



## The European Pillar of Social Rights and the 'New Start' initiative on Work/Life balance: why are they relevant for Eurocarers?

*Briefing for Eurocarers members*

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### I – Social Pillar: the launch of an ambitious process in 2016

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#### The preliminary consultation: a unique political momentum

In September 2015, President Juncker announced the establishment of a 'European Pillar of Social Rights', with the ambition to boost convergence towards more resilient economic structures within the euro area. A consultation was subsequently launched on the 8<sup>th</sup> March 2016 on a "first preliminary outline of the social pillar", proposing a series of **principles, based on this social acquis**, aimed at addressing the current challenges. This set of principles would serve as a **reference framework** to assess the performance of participating Member States.

Interestingly, this consultation was underpinned by very positive arguments.

- It recognised the need to act proactively in order to reinforce social cohesion within the EU.
- It took a holistic point of view, choosing to address all challenges at once;
- It valued adequate social protection as a productive factor, and social convergence as a necessity. The fact that more cohesive countries perform better in difficult times was considered as clearly demonstrated.
- It contained a number of positive proposals, some of which were put forward by civil society organisations.

Though, uncertainties remained as to what extent such an initiative would enable to pave the way for a truly social Europe. Indeed:

- The EU only has a subsidiary role when it comes to social protection and social policies: will this initiative raise consensus among Member States?

- A majority of Member States are still implementing austerity policies in compliance with the EU Stability and Growth Pact, and no new EU funding was announced. What room for manoeuvre will be available to reinforce social protection and social cohesion against such a context?
- Non-Euro member states have been invited to join at a later stage, but the fact that they are not involved in this first step leaves a number of EU citizens aside.
- The initiative concerned only legal EU citizens, leaving behind undocumented migrants.

Yet, despite these limitations, this European Commission (EC)'s initiative has generated a unique political momentum in favour of a more cohesive Europe built on a strong social protection.

### **Eurocarers' position towards the preliminary proposal**

The EU consultation gave great opportunities - both content- and process-wise for Eurocarers to convey its message **given its particular relevance in the light of the challenges pointed out in the document, notably:**

- The need for the EU to adapt to *"progress in life expectancy and demographic ageing"*, as well as the digitalisation of society;
- The need to make progress with regards to gender equality and work-life balance and to ensure access to labour markets and adequate and sustainable social protection including long-term care.

The first preliminary outline of the European Pillar of Social Right, already acknowledged the situation of informal carers (see box below). Even if this outline lagged far behind carers' needs and expectations, it provided Eurocarers with a solid hook to argue for support and recognition measures for carers.

*"All parents and people with caring responsibility shall have access to adequate leave arrangements for children and other dependent relatives and access to care services"* (in 5. Gender equality and work life balance)

*"Measures should be taken to address the gender pension gap, such as adequately crediting care periods."* (In 13. Pensions)

*"Family carers, usually women, often fill the gap left by unavailable or costly institutional care services."* (Recital in 17. Long-term care)

Since September 2015, Eurocarers has therefore seized all available opportunities to actively contribute to the EU policy making process on the basis of evidence-based recommendations in a variety of relevant areas, such as lifelong learning, active support to employment and equal opportunities, work-life balance, health and safety at work, social benefits and services, disability, access to long-term care, etc. Our message also ensured to highlight that responding to carers' situation in Europe is not only socially fair but also economically valid.

Eurocarers' detailed contribution, submitted in December 2016 (both through a [position paper](#) and [EC consultation response](#)), underlined that supporting informal carers through participative and integrated policies focusing on their well-being, employment and empowerment was **key to the sustainability of our health and long-term care system**. In addition, Eurocarers has participated in numerous consultative

meetings<sup>1</sup> involving relevant policy-makers, stakeholders and EU officials, in parallel with collaborations with members of the Platform of European Social NGOs.

## II – In 2017, two proposals on the table that concern Eurocarers (European Social Pillar and Work/Life balance initiative)

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### A - The Commission's formal proposal for a European Pillar of Social Rights ('Social Pillar').

Based on the outcomes of the consultation carried on in 2016<sup>2</sup>, the EC launched a comprehensive package on the 26<sup>th</sup> April 2017. The European Pillar of Social Rights was flanked with 17 other documents, including further [concrete legislative and non-legislative initiatives](#) (such as on the work-life balance of parents and carers, on the information of workers, and on access to social protection and on working time), as well as a series of working documents (notably 'Explanatory fiches on each principles', a 'Summary report on the public consultation', a 'Commission report on the implementation of the Recommendation on Investing in children ...'). The Social Pillar is presented through three main documents:

> A **Communication** '[Establishing a European Pillar of Social Rights](#)', which encourages Member States to consider the Pillar as a framework for guiding future action. In this perspective, they are invited to take a series of actions including:

- Endorsing the European Pillar of Social Rights;
- Updating and complementing EU law when necessary;
- Implementing effectively existing EU law;
- Considering the Pillar as a reference for the post-2020 EU financial programming period.

> A **Commission Recommendation on the European Pillar of Social Rights**, including 20 principles, clustered under three main chapters.

#### Chapter I: Equal opportunities and access to the labour market

1. Education, training and life-long learning
2. Gender equality
3. Equal opportunities
4. Active support for employment

#### Chapter II: Fair working conditions

5. Secure and adaptable employment
6. Wages

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<sup>1</sup> Including a high level conference on the Pillar 'Going forward together' on 23 January 2017, the Annual Convention for Inclusive Growth (21 March 2016), strategic dialogue meetings on the "EU Social Acquis" (8 June 2016) and on the "Future of work and welfare" (6 July 2016). We also participated in events organised by civil society organisations directly, including a meeting with people experiencing poverty (on 15-16 November 2016).

<sup>2</sup> Note that Eurocarers' is mentioned in the [Report of the Public Consultation](#) published by the Commission on 25 April 2017 as part of organisations arguing that, "on long-term care, the draft Pillar (...) did not sufficiently (...) consider independent living as a factor of social inclusion for the disabled and the elderly" (Staff Working Document COM 2017(250 final)) p. 48

- 7. Information about employment conditions and protection in case of dismissals
- 8. Social dialogue and involvement of workers
- 9. Work-life balance
- 10. Healthy, safe and well adapted work environment and data protection

### Chapter III: Social protection and inclusion

- 11. Childcare and support to children
- 12. Social protection
- 13. Unemployment benefits
- 14. Minimum income
- 15. Old age income and pensions
- 16. Health care
- 17. Inclusion of people with disability
- 18. Long-term care
- 19. Housing and assistance to homeless
- 20. Access to essential services

### > A [Proposal for an Interinstitutional Proclamation of the European Pillar of Social Rights](#).

The Commission proposes the European Pillar of Social Rights to be solemnly proclaimed, jointly by the European Parliament, the Council and the Commission. To this end, they have put on the table this Proposal for an Interinstitutional Proclamation, which includes a preamble referring to the relevant legal basis (notably Article 3 TEU, Articles 9, 151, and 152 TFEU, Charter of Fundamental Rights of the European Union), as well as the detailed list of principles.

#### To what extent are informal carers concerned by the Commission proposal?

Informal carers are directly concerned by the **principle 9 on Work-Life balance**, stating that:

*“Parents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to care services. Women and men shall have equal access to special leaves of absence in order to fulfil their caring responsibilities and be encouraged to sue them in a balanced way”.*

Although not directly quoted, they are also de facto concerned by principles 1 - Right to education, training and life-long learning, 2 - Gender equality, 3 - Equal opportunities, 4 - Active support to employment, 5 - Secure and adaptable employment, 10 - Healthy, safe and well-adapted environment and data protection, 12 - Right to social protection, 15 - Old age income and pensions, and 18 - Long-term care services: *“Everyone has the right to affordable long-term care services of good quality, in particular home-care and community-based services”*).

#### What are the next steps?

The European Commission would like to see the European Pillar of Social Rights proclaimed jointly by the European Parliament, the Council and the Commission, and endorsed at the higher political level before the end of the year. The Pillar is flanked by a reflection paper on the social dimension of Europe by 2025. The Social Summit for Fair Jobs and Growth (to be held in Gothenburg on the 17<sup>th</sup> November 2017) will be a key milestone in the discussion.

### How does the Commission intend to implement to Social Pillar?

The Pillar is accompanied by **one legislative proposal on Work/Life balance** (see below), other legislative proposals may follow. **Social dialogue** has been re-launched at EU level, and two consultations of the Social Partners have been opened in the framework of the Social Pillar (namely a consultation *“on a possible action addressing the challenges of access to social protection for people in all forms of employment”* and a consultation *“on a possible review of the Written Statement Directive”*).

According to the EC, the **European Semester** analysis and recommendations will serve to further reflect and promote the principles set out in the Social Pillar, the implementation of which should be supported by **European Funding**. Progress will be assessed through an [online scoreboard](#).

### What is the added value of the European Pillar of Social Rights?

It has been raised that the European Pillar of Social Rights **mostly reaffirms rights that are already present** in the European Union’s ‘acquis’ (notably in the existing Treaty and Charter of Fundamental Rights) and that it does not break new ground. Yet, the Social Pillar is a **clear political reaffirmation** of social rights in and for the EU. Although such a declaration would not be legally binding, the Pillar could eventually become so in the future, if integrated in the EU Treaty on the occasion of a renegotiation process. (Following the precedent of the Charter of Fundamental Rights, which was first subject to an interinstitutional proclamation before being integrated in the Lisbon treaty).

### B - The Commission legislative proposal on work-life balance: a key step for Eurocarers

Together with the proposal for a European Social Pillar, the EC launched only one legislative proposal which relates to the principle 9 on Work/Life balance. This **‘New Start’ initiative** aims at *“enabling parents and other people with caring responsibilities to better balance their work and family lives and encourage a better sharing of caring responsibilities between women and men.”* It is based on the outcomes of a public consultation and two-stage consultation with the social partners and the analysis of the accompanying impact assessment. It also follows – and builds on the learnings of - the withdrawal of a stalled maternity leave proposal back in 2015.

The Communication [“An initiative to support Work-Life Balance for Working Parents and Carers”](#) includes a [Commission’s proposal for a directive](#) as well as non-legislative measures. Besides measures concerning primarily parents of young children, the following proposals concern informal carers directly.

#### Legislative measures that concern carers

- > The introduction of **carers' leave** for workers caring for seriously ill or dependent relatives. Working carers will be able to take **5 days per year, compensated at least at sick pay level**.
- > The extension of the **right to request flexible working arrangements** (reduced working hours, flexible working hours and flexibility in place of work) to all working parents of children up to 12 **and carers with dependent relatives**.

#### Non-legislative measures that concern carers

- > Ensuring **protection against discrimination and dismissal** for parents (including pregnant women and workers coming back from a leave) **and carers**;
- > Encouraging a **gender-balanced use of family-related leaves** and flexible working arrangements;
- > Making better use of **European funds** to improve **long-term** and childcare **services**;

- > Awareness-raising measures;
- > Sharing of good practices;
- > Improving data collection at EU level

### **Eurocarers' and other stakeholders' reactions**

**Eurocarers welcomed the proposal on “Work-Life balance for working parents and carers”** in a Joint Statement “Europe sides with people- Coalition of EU NGOs endorses European Commission’s comprehensive Work-Life Balance Package”. Together with other EU umbrella organisations, we highlighted that the introduction of a new carers’ leave of 5 days per year paid at sick pay level was “*a welcome step*”. We “*urged the two co-legislators, the European Parliament and Council of the EU, to seize this opportunity and prove to women, men, children and families that the EU works with and for them, by adopting this Work-Life Balance Package without watering it down*”. We also reminded that “*we will continue being critically constructive in this process, exercise our watchdog function and also our role of bridge between the EU and our constituencies*”.

Positive reactions were expressed by many other stakeholders (including the Social Platform, the European People’s Party and the European Trade-Union Congress). Other stakeholders have expressed concerns whether the proposals were enough to create a truly social Europe (notably European Public Services Union, the Party of European Socialists). On the other hand, some stakeholders have expressed concerns as in their opinion the Pillar went too far, compromising competitiveness or the principle of subsidiarity (notably Business Europe, UAPME and European Conservatives and Reformists Group in the European Parliament).

### **References**

[European Commission webpage on the European Social Pillar](#)

[European Commission webpage on Work Life balance](#)

[European Commission webpage on the social scoreboard](#)

[Launching a communication on a European Pillar of Social Rights, Communication from the European Commission, 08/03/2016](#)

[Commission staff working document on Key economic, employment and social trends behind a European Pillar of Social Rights, 08/03/2016](#)

[Commission Staff Working Document on the EU Social Acquis, 08/03/2016](#)