European Commission, 2016a, p. 8).

4.3 Content

4.3.1 Equal opportunities and access to the labour market

There are four key principles in the chapter on equal opportunities and access to the labour market. These principles are:

Table 4.2 Chapter I: Equal opportunities and access to the labour market

Education, training and life-long learning
Gender equality
Equal opportunities
Active support to employment

Source: European Commission, 2017b

Everyone has the right to high-quality and inclusive education, training and life-long learning. This enables people to acquire and maintain the skills they need for full participation in the labour market and in society as a whole. Equal wage is paid for equal work, regardless of gender. Equal treatment of men and women is standard, not just in the labour market, but in all areas of life. Both men and women are entitled to the same opportunities. Beside gender equality, equality on grounds of race, ethnic origin, religion, disability, age or sexual orientation is aimed for in areas of social protection, education and access to goods and services available to the public.

Everyone has the right to timely and tailor-made assistance to improve their (self-)employment chances. This includes support when job seeking, as well as training and re-qualification. Social protection and training entitlements can be transferred in case of a professional transition. When becoming unemployed or leaving education, youngsters have the right to attend continued education, to do apprenticeships or traineeships or receive a decent job offer within four months. Personalised and continuous support in finding a job is made available to everyone who is unemployed. An in-depth individual assessment at the latest 18 months into unemployment is available for those in long-term unemployment (European Commission, 2017d).

4.3.2 Fair working conditions

Six key principles are covered in the chapter on fair working conditions.

Table 4.3 Chapter II: Fair working conditions

Secure and adaptable employment
Wages
Information about employment conditions and protection in case of dismissals
Social dialogue and involvement of workers
Work-life balance
Healthy, safe and well-adapted work environment and data protection

Source: European Commission, 2017b

Working conditions, access to social protection and training should be available on an equal basis for all workers, regardless of the type and duration of the employment relationship. Innovative forms of work will be promoted as long as they ensure quality working conditions. Entrepreneurship as self-employment is encouraged and occupational mobility is facilitated. In order

for employers to adapt to changes in the economic context, the necessary flexibility will be guaranteed in accordance with legislation and collective agreements. Measures are to be implemented to prevent abuse of atypical contracts or other employment relationships which lead to precarious working conditions.

The rights and obligations of the worker are laid down in writing at the beginning of the employment period. This includes information about the probation period that is characterised by a reasonable duration. When a worker is made redundant, he/she will be notified about the reasons prior to the redundancy. A reasonable period of notice is granted. Dispute resolution and the right of redress are granted to the worker. Fair wages are envisioned that provide for a decent standard of living. Minimum wages are ensured. The wages are set in a transparent manner and according to national practices with respect for the autonomy of the social partners. The social partners will play a greater role in order to promote social dialogue.

The social partners will be encouraged to negotiate and conclude collective agreements at all levels. They will be involved when it comes to setting out and implementing economic, employment and social policies. Workers and their representatives are entitled to be informed in a timely manner with regard to collective redundancies, among others.

As to the work-life balance, the right to suitable leave, flexible working arrangements and access to care services is a right for parents and people with caring responsibilities. Men and women have equal rights regarding access to special leave.

All workers have the right to a high level of health and safety protection in the workplace. Furthermore, the working environment is adapted to all professional needs. Personal data of workers are protected in the employment context (European Commission, 2017b).

4.3.3 Adequate and sustainable social protection

Ten key principles are integrated in the chapter on adequate and sustainable social protection.

Table 4.4 Chapter III: Adequate and sustainable social protection

Childcare and support to children
Social protection of workers and self-employed
Unemployment benefits
Minimum income
Old age income and pensions
Healthcare
Inclusion of people with disabilities
Long-term care
Housing and assistance for the homeless
Access to essential services

Source: European Commission, 2017b

All children have the right to affordable early childhood education and to good quality care. Children must be protected from poverty. Specific measures should be taken to make sure that children coming from a disadvantaged background have the same opportunities.

Adequate social protection is a must for everybody, also for the self-employed. Public employment services provide jobseekers with activation support. Unemployment benefits of reasonable duration are in line with contributions and national eligibility rules. These benefits do not constitute a disincentive for a quick return to work. An adequate minimum income is available for those lacking sufficient resources. Minimum income benefits should be combined with incentives for (re)integration into the labour market for people who are capable to work.

Persons in retirement, workers and the self-employed are entitled to a pension. The opportunities to acquire pension rights are equal between genders to ensure that they are able to live in dignity. Living in dignity for people with disabilities is ensured by means of income support, services enabling them to participate in the labour market and a work environment that is adapted to their needs.

Affordable, preventive and curative healthcare is available for everyone. Long-term care services, specifically home care and community-based services, is provided to anyone in need of it.

Housing and assistance for the homeless is provided through better access to social housing or housing assistance. When vulnerable people are threatened with forced eviction, they need to be given appropriate assistance. To promote the social inclusion of the homeless, adequate shelter and services need to be provided. Access to essential services (e.g. clean water, sanitation, energy, transport) is a right for everyone, also for those who are in need (European Commission, 2017b).

4.4 Enforcement and monitoring

4.4.1 Enforceability in a limited legal context

The recommendation on the European Pillar of Social Rights has a preamble which depicts the legal and political context of the European Union, among others. It defines the boundaries within which EU action is possible, taking into account its competences (Treaties, Charter, legislation) and the principle of subsidiarity (Feenstra, S., 2017). The development of the European Pillar of Social Rights is based on existing legislation at both EU and the international level. It is built on the Community Charter of the Fundamental Social Rights of Workers of 1989, the 1961 European Social Charter, the 1996 Revised European Social Charter and the European Code of Social Security of

the Council of Europe. It takes conventions, recommendations and related protocols of the International Labour Organisation (ILO) into account. The Social Pillar also draws on the United Nations' Convention on the Rights of Persons with Disabilities. The recent formulation of the United Nations' Sustainable Development Goals for 2030 has provided inspiration. In establishing the Social Pillar, the social *acquis* has been reviewed to find out whether it is still up to date and fit for purpose in order to deal with future challenges. A holistic view of the social *acquis* has been integrated in the recommendation on the European Pillar of Social Rights.

The Social Pillar does not intend to re-state or modify existing rights. These rights remain valid. It is rather the objective of the Social Pillar to present a number of essential principles in different policy domains which complement the existing rights. However, it is not only a matter of complementing existing rights. Legislation in the area of employment and social protection is lagging behind. It is no longer properly aligned to the changed realities in those areas. It is thus also a matter of updating and modernising the existing laws and stepping up enforcement (Feenstra, S., 2017).

Making the European Pillar of Social Rights work is a joint responsibility. Delivering on the principles is a shared commitment. The objective is to implement the Social Pillar at the EU level and the level of the Member States, taking into account their competences and the principle of subsidiarity. At the EU level, the Social Pillar is not intended to extend the power provided by the Treaties. It will be implemented within the limits of these powers. At Member State level, the European Pillar of Social Rights does not affect their right to define the fundamental principles of their own social security systems nor the financial equilibrium of it. The diversity of the Member States, their national identity and the organisation of their public authorities at all levels is taken into account. The Social Pillar does not prevent the formulation of more ambitious standards by individual Member States or social partners. It does not restrict or negatively affect rights

recognised by EU law, international law and international agreements to which the EU or the Member States are party. This includes the European Charter and relevant conventions and recommendations of the International Labour Organisation (ILO).

Given the legal nature of the European Pillar of Social Rights, the principles and rights enshrined in the Pillar are not directly enforceable. They will have to be translated into dedicated action or pieces of legislation. The implementation of the European Pillar of Social Rights should be supported by the European Structural and Investment Fund. More specifically, the European Social Fund and other initiatives for social cohesion (e.g. Youth Employment Initiative, the European Globalisation Fund) will have a central role in the follow-up.

European Union legislative and non-legislative tools

The European Union has a number of tools at its disposal to implement and enforce policies. These tools range from having strong legislative powers to providing mere guidance.

Legislation	Guidance
<ul style="list-style-type: none"> - Regulations - Directives - Constitutions - Minimum requirements - Free movement and mobility 	<ul style="list-style-type: none"> - Policy recommendations - Exchange of best practices - Support for reform
Funding	Cooperation
<ul style="list-style-type: none"> - Skills - Youth - SME financing - Poverty reduction - Regional and rural development - Research and development 	<ul style="list-style-type: none"> - Dialogue with social partners - Engaging with civil society - Working with national actors and international institutions

These (non-)legislative tools differ in the value and impact they have. Rights which are enshrined in primary law, constitutions, charters and solemn declarations have an intrinsic power. A recommendation, e.g. on minimum income, remains a recommendation for Member States to follow. They are free to incorporate it in their national legislation. It remains non-binding. A directive on the other hand needs to be implemented in national legislation by the Member States. The monitoring of recommendations can be categorised on the borderline between hard and soft law.

4.4.2 The social partners and social/civil dialogue as a cornerstone for implementing and monitoring the Social Pillar

Member States, social partners and civil society have the majority of the tools in their hands to actually deliver on the European Pillar of Social Rights. The social partners, in accordance with their autonomy and right to collective bargaining, play an important role in implementing the principles of the European Pillar of Social Rights. Moreover, social dialogue is crucial for overall implementation as a means to reinforce social rights and enhance inclusive and sustainable growth.

4.4.3 Monitoring process

As said earlier, the European Pillar of Social Rights is meant to be a framework for holistic monitoring of the employment and social performance of Member States. To this end, a social scoreboard has been developed and is used within the context of the European Semester. The social scoreboard feeds data into the European Semester. The progress made in twelve areas will be monitored along the three chapters of the European Pillar of Social Rights. No less than 14 headlines and 21 secondary indicators are used. These indicators are based on existing data collected in the EU-LFS, EU-SILC, the structure of earnings survey and the OECD's PISA survey. Progress is assessed and the semester process used to promote further targeted reforms (European Commission, 2017b; European Commission, 2017c; European Commission, 2017d, Feenstra, S., 2017).

4.4.3.1 The social scoreboard versus other scoreboards

A wide variety of indicators and scoreboards have been developed to follow-up on and display the progress made in a multitude of policy areas within the European Union. They are used in various contexts and for a number of purposes; e.g. monitoring the Europe 2020 target on poverty reduction and

fighting social exclusion, in the preparation of the European Semester, providing evidence for addressing specific challenges and so on.

We highlight some of the already existing monitoring mechanisms.

a. The Social Protection Performance Monitor (SPPM)

The Social Protection Performance Monitor was developed in 2012. It was intended to complement reinforced economic governance with improved mechanisms for monitoring and implementation in the area of employment and social policies. Its specific purpose is to reinforce and support the coordination and multilateral surveillance of social policy. The monitoring instrument is used to identify major social trends, providing input for the European Semester and the formulation of the country-specific recommendations, for multilateral and thematic monitoring and peer reviews. It is the underlying instrument for the monitoring process of the Europe 2020 social dimension. The indicators used in the Social Protection Performance Monitor are derived from the EU portfolio of commonly agreed indicators on social inclusion and social protection. The Social Protection Performance Monitor is a “dashboard” of overarching social indicators which provide a comprehensive overview of the main social changes in Europe. They make it possible to identify important trends and cover dimensions such as the level of poverty risk, income inequalities, child poverty, effectiveness of social protection systems, social consequences of the labour market situation, youth exclusion, active ageing and access to decent housing. The information is fed into detailed country profiles which in turn are used to depict the country-specific social challenges and steer towards a good outcome in the light of the Europe 2020 targets. The Social Protection Performance Monitor is consistent with the Joint Assessment Framework which is used for tracking the progress and monitoring of the Europe 2020 employment guidelines (European Commission, 2012).

b. The scoreboard of key employment and social indicators

The scoreboard of key employment and social indicators is an early detection system for adverse employment and social trends as well as for convergence or divergence patterns across Member States. Based on their performance, Member States are classified in different groups ranging from best performers to those in a critical situation. The scoreboard is integrated within the context of the Social Protection Performance Monitor.

Since 2014, the scoreboard of key employment and social indicators has been made part of the Joint Employment Report which includes an assessment of the European employment situation and information on progress towards the employment guidelines. It is prepared by the Employment Committee and used to implement the European Employment Strategy which is part of the Europe 2020 targets (European Commission, 2014d; European Commission, 2016g).

c. The place of the social scoreboard in the European Semester

Mid-2017, the scoreboard for the Social Pillar was already available on the website and the set of 12 headline dimensions/indicators with 14 indicators was provided. The final set of 12 headline indicators used in the European Semester country reports does not yet include the dimension of labour market dynamics, including the indicators of participants involved in labour market activation policies and of employee compensation per hour worked (in euros).

Twelve key indicators are selected to assess the state of affairs regarding implementation of the European Pillar of Social Rights and are integrated in the report of the European Social Semester. Eleven of those indicators are already applicable; a twelfth, indicating national purchasing power, is still under discussion although it well reflects economic convergence. However,

that is not directly the goal of the Social Pillar. GDHI (gross disposable household income) per capita would give a good indication. The following is an example of the assessment of social rights in the European Semester Report for Belgium in 2017.

Figure 4.1 Social scoreboard for Belgium in the European Semester report

BELGIUM		
Equal opportunities and access to the labour market	Early leavers from education and training (% of population aged 18-24)	On average
	Gender employment gap	To watch
	Income quintile ratio (S80/S20)	Better than average
	At risk of poverty or social exclusion (in %)	On average
	Youth NEET (% of total population aged 15-24)	Better than average
Dynamic labour markets and fair working conditions	Employment rate (% population aged 20-64)	To watch
	Unemployment rate (% population aged 15-74)	On average
	GDHI per capita growth	On average
Social protection and inclusion	Impact of social transfers (other than pensions) on poverty reduction	Better than average
	Children aged less than 3 years in formal childcare	Best performers
	Self-reported unmet need for medical care	On average
	Individuals' level of digital skills	On average

* Source: Country Report Belgium 2018, p. 24; Eurostat, European Social Pillar, social scoreboard indicators, <http://ec.europa.eu/eurostat/web/european-pillar-of-social-rights/indicators/social-scoreboard-indicators>

The social scoreboard includes 14 headline indicators, of which 12 are currently used to compare Member States' performance. Member States are classified in seven categories according to those indicators from "best performer" to "critical situation", based on a joint assessment as well as indicator level and change. This statistical methodology is agreed with the EMCO and SPC Committees. For instance, a country can be flagged as "better than average" if the level of the indicator is close to the EU average and is improving fast. For methodological details, see the draft Joint Employment Report 2018, COM (2017) 674 final. The indicators "participants in active labour market policies per 100 persons wanting to work" and "compensation of employees per hour worked (in euros)" are not used due to technical concerns of Member States. Possible alternatives will be discussed in the relevant committees. Those indicators are to be compared with the large set of macroeconomic imbalance procedure indicators (MIP), where labour market and poverty indicators are already in use in aggregated and detailed form, on top of classical macroeconomic indicators.

The 2018 country-specific recommendations already paid special attention to social challenges, building on the European Pillar of Social Rights. It was re-emphasized that the European Social Pillar is 'a compass for a renewed process of upward convergence towards better working and living conditions in the European Union, supporting productivity and ensuring the sustainability of welfare systems' (2018b, p. 2). It is an ambition of joint economic and social progress. It is obvious that this is a national responsibility since 'the Commission has recently invited Member States to set out renewed priorities and actions at national level, through their National Reform Programmes' (Ibidem). The recommendations for reform refer explicitly to the Social Pillar.

Great mistrust in European policies has recently emerged (caused by the reinforcement of the Stability and Growth Pact after the financial, economic and subsequent budgetary crisis of 2008). Before, there was fear about the

impact of monetary integration. Even now, austerity measures continue. For instance, we read in the European Semester Report for Belgium that: 'There is scope to give spending restraint a larger role in fiscal consolidation. Total public expenditure as a percentage of GDP is above the Euro area average. [...] At present, no level of government in Belgium is bound by domestic expenditure rules, with the exception of a ceiling for healthcare spending. This [...] prevents spending-based fiscal consolidation.' (Country Report, Belgium, p. 2). But there will always be someone above the average. This could also be understood in the sense that Belgium is more advanced in terms of social protection. Fiscal consolidation should not invite a country to converge 'downward' by cutting expenditures as the Social Pillar wants to deliver economic and social progress.

The report of the European Fiscal Board (2018, p. 15) reveals that substantial fiscal consolidation in the period 2012-2013 deepened the economic crisis, while a more neutral position/fiscal stance has been taken since then (in 2014-2017). The years 2018-2019 are characterized by fiscal expansion. The EFB observes (or recommends?) that since we are in a period of 'twenty quarters of uninterrupted growth since the end of the double-dip recession in 2013', it is time to create fiscal leeway for future crises, especially in countries with a high sovereign debt-to-GDP. The fact that fiscal consolidation in 2012 and 2013 deepened the crisis is an uncomfortable truth that now confronts us again with the continued need for further consolidation. In any case, this leads to a balanced observation that policies were probably too severe around 2011-2013, followed by a change in regime, but now there is the need to change again. There is nothing wrong with budgetary discipline, but there is something wrong with how it is reached (increased contributions or reduced expenditures). The report of the European Fiscal Board also comments on another European policy initiative as part of the next Multiannual Financial Framework. This encompasses the creation of a European stabilization fund to buffer asymmetric or even symmetric shocks in the monetary union. However, the provided financial means will probably

not be too limited for severe asymmetric shocks. Moreover, based on this report, researchers also agree that it should be the automatic stabilisers in the national budget which provide the first means of absorption in crisis situations. This is in line with our first conclusion from 1995, when we analysed the relationship between social protection and the EMU (Pacolet, Gos, 2014). Otherwise there is nothing wrong with creating fiscal space to head off future crises.

European macroeconomic monitoring within the European Semester is already using a detailed 'Macroeconomic Imbalance Procedure (MIP) Scoreboard', (consisting of 14 headline indicators covering the most relevant areas of macroeconomic imbalances, competitiveness and adjustment issues). These 14 indicators are complemented by 25 auxiliary indicators. In 2013, indicators recording employment, unemployment and poverty were added to the auxiliary indicators.

It took until 2015 (installation of the new Commission in 2015) for three auxiliary employment indicators to be added to the headline indicators. Both types of indicators are complementary. While the auxiliary indicators measure the level of persons employed in the age group 15-64, the headline indicator refers to the change in this indicator in the last three years, expressed as percentage points.

4.4.3.2 Nothing new under the sun?!

The European Commission has proposed the development of a social scoreboard in the context of the European Pillar of Social Rights. But how 'new' is this social scoreboard, given the existence of a number of scoreboards in similar areas? How do they relate to each other? Do they overlap, complement or exist next to one another? It is all somewhat confusing.

The social scoreboard of the European Pillar of Social Rights is intended to monitor societal progress. Its purpose is to detect employment and social challenges in the Member States in a timely manner and to monitor progress achieved over time. In this regard, it seems to be similar to the 'scoreboard of key employment and social indicators' which has the same purpose.

The "scoreboard of key employment and social indicators" assigns countries to different categories depending on their performance. Similarly, the social scoreboard will benchmark the performance of the Member States with the averages for the EU and the Euro area, in order to stimulate mutual learning and sharing of best practice. A look at the indicators used shows an obvious overlap in the key/headline indicators.

The European Semester is also an important monitoring instrument for tracking the performance of Member States in those areas which are covered by the European Pillar of Social Rights. It is now joined by the scoreboard of the Social Pillar. By definition, it reinforces the fact that macroeconomic monitoring takes account of the social dimension. Discussions will therefore be held in the not-too-distant future to figure out how exactly the social scoreboard can be used within the framework of the European Semester. In recent years, employment and social aspects have gained importance in the European Semester. The European Commission views the social scoreboard as an instrument to facilitate these increased considerations within the European Semester and the country-specific recommendations. In addition, it could be seen as a reference point for social progress throughout the Euro area (European Commission, 2017d). Application in practice will show whether any of the indicators overlap, while information about others seems limited. For instance, some countries where the level of social protection accounts for more than 25% of GDP provide almost no information. To a large extent, social protection expenditure defines the third chapter of the Social Pillar. Of course, this is a national responsibility but monitoring of the level of social protection expenditure could highlight divergence. It seems

the European Commission is afraid to use this information. Although it cannot impose the level of social protection, the indicator might reveal existing inadequacies in social protection for certain countries. So why not make this lack transparent? Statistical transparency already exists for those familiar with the ESSPROS statistics. But making the differences visible on a formal scale might contribute to more (hopefully upward) social convergence.

4.5 Accompanying legislative and non-legislative initiatives

The principles and rights of the European Pillar of Social Rights are not directly enforceable. They have to be brought to life by specific initiatives. Together with the presentation of the Social Pillar on 26 April 2017, the European Commission also presented a number of legislative and non-legislative initiatives backing up the Social Pillar. They are part of the “social package”. The initiatives illustrate the nature of the issues covered by the Social Pillar. But they also represent ways in which the Social Pillar can be implemented. These four initiatives cover the following domains: 1) work-life balance; 2) information for workers; 3) access to social protection; and 4) working time (<http://ec.europa.eu/>).

4.5.1 Work-life balance

The “New start for working parents and caregivers” is an initiative to address the challenges working parents and carers are confronted with in balancing their work and personal life. It is a step taken by the European Commission for a broader approach to tackling the underrepresentation of women in the labour market, especially after the withdrawal of the Maternity Leave Directive. It also encourages better sharing of the caring responsibilities between genders.

The initiative is based on the results of a public consultation process, a two-stage social partner consultation and the analysis of an accompanying impact assessment. The initiative advocates new and higher minimum standards for parental, paternity and carer's leave. A comprehensive package was presented including different legal and non-legal measures which complement and reinforce each other. The introduction of new legislative measures aimed to modernise the existing EU legal framework. The proposed directive on work-life balance for parents and carers includes the following legislative measures:

Table 4.5 **New Start legislative measures**

The introduction of paternity leave of at least 10 working days with a minimum compensation at the level of sick pay
The introduction of carer's leave of five days per year for those workers taking care of seriously ill or dependent relatives; at least compensated at the level of sick pay
Strengthening of parental leave by compensating the four-month period at least at the level of sick pay, non-transferable from one parent to another, the leave can be taken in a flexible manner
Extension of the right to request flexible working arrangements for working parents and carers.

Source: <http://ec.europa.eu/>

In addition to the legislative measures, a set of non-legislative measures has been developed to help Member States to deliver on common goals such as:

Table 4.6 **New Start common objectives**

Protecting parents and carers against discrimination and dismissal
Promoting a gender-balanced use of family-related leave and flexible working arrangements
Making better use of European funds to improve services for childcare and long-term care; no information is yet available on how this will be organized specifically
Removing economic disincentives for second earners

Source: <http://ec.europa.eu/>

The ambition is to provide benefits to individuals (parents and carers), companies and society as a whole. An increase in female employment, their higher earnings and career development will have a positive impact on the economic prosperity of the families of women and carers. It will also contribute to their social inclusion. Companies will be able to tap into a wider talent pool. An increase of women entering the labour force will contribute to addressing the challenge of our ageing societies and the financial stability of Member States (<http://ec.europa.eu/>).

4.5.2 Access to social protection

This proposal refers to the twelfth principle of the Social Pillar. Today's world of work has become more flexible with new opportunities but poses new risks at the same time. Social security systems are poorly adapted to certain types of employment, raising new issues of precarious employment and inequality. Standard contracts are increasingly being replaced by new, non-standard types of contracts such as mobile ICT workers, collaborative employment, employee sharing, job sharing, voucher-based work and much more. These new employment contracts require modernised and adapted social protection. The European Commission has consulted the social part-

ners to define rules that are more compatible with the new reality of work (<http://ec.europa.eu/>). In March 2018, a proposal was presented for a “Council Recommendation” on access to social protection for workers and self-employed. Although it is “only” a recommendation, it reveals the real dimension of social protection that offers “formal” coverage for all workers, including non-standard workers and the self-employed, providing “effective” and “adequate” coverage (“to uphold the standard of living”). The recommendation acknowledges that this might imply or even need additional funding but leaves the final decision at the national level. It even mentions the possibility of going beyond the recommendation by “establishing more advanced provisions on protection than the ones recommended here” (article 35).

4.5.3 Written Statement Directive

The Written Statement Directive of 14 October 1991 gives employees starting a new job the right to be given a written statement about the aspects of their employment relationship. But the directive needs to be revised to bring it in line with changes in the world of work. Many workers do not receive timely information on their working conditions. This is especially the case for atypical work (such as zero-hour work); specific categories of workers (paid trainees and domestic workers) and certain sectors (such as construction and agriculture). These non-standard types of work are also more likely to be characterised by low levels of job and income security.

In the course of 2018-2019, the European Commission launched a proposal and consulted the social partners to revise the Written Statement Directive and rename it as Directive on Transparent and Predictable Working Conditions. The aim was to make sure that all EU workers receive written and timely information about their working conditions.

4.5.4 Working Time Directive

The European Commission has undertaken to provide guidance on the Working Time Directive. It has adopted a clarification of the directive for interpretation of the various aspects. This guidance should help Member States to implement the acquis correctly. There are workers who seem to be consistently working longer than the 48-hour average. This trend has a disruptive effect on work-life balance. Such infringements need to be avoided (<http://ec.europa.eu/>).

4.6 Stepping up the overwhelming ambition: the European Labour Authority (ELA) and the European Social Security Number (ESSN)

Another example of the 'overwhelming ambition' of the European Commission consisted in the proposals made in September 2017 by President Juncker in his 'State of the Union' speech, to create a European Labour Authority (ELA) and to install a unique European Social Security Number (ESSN).

The public consultations and impact assessments on those new initiatives took place between November 2017 and March 2018. Both initiatives are part of a wider effort to improve labour mobility in the EU.

The ELA contributes to the overall objective of ensuring that EU rules on labour mobility are enforced in a fair, simple and effective way, which should further support labour mobility in the single market.

The task of ELA would consist in providing systematic support to national administrations, mobile citizens and businesses on issues of cross-border employment (free movement of workers, posting of workers, combating undeclared work and social security coordination).

According to the Commission's proposal, it aims to do so by improving:

- cooperation at EU level on cross-border employment and social security matters;
- access to and sharing of information and transparency regarding rights and obligations in the field of labour mobility and social security systems for workers/citizens, businesses and public authorities;
- the rationalisation and streamlining of existing tools and structures in the area of cross-border employment and social security coordination.

The proposal of ELA's tasks tries to find a balance between the ambition to improve transparency and certainty about social rights for mobile persons versus the need for enforcement and control in the fight against social fraud of all kinds. The outcome of the preparatory work was a combination of both. After proper consultation of all stakeholders and the required impact assessment, a regulation was proposed in March 2018 to establish this European Labour Authority. The option was taken to create a new authority, but not completely 'de novo' since it would integrate some existing initiatives at European level such as the EURES European Coordination Office or the very recently created European Platform tackling undeclared work.

At the same time the idea was launched to create a unique European Social Security Number (ESSN). The initiative aims to address two main challenges in the field of social security coordination:

- it is cumbersome for insured persons and for social security institutions to prove respectively determine the identity of the person for social security purposes across borders and throughout their career, given the wide variety of national personal identification numbers;

- it is often time-consuming and complicated to ascertain a person's social security coverage by social security institutions or care providers.

It would complement the ongoing revision of the social security coordination rules and the setting up of the Electronic Exchange of Social Security Information (EESSI).

The implementation of this last proposal is less likely in the short term, although it would not only generate substantial administrative benefits and improve coordination and communication among administrations; it could also be a crucial new visible dimension of Europe with a direct benefit. As the European Commission is highlighting the importance of the EHIC (European health insurance card) or the benefits of roaming in the EU, or even more important, one currency, the use of one social security number could symbolize European integration in the field of social protection. The use of a unique social security number could also guarantee better insurance/contributions and entitlements, which is even more important. It would be an easily understandable and very practical contribution made by the EU to the daily administrative life of its citizens. Considering the rise of Euro-scepticism and the upcoming elections, it is hard to understand why policymakers have not given more priority to this visible initiative.

So far, the European Commission has not taken any new formal steps with regard to the ESSN, although stakeholders have welcomed the benefits of such an initiative. The 'Deutsche Sozialversicherung Europavertretung' (DSV, 2018) underlines that especially in a digitised world, the ESSN will not only be more feasible but also more useful in simplifying digitisation and making it more secure. We think it might be helpful in the fight against social fraud and mistakes, while at the same time improving the effective uptake of rights. There is no reason to wait.

4.7 Timeline

In his first State of the Union speech, EU Commission President Juncker declared that he wanted to develop a European Pillar of Social Rights. Since the initiative was announced on 9 September 2015, numerous steps have been taken resulting in the joint solemn declaration of the Pillar in November 2017.

A first step was to develop a preliminary outline of the European Pillar of Social Rights. On 8 March 2016, Commission Vice President Dombrovskis and Commissioner Thyssen put forward a first proposal setting out 20 essential principles supporting fair and well-functioning labour markets and welfare systems.

Following the presentation of the preliminary outline of the European Pillar of Social Rights, a broad public consultation started which lasted throughout 2016. By means of this public consultation, the Commission engaged with social partners, citizens and national authorities to discuss the further development of the European Pillar of Social Rights. All had an opportunity to debate the content and role of the Social Pillar and to present their ideas and feedback on how to ensure fairness and social justice in Europe. The European social acquis was also assessed, taking into account new trends in work patterns and evolving societies. A number of questions were asked, including: Which existing rights are practiced and remain relevant for the challenges ahead? Are new ways necessary to deliver on these rights? What has been the impact of new technologies, demographic trends and other factors on working life and social conditions? What are the challenges related to the principles put forward by the European Pillar of Social Rights?. In addition to the public consultation, feedback was also gathered through a structured dialogue. For this purpose, the Commission established three steering groups responsible for the organisation of national and international events to deepen its reflection on a Social Pillar for Europe. The three steering groups were organised around three work streams: 1) the EU social

acquis: taking stock; 2) the future of work and welfare systems: challenges and opportunities; and 3) the role of the Social Pillar as part of a deeper and fairer EMU. The Commission called upon the knowledge and expertise of a wide variety of experts (academic experts, researchers, international organisations, Member States and social partners). At the end of June 2016, each steering group had prepared an interim report. Their final report (November 2016) was incorporated in the declaration of the Social Pillar (<https://www.ec.europa.eu>).

All the positions received (Appendix 3 features a summary of the input from EZA members in this consultation) contributed to the final outline of the European Pillar of Social Rights and helped determine the scope for future action. The consultation process ran until 31 December 2016. More than 16,000 contributions were submitted. In early January 2017, discussions on the outline of the European Pillar of Social Rights took place in the European Parliament. It produced an own initiative report contributing to the ultimate construction of the Pillar.

On 23 January 2017, the Commission organised a European conference on the Pillar of Social Rights in Brussels, Belgium. The event was considered to be a milestone in the development of the Social Pillar. It marked the end of the consultation process and was seen as one of the final steps towards actually establishing the European Pillar of Social Rights. The results of the public consultation were discussed by more than 600 participants from Member State authorities including more than 20 national ministers, EU institutions and several Members of the College of Commissioners, social partners and civil society (<https://www.ec.europa.eu>).

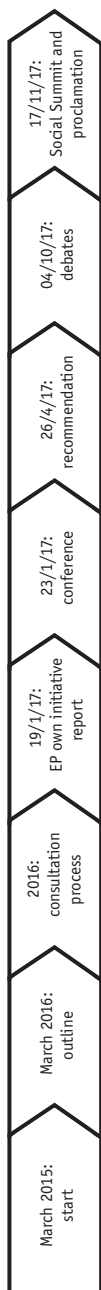
A recommendation on the European Pillar of Social Rights was developed on the basis of the information and input gathered over the two previous years. On 26 April 2017, the European Commission presented its recommendation on the European Pillar of Social Rights which was then debated in the European Parliament and the European Council.

On 17 November 2017, a Social Summit for fair jobs and growth was held in Gothenburg, Sweden. EU Commission President Juncker co-hosted the summit together with Sweden's Prime Minister Löfven. The Social Summit created the ideal setting for putting social priorities, a more social Europe with fair working conditions, effective labour markets and a strong social dialogue at the top of the European agenda. The Social Summit aimed to gather heads of state or government, social partners and other key stakeholders. It provided a forum for discussing policy initiatives set at the European level as well as seeing how the European Union, the Member States and social partners at all levels deliver on the shared economic and social priorities. The focus of the Social Summit was fourfold: 1) fair jobs, 2) inclusive growth, 3) equal opportunities, and 4) shared responsibility. The Social Summit was also an ideal opportunity to steer the work forward and to embed the Social Pillar within the broader discussion on the social dimension of Europe (<https://www.ec.europa.eu>). Moreover, the proclamation of the Social Pillar by the European Parliament, the Council of the European Union and the European Commission took place at the Social Summit. As a result of this joint proclamation, the European Pillar of Social Rights is a commitment not only on the part of the EU institutions, but also of the national authorities undertaking to implement the Social Pillar (European Commission, 2017f).

A small booklet which was broadly distributed after the proclamation contains references to the existing charters of rights or European basic law. It underlines once more that delivering on the European Pillar of Social Rights is a shared political commitment at both Union level and Member State level, respecting 'the right of Member States to define the fundamental principles of their social systems and manage their public finances' and finally, 'Social dialogue plays a central role in reinforcing social rights and enhancing sustainable and inclusive growth' (p. 9). The Pillar serves as a blueprint (if not for some as a bible?) for social progress.

A timeline showing the development of the Social Pillar is presented below.

Figure 4.2. Timeline of the European Pillar of Social Rights



4.8 Criticism of the Social Pillar

Already in the preparation phase for the preliminary outline of the European Pillar of Social Rights, organisations and stakeholders all over Europe gave a lot of input. In addition, many EU institutions made contributions based on their own expertise to what would later become the recommendation of the European Commission on the European Pillar of Social Rights. The development of the Social Pillar has always been a joint effort and it still is. The European Pillar of Social Rights remains an ongoing process of a shared commitment in the areas of legislation, funding and monitoring.

There has been a great deal of criticism right from the start. Although most people are in favour of generating more upward convergence in Europe, there are still concerns and reservations. The intentions of the Social Pillar are a positive sign. And broadly speaking, the European Pillar of Social Rights is seen as an opportunity to deliver on a more social Europe in which economic policies are balanced with social considerations that put European citizens first (European Commission, 2017e). But there is still a certain amount of hesitation: for example, the initiative might not produce a significant effect as long as the economic assistance programme in the context of the Greek crisis continues to have a detrimental social impact on the country's development and population. That is quite the opposite of what the European Pillar of Social Rights aims to stand for.

The debates are also centred on how to actually make the rights and principles a reality. Europe has raised high expectations, but will it be able to deliver on them with the European Pillar of Social Rights? Its success will ultimately depend on how it becomes operational (European Commission, 2017e). The European Pillar of Social Rights is a good narrative, but it is still weak in certain respects. The CNE and ILO, for example, underline that actual implementation of the Pillar by the Member States might be very limited (CET, CEC & CEPESSE seminar, 2017). It lacks an overall vision, while there are contrasting views on the balance between economic and social considerations. For some, the Pillar focuses too much on employment and economic realities to the detriment of the social aspects. For others, it does not focus enough on areas that can generate economic growth and competitiveness. They see competitiveness, productivity and job creation as pre-conditions for the success of an inclusive social model (European Commission, 2017e).

The Social Pillar remains vague in its formulations and descriptions of the principles. An example is the lack of a uniform definition of what it means to be an employee. The Social Pillar needs to become a stronger instrument, in terms of its content and legally speaking. The name suggests it is legally enforceable. The way it is presented creates the impression that it entails rights, but the Social Pillar merely contains principles which, in time, still need to become rights. This is ambiguous and misleads European citizens in thinking that they can claim these rights via the Social Pillar. The European Union still does not have many competences to develop legally binding legislation in the social field. What is the use of the European Pillar of Social Rights if it cannot be legally enforced? What role can the EU actually play in the social field? Ways must be found to make social norms enforceable and to improve their take-up. The areas covered by the Social Pillar are those of shared competence between the EU, national institutions and stakeholders. A strong partnership between them is therefore crucial for bringing life to the Social Pillar.

In the end, the initiatives also need to be financed. But where the money will come from is not yet entirely a foregone conclusion. It is also striking that it seems to be difficult to find and reserve funds for such an important initiative. This is in strong contrast with the fact that it would appear to be easy for the European Commission to find funds for a European defence force. Moreover, there are no specific budgets or programmes proposed for implementing the Social Pillar in the proposal for the next multi-annual financial framework. The same uncertainty is true for monitoring (Nicaise, I., 2017). The recommendation on the European Pillar of Social Rights remains vague. It is no secret that many of these aspects (monitoring, funding) will remain constrained with the current sharing of competences between Member States and the European level. On the other hand, it has substantial potential by merely putting the social aspect (it is in many cases an 'aggiornamento' of previous initiatives) back on the agenda, concretising it in other regulations, directives or even just recommendations, including the creation of new institutions (the ELA). But major responsibilities remain a national prerogative.

De Becker & Schoukens clearly state that it is still not clear whether the Social Pillar will be applicable just in the Euro area or throughout the whole EU. Since the EMU was confronted with the fear of social regression right from the start, application just in the Euro area would already be a great ambition. But as the authors said, there is no reason to limit it to these countries; and extending it would help to avoid the creation of a two-speed union among others.

5 The European Pillar of Social Rights: element of a more social Europe?

Testimonial 7

Seminar of IFES (Institutul de Formare Economică și Socială), Romania, Timisoara, 24-25 January 2018, Strengthening the information, consultation and participation of workers at EU level: making full use of the European Works Council

The seminar concentrated on European Works Councils (EWCs). Since 1994, the European Directive 94/45/EC provides for the creation of consultative bodies in undertakings of at least 1,000 employees in the European Union and the EEA, with at least 150 employees in each of two Member States. The directive was updated in 2008 (Directive 2009/38/EC) to promote the creation of new EWCs and to improve the effectiveness of employees' rights to information and consultation. The new directive had to be transposed in national legislation by 2011. It guarantees that the members of the EWC collectively represent the interests of the employees and provides the right to training to perform this task adequately. But regarding the crucial question of productivity and wage negotiations, it became clear that this aspect remains a national competence, even in multinational companies (MNCs). Multinationals exploit the advantages offered by different legislations in different countries. A recent ETUI study shows that while economic convergence between European countries is too slow, multinational companies and their foreign direct investments contribute to it. Wage conditions in new plants established by MNCs are above the prevailing national standards. For new member states, the GDP per capita increased from 5-15% of the EU-15 GDP to 30-50% in the period between 1991 and 2011 for countries such as the Czech Republic, Hungary, Poland, Slovakia and Romania. In purchasing power,

the growth rate was even higher, from 30-60% of the EU-15 average to 60 to 80%. This reveals significant convergence. It makes us wonder what happens with the increased 'purchasing power' and whether it is used for redistribution and social protection.

Some suggested at the seminar that the Social Pillar might or should result in a revision of the Treaty. But perhaps the remarkable speed and success in accepting the Social Pillar are exactly the reasons why there were no proposals to change the basic principles of present competences and subsidiarity.

5.1 The European Pillar of Social Rights as part of a broader debate

There is no doubt about it: these are turbulent times for Europe. The European project has been questioned in the past, it is being questioned at the moment and it will be questioned again in the future. Member States ask themselves whether or not they are better off by themselves. European citizens ask themselves what the added value of the European Union is in their daily lives. The European Union finds itself at a crucial turning point. Where should it go? With whom? In what manner? Whether the 27 Member States remain together or not, whether the path will follow a more social road or not, all of this is still a question mark.

The European Pillar of Social Rights and the ambition towards a more social Europe are elements in a much broader reflection process on the future of Europe. What future do we want for ourselves, for our children and for the European Union? The EU-27 summit of 25 March 2017 in Rome celebrated the 60th anniversary of the European Union. Rome is where it all started

and Rome is where the way is paved into the future. Rome is considered to be the start of a new chapter.

The White Paper on the future of Europe (1 March 2017) is the Commission's contribution to mapping out possible roads. Presenting the White Paper has launched a reflection process in which Europe determines its own path. It is meant to stir debates in the subsequent period that will be held at all levels; in the European Parliament, at national level, by regional authorities and in civil society at large. By the end of 2017, the European Council planned to draw its first conclusions in order to roll out a course of action before the European elections of 2019 (European Commission, 2017a).

Figure 5.1 **Timeline for White Paper**



5.2 Five ways for the future development of Europe

Taking into account the drivers of change, the White Paper on the Future of Europe presents five possible scenarios for how Europe could evolve by 2025. They are intended to provide a glimpse into the potential state of the European Union depending on the choices that will be made. The five scenarios present a range of possibilities in which some features may (partially) overlap. In addition, they are neither mutually exclusive nor exhaustive, and combinations are possible as a future outcome. The next paragraph provides an overview of these five scenarios.

5.2.1 Scenario 1: carrying on

In this first scenario, the focus is on the European Union continuing to deliver its positive reform agenda and concrete results based on a shared sense of purpose. For instance, by 2025 the EU-27 continues to invest in jobs and growth by strengthening the single market and the functioning of a single currency. It steps up its efforts for improving the digital, transport and energy infrastructure. Steps are taken towards strong financial supervision to ensure the sustainability of public finances and to develop capital markets for financing the real economy. Cooperation in the defence sector is deepened in the fight against terrorism. The EU-27 keep pursuing international trade agreements and shaping the global agenda (European Commission, 2017a, p. 16).

5.2.2 Scenario 2: nothing but the single market

This scenario sets out a gradual re-centring of the European Union on the single market. There is an increasing focus on deepening key aspects of the single market. It will become the 'raison d'être' of the EU-27. There is no longer any willingness to cooperate in other policy areas such as migration, security or defence. These issues will be managed bilaterally. It may make decision-making easier, but the capacity to act collectively is limited. Internal disagreements on international trade may prevent the conclusion of good trade deals. The strong focus on reducing EU regulation will lead to vulnerabilities and a race to the bottom. Differences will persist and increase in areas such as consumer, social and environmental standards, taxation and the use of public subsidies. Citizens' rights derived from EU law may become restricted over time (e.g. common rules on the mobility of workers) (European Commission, 2017a, p. 18).

5.2.3 Scenario 3: those who want more, do more

The core of this scenario is that the union of the European Union is preserved, while Member States who want to cooperate in specific areas are allowed to do so. Under this scenario, the EU-27 proceed as it is, but with the emergence of 'coalitions of the willing'. This results in deeper cooperation between certain groups of Member States while preserving the status of the other states. For instance, by 2025 a group of countries chooses to work together more closely on social matters. The social standards they agree upon provide certainty, for example with regard to working conditions. As a consequence of this strategy, however, citizen's rights derived from EU law start to vary depending on where they live. Questions arise about transparency and accountability. Relations with third countries are still managed at EU level on behalf of all the Member States (European Commission, 2017a, p. 20).

5.2.4 Scenario 4: doing less more efficiently

Under this scenario the European Union will deliver more and faster in certain policy areas while doing less in others. Certain priorities are chosen together and the limited resources and attention are directed accordingly. This results in a faster response to issues emerging in these priority areas. In other areas, the EU-27 do less. The overall goal consists in better alignment of promises, expectations and delivery. The EU-27 are therefore given stronger tools so that collective decisions are implemented and enforced immediately. Priority is given to areas such as innovation, trade, security, migration, border management and defence. Less action is taken in areas such as regional development, public health or parts of employment or social policy as they are perceived to have a limited added value. Another reason for doing less is that the EU-27 are unable to deliver on their promises. In the end, the clearer division of responsibilities will help citizens better understand what the EU-27 deal with. Their rights are strengthened in the priority areas and reduced in others (European Commission, 2017a, p. 22).

5.2.5 Scenario 5: doing much more together

The European Union does more together across all policy areas. This scenario is driven by the consensus that neither the EU-27 nor any of the Member States have enough resources and power to face challenges. Forces are therefore combined in all policy domains. Decisions can be agreed upon, implemented and enforced more rapidly. Europe is united and speaks with one voice on the international stage. The EU-27 lead the global fight against climate change and continue to play a leading role in humanitarian and development action. A European Defence Union is created. Cooperation, joint approaches and partnerships have become routine. Better coordination on fiscal, social and taxation matters is envisioned by 2025. There is a strong ambition to strengthen the single market in the field of energy, digitisation and services. The scenario contributes to a faster decision-making process at EU level. Citizens will have more rights derived from EU law. The possible downside of this scenario is that it may alienate parts of society who feel that the EU lacks legitimacy and want the national authorities to have more power (European Commission, 2017a, p. 24).

5.2.6 Past roads and the way ahead

Launching these five scenarios is just one step in the way ahead. Other steps will be taken to further clarify which road Europe will take eventually. A series of 'future of Europe debates' will be hosted by the European Commission, the European Parliament and Member States. In addition, a series of reflection papers must also contribute to the debates. They are part of the White Paper process. The first was about 'developing the social dimension of Europe' in April 2017 and is described in the following paragraph. Other White Papers were published at the same time and in the following months on 'harnessing globalisation', 'deepening the EMU' based on the Five Presidents' Report of June 2015, 'the future of Europe's defence' and 'the future of EU finances' (European Commission, 2017a, pp. 26-28). It

is not clear what will happen with these papers. The paper on the social dimension of Europe certainly helped to bring about a smooth consensus to agree on the Social Pillar, with its solemn proclamation already in November 2017. The next step seems to be the European elections in May 2019.

5.2.7 A sixth scenario: full engagement at European and national level

The social dimension of Europe is largely based on national responsibilities. This applies not only to the social dimension as targeted in the Social Pillar in terms of the labour market, working conditions and social protection, but also to the way that fiscal measures monitored and inspired by the European Semester are implemented. It seems to imply ambitious European commitments, but also national responsibility to combine fair labour markets, economic development and social protection. Perhaps a sixth scenario is conceivable for taking things a step further, including a fully committed Europe and national ambitions. That is the line of thinking in this paper prepared for EZA. By the way, the 'European' 'recommendation' on decent social protection for all is such an additional initiative at European level – inviting the Member States to do more at national level (see above).

5.3 Reflection paper: developing the social dimension of Europe

“Developing the social dimension of Europe” was the first reflection paper to be published. It was presented on the same day as the recommendation on the European Pillar of Social Rights and is thus part of the European Commission’s Social Package. It is considered to be an important document in the debate on the social dimension of Europe. It is about how our social model and social security systems can be modernised and adjusted to the changing realities. Europe has always had a social dimension, but there are many different opinions on what a social Europe entails. Some contest the

need for a social dimension as this is an exclusively national matter. Others think that the European Union as a catalyst of global market forces and its single market are triggering phenomena such as social and fiscal dumping. For others, the contrary applies. A social Europe is necessary to fight social discrimination and social exclusion. It is at the core of democratic, cohesive, culturally diverse and prosperous European societies.

The reflection paper on the social dimension of Europe is meant to inspire people to ask themselves how we can keep our standard of living, create more jobs, provide people with the necessary skills to become more resilient and work towards more overall social cohesion. As in the paper on the future of Europe, the reflection paper outlines a number of possible scenarios for our social Europe (European Commission, 2017e).

5.3.1 Scenario 1: limiting the social dimension to free movement

Under this option, all the European rules regarding the free cross-border movement of people will be kept in place, such as rules on the social security rights of mobile workers or posting of workers. But there will no longer be any minimum European standards on issues such as health and safety at work, working and rest time, maternity and paternity leave. Good practices in the field of education, health and culture will no longer be exchanged by Member States. In addition, reconversion programmes will be discontinued or funded nationally as there will no longer be any financial contribution from the European Union. In short, the European Union is reduced to a purely economic union. This option has no room for a social Europe (European Commission, 2017e).

5.3.2 Scenario 2: those who want to do more in the social field can do more

The second possibility is that those countries who want to do more in the social field can do more. Collaboration is motivated by their willingness to strengthen and preserve the living standards of their citizens. The focus is on countries in the Euro area, but other interested countries could participate as well. Countries working together will have a common social policy. The advantage is that social progress can be achieved because everybody is on board. Those who are not simply do not join the social coalition. There will be no more problems caused by blocked or delayed social decision-making. But this option comes with a risk. Europe could become a Europe “à la carte”, a two-speed Europe. The divide between those who do well and those who lag behind might become even bigger. It will also lead to complex constellations as different coalitions emerge for different social topics. It lacks transparency. (European Commission, 2017e)

5.3.3 Scenario 3: the EU-27 deepen the social dimension of Europe together

Under this option, the EU would support Member State action in the social field. Social action should and would remain the main responsibility of the Member States, but the EU continues to explore ways to promote and help sustain social progress within its scope of possibilities. This not only entails minimum standards in selected areas embedded in legislation but goes beyond this. It aims for social convergence in social outcomes all over Europe. It would harmonise the rights of all European citizens (European Commission, 2017e).

5.4 Likelihood of the ideal scenario and conditions for success

The first option is actually no option at all. The economic aspect and the social aspect are like Siamese twins: they can't be separated. They influence each other all the time. The ideal scenario would be to deepen the social dimension with all 28 Member States. But is this realistic given different preferences, priorities and development levels as things stand today? It is uncertain whether everybody is convinced that this is necessary. Scenario 2 thus seems more realistic, hoping for a Europe that will not become too multi-layered, and then start working towards an "upgrade". The future remains open-ended.

However, a number of conditions must be met for a more social Europe to succeed. The economic crisis is always referred to as one of the main causes of a staggering Europe trying to find ways to restore its balance. This is not an entirely honest diagnosis. Of course, the crisis has contributed to the current state of Europe. But there are other influencing factors which are not mentioned (enough). The European Union should also look at itself. Its past policies have not always supported a more social Europe and were at times contradictory and ambiguous. The social disinvestment of Europe has also played a role. Social and fiscal dumping are still a reality and are part of the non-cooperative economic policy following EU enlargement. It allows a race to the bottom. Then there is the strict budget policy where cut-backs are used as a strategy to move the burden from the banking crisis to the low-income earners. The monetary union came under pressure and caused social disruption. Internal deflation induced macroeconomic imbalances in Southern Europe. All of this systematically eroded solidarity (Nicaise, I., 2017).

Social investment is a means of making Member States understand that social justice and economic efficiency need not be a contradiction but come hand in hand. There are a number of possible synergies between them, for example in the areas of social protection, health and education. But this means that the social conservation policy needs to be renounced, social minimum standards must be installed, social dumping effectively tackled and a common fiscal coordination policy pursued (Nicaise, I., 2017).

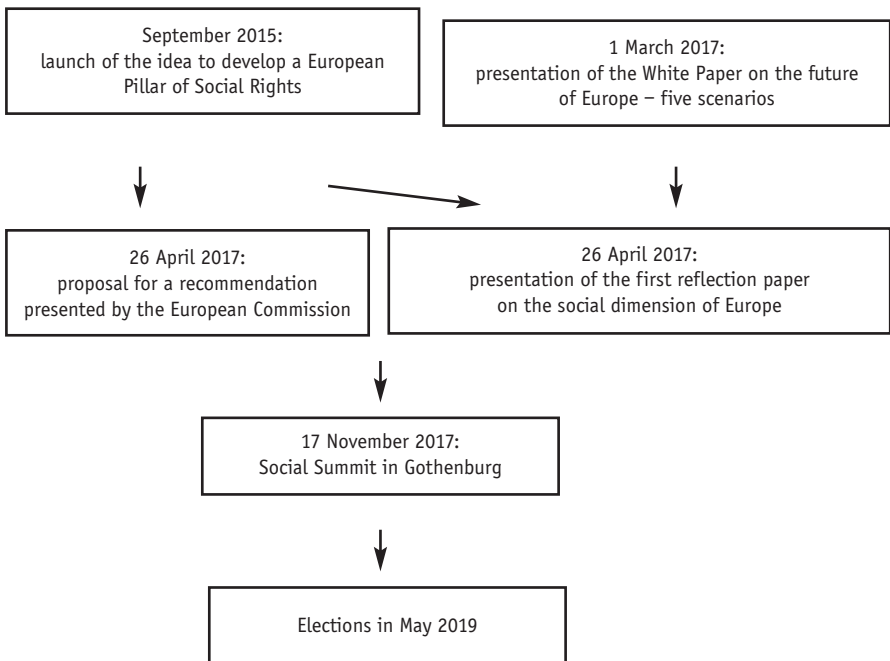
5.5 Intertwining timelines: the European Pillar of Social Rights versus the five ways for the future of Europe and the reflection paper

Looking at the timeline of the European Pillar of Social Rights versus the White Paper on the future of Europe, it is obvious that both initiatives impact on each other. The European Pillar of Social Rights was launched as a separate initiative which needed to be developed first, by the end of 2017. Since 2015, it went through a process of creation, evolving towards a recommendation by the European Commission on 26 April 2017. Together with the recommendation on the European Pillar of Social Rights, a first reflection paper on the social dimension of Europe was presented by the European Commission. This is part of the White Paper process in which a series of reflection papers will be published on the possible scenarios for Europe. For the debate on the future of Europe, the elections in 2019 would appear to be the next milestone.

At a certain moment, these two separate initiatives seem to come together and to start impacting on or inspiring each other. All of these initiatives stimulate debate about the current and future social aspects of Europe. They were intended to form the basis for further debates on the social future of the EU during the Social Summit in Gothenburg on 17 November 2017. The

work and effort put into the development of the Social Pillar will hopefully contribute to the debates on the future of Europe, maybe playing a role in deciding which road to take. On the other hand, the debate on the future of Europe is believed to facilitate the joint proclamation of the Social Pillar (European Commission, 2017f). That has definitely been the case. The solemn proclamation of the Social Pillar certainly cannot be seen as the endpoint in the debate on the future of social Europe. Instead, it has to be considered as the renewed starting point.

Figure 5.2 Intertwining timelines



The timelines presented in this paper as part of Ariadne’s thread bring us close to new European elections. That is the advantage of a democracy: every five years, the voters get to decide. We are confronted with a dilem-

ma. It would be cynical to deliver a narrative on another “*trente glorieuse*”, another glorious period of continuous social progress. But it would be harmful to deny all the progress that Europe brought us, or the additional ambition that we can observe. Let us opt for a balanced story that we are heading in the same direction, where progress has occurred but where further progress is definitely needed. That should be the politician’s promise in the upcoming European elections. We show in this paper that there are good arguments for further developing the social dimension.

6 Conclusion: Social Europe is our overwhelming responsibility

Testimonial 8

Seminar of BIE International, Belgium, Brussels, 1 February 2018, training of European Works Councils' members organised by ACV BIE¹¹, discussing the potential of the European Pillar of Social Rights

The Social Pillar was not the main subject at this training event for European Works Council members. This group of trade union representatives meets regularly to discuss the evolution of all dimensions of a social Europe. They show a great deal of realism and pragmatism in their SWOT analysis of social Europe. They underline the obvious complementarity of economic and social convergence, the need to maintain a voluntarist industrial policy to support economic development, the need for a well-developed national (i.e. Belgian) welfare state and the role of well-established social movements, with clear links to political decision-makers. These trade unionists don't need convincing that "it's the economy, stupid" but also "it's the welfare state, stupid" and "it's all in politics, stupid". Social movements need to have strong links with political movements.

11 BIE, Christian trade union Bouw, Industrie en Energie (building, industry and energy)

Testimonial 9

Seminar of CNV (Christelijk Nationaal Vakverbond), Netherlands, Utrecht, 5-6 April, 2018, The future of Europe – the social dimension

At this event, the social role of Europe is seen as being limited to the cross-border issues of social Europe, confronted in several industries with social dumping, unfair competition, posting and challenges in safeguarding cross-border social rights. Since Europe cannot even deliver adequately on those issues at the moment, it should focus on those and avoid further interference in national issues of social protection. Social Europe should limit itself to cross-border aspects. This mistrust in the broad ambition of a social Europe is inspired by fear of the growing impact of populism in their own country (Netherlands), triggered by too much interference from “Brussels”. But limiting social Europe to cross-border issues reduces the real ambition and scope of the Social Pillar. Implementing the Social Pillar remains to a large extent a national responsibility. And there is nothing wrong with Brussels permanently reminding us about this.

6.1 An overwhelming European social ambition

The European Union raised high expectations when it announced that there was going to be a European Pillar of Social Rights, almost three years ago at the time of writing. Some were afraid the European Pillar of Social Rights would not be able to live up to these expectations. Is it what we initially thought it would or could be? It is subject to a lot of criticism and misunderstandings. It was launched giving the impression that it would become the flagship of social Europe. But it seems as though the European Pillar of Social Rights will be no more than a collection of fragmented pieces. It is a box containing a myriad of social initiatives. Some will be taken up in law, others might be a recommendation. Nevertheless, with enough national and

political support, legal enforceability, proper monitoring and sufficient funding, it has a transformative power to shape a more social Europe bringing Member States together. It has been proclaimed sooner than expected, and with more unity, complemented by new regulatory initiatives.

When we look back at more than 60 years of constructing Europe, we see that the social dimension was present from the very beginning and has been taken forward by successive waves of new initiatives. Furthermore, the European Commission now demonstrates an overwhelming ambition to make progress in improving the social dimension of Europe. The track record of those decades and the present ambition recall a common development path of economic and social progress, as shown in the following illustration. It is a common destiny of economic and social progress, which is sometimes called a “genuine social market economy”. Sometimes it is interrupted, sometimes it risks evolving in another direction, but the present initiative recalls the common “people’s desire” for economic and social progress. Some past measures have been disastrous for some countries or some groups. The mistakes of the most recent fiscal consolidation policies, especially in the Euro area, should be avoided in future. There is an awareness and consensus about this, with some regret being shown. The debate brings social progress close to economic policies, as there was a risk of increasingly “repressive” policymaking, whereas the constructive approach could also be an option. This can be the case when monitoring social progress in a positive way as part of the European Semester governance of structural policies.

The European Pillar of Social Rights should not be seen as a separate, uniform pillar. It is not and was never meant to be a set of detailed policies on how Member States should manage their social systems. The European Pillar of Social Rights must be interpreted as the European Union listing and recalling existing initiatives and means to get there. It is about preserving the social role of the European Union. The Social Pillar re-emphasises this role (Ulvskog, M., 2017). In that sense, the expectations on the social

dimension of Europe are warranted. The European Pillar of Social Rights has the merit of keeping the social debate alive (Maselli, I., 2016). It builds upon principles and rights, set at different times throughout the history of the European Union and which come in all kinds of (legal) forms. The European Pillar of Social Rights wants to make these rights and principles more visible and explicit. In addition, the European Union is stepping up its efforts to modernise these rights and principles and work towards greater enforceability. This enforceability lies not only in the recognition of rights, but also in the actual take-up of rights.¹² It wants to provide a forum for more social action but also social policy-making. It is an incentive to act, ensuring that EU legislation effectively contributes to improving people's lives, the European social models and the Member States' economies.

Looking at the past, it is undeniable that Europe has moved forward in the social arena. And of course, this needs to be nuanced. The path of social progress has never been linear. Periods of moving forward have alternated with periods of stagnation or regression. And even today, Europe's policy in certain areas cannot be called a truly social policy. However, all in all, Europe has a good social track record. We really continue to head towards a genuine social market economy. The European Pillar of Social Rights shows this. It is the European Union's overwhelming ambition to continue doing this.

6.2 An overwhelming European and national political responsibility

Nothing new under the sun. As pointed out by Vandenbroucke (2014, p. 5): "The founding fathers of the European integration project were convinced

12 A good example is the wording of the recent recommendation on social protection that should be 'formal', but also 'effective' and 'adequate' (see above).

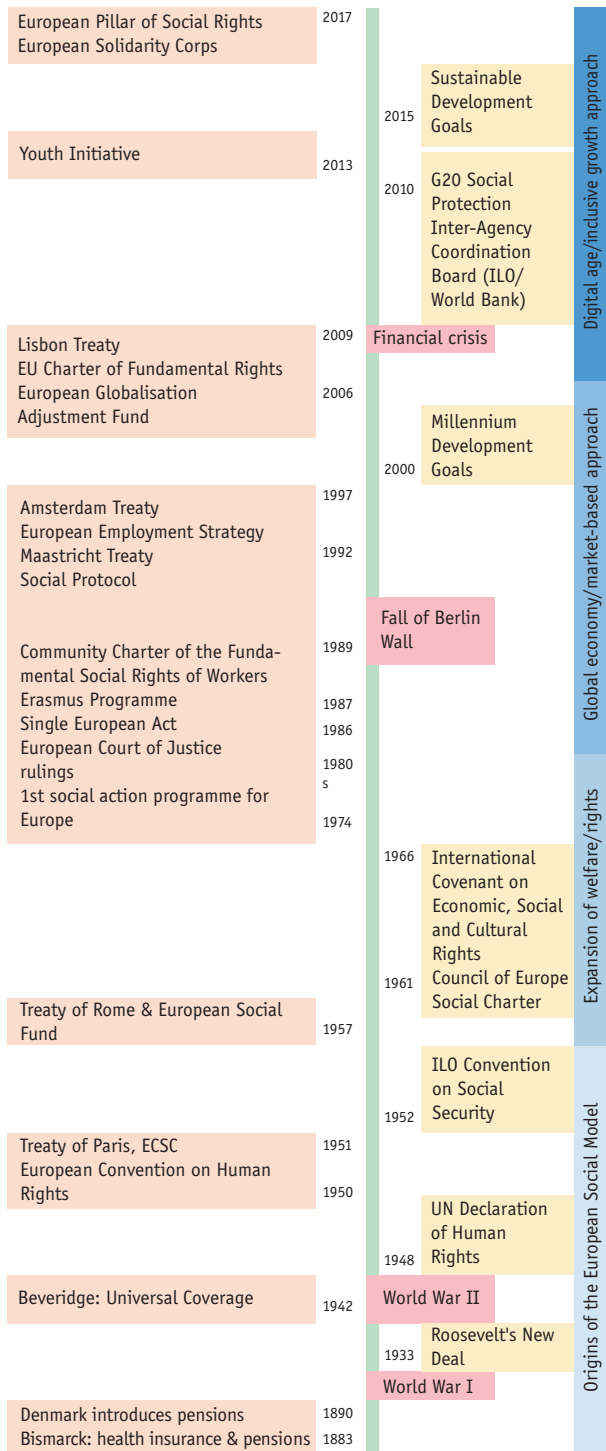
that European economic integration would contribute to the development of prosperous national welfare states, whilst leaving social policy concerns essentially at the national level". The Social Pillar illustrates an overwhelming ambition to reaffirm the social dimension of Europe, but within the existing rules of the game, the existing competences and especially within the rules of subsidiarity which confer the major responsibilities of social and fiscal policy onto the national level. The Social Pillar creates overwhelming expectations, but which mainly need to be realised at national level. This puts a huge responsibility on the political stakeholders at national level. The game will be played according to the present rules. That is how it is right now. The European Pillar of Social Rights does not intend to undermine national legislation. It serves to remind Member States of their social responsibilities (Ulvskog, M., 2017). In that regard it is not only a social ambition of the European Union. It should also be an ambition of the Member States to keep moving forward in social terms. Moreover, it is their responsibility to act on it.

The name under which the initiative is launched is confusing. It is ambiguous to speak of rights when only principles are presented. Although it is called a European Pillar of Social "Rights", it does not proclaim social rights. It merely presents principles that need to be translated in law to be enforceable. The debate on the European Pillar of Social Rights takes place within the broader debate about where Europe is headed. The development of the European Pillar of Social Rights is an ongoing process as it is evolving towards a more social Europe. The European Pillar of Social Rights has its added value in being part of this continued move forward and in reminding us about the importance of the social dimensions. Hesitation on the part of the political sector, as illustrated by voting in the European Parliament at certain moments, puts the responsibility for further progress on politicians at European but especially at national level. It is an overwhelming responsibility at European and national level.

Ariadne's thread, going back but also forward, seems suddenly to create a bridge between the past and the next European elections. That is the normal political cycle. But perhaps it confronts us with the reality that social progress combined with economic progress is man-made. For that reason, social movements should inspire political movements and have strong links with them. It could be said that social protection is all in politics. An important part of the narrative for the coming European elections should therefore consist in maintaining social Europe and making it visible, while admitting mistakes at the same time. There is no contradiction between responsibilities at national level and European ambition. On the contrary: this is the sixth option for the future of Europe.

Appendix 1: Social Europe: a timeline

Figure a1 Timeline of Social Europe ➤



Source: European Commission, 2017e, own editing

Appendix 2: Recent and forthcoming Commission initiatives: a selection

Table a1 Recent and forthcoming Commission initiatives

LEGISLATION	GUIDANCE
<ul style="list-style-type: none"> - European Pillar of Social Rights - Upgrade health and safety standards at the workplace with the carcinogens and mutagens directive - Integration of the long-term unemployed into the labour market - Support work-life balance - Strategic engagement for gender equality 2016-2019 - Support mobility (revision of the posting of workers directive) and social security coordination for portability of benefits - Proposal for a European accessibility act - 'Upskilling pathways' for adults to acquire a minimum level of literacy, numeracy and digital skills 	<ul style="list-style-type: none"> - Revamped European Semester: focused country-specific recommendations, enhanced Euro area dimension and extensive contracts at national levels with government, social partners and civil society - EU and national targets on employment, education, poverty reduction, R&D, energy and climate change through Europe 2020 strategy - Action plan for the integration of third-country nationals - Youth Guarantee - New Skills Agenda for Europe - European Agency for Safety and Health at Work (OSHA) campaign: healthy workplaces for all
FUNDING	COOPERATION
<ul style="list-style-type: none"> - European Structural and Investment Funds - European Fund for Strategic Investments - Youth Employment Initiative: supporting more than 1.4 million young people in traineeships, 	<ul style="list-style-type: none"> - Reform of the Tripartite Social Summit and re-focusing of the macroeconomic dialogue - Joint statement of the Council, the Commission and the social partners on a 'new start for the social dialogue'

<ul style="list-style-type: none"> apprenticeships or job placement - Erasmus+: support for more than 9 million young Europeans over the past 30 years - Erasmus Pro for cross-border apprenticeships - European Globalisation Adjustment Fund - Horizon 2020 investment in research and innovation - Employment and social innovation programme to facilitate microcredit and social entrepreneurship - Fund for European Aid to the Most Deprived (FEAD) - Creation of a European Solidarity corps 	<ul style="list-style-type: none"> - Active involvement of EU social partners in EU political priorities (investment, digital single market, energy) - Annual Convention for Inclusive Growth with civil society - Digital skills and jobs coalition - European Year of Cultural Heritage 2018 - Reference networks to tackle rare and complex diseases
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Source: European Commission, 2017e, p. 35

Appendix 3: Participation of EZA Members in the debate on the construction of the Social Pillar

a3.1 EZA contribution to the consultation process

EZA members have closely followed the development of the European Pillar of Social Rights. Because of its importance, they have been highly committed to reflecting and debating upon what the European Pillar of Social Rights should ideally entail. In a first phase, they contributed to the consultation process by providing the European Commission with relevant input on the preliminary outline according to their own specific expertise and insights.

The following section presents a short overview of EZA's main contributions to the consultation process.

a3.1.1 Equal opportunities and access to the labour market

Equality should be a core objective of the European Pillar of Social Rights. Beweging.net stresses the importance of recognising that inequality puts economic and social rights at risk by hindering their further realisation. Inequality is also a factor contributing to poor access to adequate social protection. Additionally, some people risk being excluded as a consequence of the fast-changing world of work. More training and outreach activities should be organised to make them better able to respond to the new needs of the labour market. Particular attention should be given to people's social and technical skills. The needs of the labour market should be better aligned with education to improve access to the labour market. The creation of structural partnerships between schools, training organisations, companies, civil society and social partners contributes to this goal. The Youth Guarantee for all young people under the age of 25 years is already an important initiative. According to the Centre Européen du Travail (CET) this initiative should be strengthened and better applied in all Member States (Van den Bosch, E., 2016; Van den Bosch, E., 2017).

a3.1.2 Fair working conditions

The Europese Federatie van het Overheidspersoneel (EUROFEDOP) highlights the fact that the emerging trend to outsource public service functions is not without impact on public service employees. The consequences consist in changes to employment status, including new forms of atypical work. In these cases, the affected workers should be able to rely on the same benefits they had under their previous employment status. The negotiation of benefits through social dialogue is essential. CET also stresses that social dialogue, collective bargaining and the role of social partners are crucial elements in implementing, monitoring and evaluating the Social Pillar,

although it does not agree with the proposed approach for establishing a Social Pillar. CET is of the opinion that the minimum rights proposed in the European Pillar of Social Rights already exist in other legislation (Van den Bosch, E., 2016; Van den Bosch, E., 2017).

a3.1.3 Adequate and sustainable social protection

Discrimination and inequality are linked to poverty and social exclusion. It is therefore important to put tools in place which effectively deal with this. Beweging.net sees the European Pillar of Social Rights as an ideal opportunity to promote a universal basis for adequate social protection ensuring a decent standard of living. The European Pillar of Social Rights should contribute to the creation of an integrated EU anti-poverty strategy (Van den Bosch, E., 2016; Van den Bosch, E., 2017).

a3.1.4 Opinion on the overall initiative

The objective of the European Pillar of Social Rights should be to create maximum upward social convergence. Equalising social standards cannot be an option according to the Confédération Française des Travailleurs Chrétiens (CFTC). The Social Pillar should not be limited to the Euro area, but apply to whole EU. CET and Beweging.net state that the Social Pillar must show a true commitment to the highest economic and social rights standards of international human rights law (e.g. the European Social Charter, the International Covenant on Economic, Social and Cultural Rights). Implementing these rights in EU secondary and national law should make them enforceable in courts and tribunals. Enforceability could also be achieved by means of 1) putting the principles of the European Pillar of Social Rights at the heart of the European Semester, and 2) clearly defined accountability mechanisms and sanctions. The European Pillar of Social Rights should facilitate a change in the overall focus of the EU from austerity to social and environmental concerns and fighting inequality.

The Christelijk Nationaal Vakverbond (CNV) is of the opinion that better enforcement of existing rules and laws relating to the European labour market is a priority today. The development of a European Pillar of Social Rights is therefore not an appropriate initiative at the moment. There is a risk of downward adjustment of Dutch standards (Van den Bosch, E., 2016; Van den Bosch, E, 2017).

a3.2 Further EZA involvement

Most of these aspects still need to be clarified. Which funds are going to be used? Are the existing funds sufficient or do we tap into new funds? And who is going to pay for this? Everybody is sure to have a(n) (contradictory) opinion on that. The debates in the European Parliament will be lively and fierce. They already were when debating the preliminary outline. The voting on the preliminary outline in January showed clearly that not everybody is in favour of the European Pillar of Social Rights. There were clear fracture lines between Member States and parliamentary groups (Vandenkendelaere, T., 2017). This reveals a division within Europe which is worrying. People tend to fall back on their national background while the European Pillar of Social Rights is supposed to be a common, overarching initiative intended to bring Europeans together. An often-heard fear is that the European Pillar of Social Rights will interfere too much in what has already been accomplished at national level and that it will not allow enough flexibility for Member States to choose their socio-economic priorities depending on their own needs at a specific moment. Looking at the work-life balance for parents and carers, Belgium as an example already has a very extensive leave system enabling people to combine work and care for their children or dependent family members. Social partners have played a crucial role in bringing about and ensuring these rights. It would not be wise to put all these past efforts aside (Vleeva leden, 2017).

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