Taking stock of the EPSR: has it delivered, what and for whom?

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3. EU response to ‘legitimacy’ crisis

Eurocrats discuss ways to foster citizenship of the European Union.
Outline

• Social Europe: features and tensions
• Pillar of Social Rights
• Focus on Work-life balance directive
• What has EPSR delivered? For whom?
1. ‘Encapsulated federalism’ (Streeck): Health & safety at work

2. Scharpf: welfare states are ‘legitimately diverse’
   - Financing, Organisational principles, Generosity, Services/cash, Private-public mix, reform decisions remain at the national level

3. But, with coordination of social security systems & equal treatment/anti-discrimination principle
   - Right to citizens increase over time through CJEU rulings (material scope and categories of citizens covered)
   - ‘Semi-sovereign’ welfare states (Liebfried and Pierson); ‘Semi-permeable’ boundaries of welfare states (Ferrera)

   - Including labour market policy, employment policy, early childhood education and care, pensions (social and economic sustainability), child poverty, poverty...

5. In context of EMU, double-earner model to support growth. With parents working full time (EU aim 75% by 2020), work-life balance is a major challenge (de-genderization and de-familialisation)
Tensions in Social Europe....

• Closed welfare state and open EU (subsidiarity)
• Citizen-based social rights vs. Insurance-based social rights
• Countries where Courts have a prominent role (Wind, 2009)
• Rich and well functioning welfare states and economies vs. Poorer economies with insufficient welfare states
• Collective bargaining (nordic model) vs. Law
• Posted workers
• Social dumping debate
• Fears of social tourism (not empirically founded)
• Social dialogue: Right to strike (labour) vs. Business interest (aviation)
• Interdependent policy and spill-overs from EMU in crisis - Juncker’s reason to launch the ‘European Pillar of Social Rights’ (EPSR)
3. European ‘Pillar’ of social rights in 20 ‘principles’

1. Equal opportunities and access to the labour market (4 principles)
   - Consolidated EU role
   - Strong legal base + Directives (equal opportunities, anti-discrimination)
   - Policy coordination (focus on ALMPS, education. Decrease NEETs) (formerly European Employment Strategy)
   - No major changes proposed

2. Fair working conditions (7 principles)
   - This is the area where suggested changes are most ambitious, including three updates to directives
   - Work-life balance (adopted): de-genderization
   - ‘Written Statement’ Directive (political agreement February 2019): labour market dualizations and precariousness
   - Health & Safety (including data protection)
   - Other issues via social scoreboard (i.e. social benchmarking) in European Semester

3. Social protection and inclusion (9 principles)
   - Of the three areas, where the EU has the weakest legal base, but also where no plans for major changes
   - Early Childhood Education & Care, social protection, unemployment benefits, minimum income, old-age income and pensions, long-term care, inclusion of people with disabilities
   - Previously, OMC and Europe 2020 (with common policy aims, reports, EU assessment), and now either ‘social benchmarking’ (on existing data in scoreboard) or no proposed instrument
<table>
<thead>
<tr>
<th>Area</th>
<th>Principles</th>
<th>Current instruments</th>
<th>Instruments in EPSR</th>
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</thead>
<tbody>
<tr>
<td>Equal opportunities &amp; access to the</td>
<td>1: Education</td>
<td>SC</td>
<td>SC &amp; SB (incl. Council recommendation)</td>
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<tr>
<td>labour market</td>
<td>2: Gender equality</td>
<td>SR</td>
<td>SB &amp; SR</td>
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<td>3: Equal opportunities</td>
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<td>4: Active support to employment</td>
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<td>Fair working conditions</td>
<td>5: Secure and adaptable employment</td>
<td>SR</td>
<td>SR (revision)</td>
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<td>6: Wages</td>
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<td>SB</td>
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<td>7: Information about employment conditions and protection in case of</td>
<td>SR</td>
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<td>dismissals</td>
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<td>8: Social dialogue and involvement of workers</td>
<td>Social partner</td>
<td>Social partner inclusion in SR</td>
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<td>(revision)</td>
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<td>9: Work life balance</td>
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<td>10: Health, safe and well-adapted work environment and data protection</td>
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<td>12: Social protection</td>
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<td>13: Unemployment benefits</td>
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<td>14: Minimum income</td>
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<td>15: Old age income and pensions</td>
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<td>16: Health care</td>
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<td>17: Inclusion of people with disabilities.</td>
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<td>18: Long-term care</td>
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<td>19: Housing and assistance for the homeless</td>
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## 3.2. Work-life balance

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<tr>
<th>Paternity leave</th>
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<th>Denmark</th>
<th>Poland</th>
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| 4 months of parental leave:  
  • 1.5 months *paid at a level decided by member state*  
  • To be taken up at least until the child reaches the age of 8  
  • *2 months cannot be transferred between the parents*  
  • Possibility of flexible uptake | 480 days parental leave  
  • *3 earmarked months per parent*  
  • Swedish men take more than 28% of the total parental leave (higher than earmarked minimum)  
  • Possibility of flexible uptake | 32 weeks parental leave (224 days)  
  • De facto 25 days/men (ca 10%)  
  • 231 days/women  
  • Possibility of flexible uptake | 32 weeks of paid leave, transferrable (family-based) entitlement. 60% or 80% wage replacement.  
  • Possibility of flexible uptake |

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<td>Right to request flexible working arrangements for parents of children up to 8 years old and workers with caring responsibilities</td>
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Female employment rates, 2017
Early childhood education and care
Reactions to WLBD in member states

*Ex-Ante*
- Subsidiarity argument (even in Sweden)
- Value-based arguments (genderization/de-genderization)

*Ex-post*
- Costs

Planes on implementation
- DK and Poland – carer days seems most controversial from a cost perspective
- Earmarked leave still controversial from a value-based perspective
What has EPSR delivered? For whom?

- The EPSR mainly reproduces and frames existing social acquis (see also Charter of Fundamental Social Rights)
- De-genderization has some potential (WLBD)
- Written statement directive: especially relevant in countries where high proportion of atypical work, but also relevant in context of challenges posted by digitalization
- Social Dialogue: should be strengthened
- European Labour Authority: needs resources and power, otherwise will not deliver
- EU resource related to soft law: comparative data and knowledge, and with it, use of best practices, and ‘Country Specific Recommendations’ (CSRs)
- Tensions remain in social Europe and should not be forgotten
References on European Pillar of Social Rights


Thank you for your attention: cdlp.egb@cbs.dk