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Policy brief

European Pillar of Social Rights



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Authors

Lorraine Grimes

Niamh Flanagan



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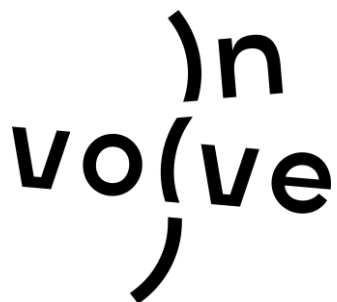


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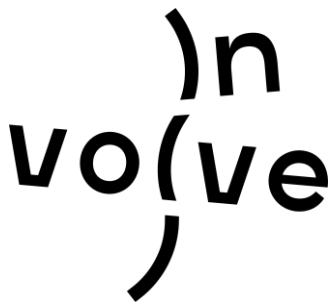
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1. Executive Summary

INVOLVE is an EU-funded project focused on the relationship between democracy and inequalities. It focuses on the inclusion of marginalised groups in consultation processes in policy formation and public services in the areas of health, education, employment and housing, across eight European countries. The project aims to involve people directly affected by the research, allowing them to participate and to empower them to understand and challenge the structures that cause their marginalisation and oppression in a process of co-production of knowledge and action.

This policy brief outlines how involvement in policy formation can positively impact democratic participation and political trust. It examines the European Pillar of Social Rights (ESPR) which acts as an overarching initiative in the European Union with directives and targets which all national and local policies on social rights and social welfare should be based. This policy brief explores methods of participatory democracy and policy consultation at European level focusing on the ESPR.

2. Context

The ESPR was introduced in 2017 following structural reforms to the EU in the aftermath of the financial crisis when social rights had been undermined by EU austerity policies. The ESPR incorporates the social rights, social welfare and social values of the European Union under one umbrella. In 2016, the European Parliament called for a European Pillar of Social Rights to reinforce social rights and deliver a positive impact on people's lives in the short and medium term.¹ In 2017 it was stated:

“The EU must respond swiftly and visibly to increasing frustration and worry among many people about uncertain life prospects, unemployment, growing inequalities and lack of opportunities, in particular for young people”.

According to Carella & Graziano, ‘the European Commission highlighted the need to achieve a stronger balance between economic objectives and social necessities, and to address social issues for purposes of protection and inclusion, beyond those of macroeconomic stabilization and smoother functioning of labour markets.’ (2022) The aim is to ensure that countries within the EU are pushing for social and human rights as recognised by the EU.

“We need to strive for a new ‘social rulebook’ that ensures solidarity between generations and creates opportunities for all, rewards entrepreneurs who take care of their employees, focuses on jobs and promotes better living and working conditions, invests in high-quality inclusive education, training, skills and innovation, and ensures adequate social protection for all. We need to enhance social rights and to strength the European social dimension across all policies of the Union as enshrined in the Treaties.” (*Delivering a strong Social Europe*, European Commission, 2024, p.4-5)

Originally with the introduction of the ESPR, was criticised for it's lack of coordination of social objectives, the vagueness of its recommendations, and the lack of adequate supervision or oversight. (Urquijo, 2021; Cantillon, 2019; Garben, 2019) Nevertheless, Sabato et al (2023) establish EPSR as central to advancing social policy in Europe.

The ESPR is central to the Involve project as it is the most important policy affecting marginalized groups at European level. The Involve project aims to understand the relationship between marginalised populations and their political participation and democratic engagement. In order to achieve equality, we need to ensure that marginalised people have power and voice within the democratic process including policymaking. In the last decade, there has been a move toward more inclusive policymaking relying on social partners (civil society organisations, NGOs, Trade Unions) and stakeholders for feedback through consultation procedures.

¹ 2016/2095(INI) quoted in the Official Journal of the European Union, C428/11 13.12.2017

3. Evidence, Analysis and Results

The ESPR and Participation

The consultation process for the ESPR involved the Commission organising 23 high-level webinars in EU Member States targeted at leading representatives of national, regional and local authorities, social partners, civil society organizations, and think tanks/academia. 21 of the 27 Member states submitted written contributions to the consultation, while most governments were heard as part of the dedicated webinars with member states.

(Commission Staff Working Document, SWD/2021/46) Due to the COVID-19 pandemic, the engagement process which was originally envisioned to be through public events in various member states, was changed to online. However, it was mostly Member States, civil society organisations and high-level institutions involved in the consultation process, rather than ordinary citizens affected by the social issues.

In the last decade, there has been a move toward more inclusive policymaking relying on social partners (civil society organisations, NGOs, Trade Unions) and stakeholders for feedback through consultation procedures. The Commission states that they made “a concerted to include as many citizens, organisations and Member States as possible in the consultation process.” The Commission’s consultation at citizen level involved an online submission forum. The Commission ran a social media campaign from October and November 2020 called ‘You Can Change the Statistic’. Via a web page, stakeholders and citizens were invited to submit written consultations (without preset questions). In the Commission’s working documents they stated that:

‘67.5% of online submissions came from individual citizens. Some concrete proposals of citizens are reflected in this report. Many citizens took the opportunity to describe their personal situation notably persons with disabilities, people experiencing poverty and women with care responsibilities.’ (Commission Staff Working Document, SWD/2021/46)

We argue that by reducing consultation to online submissions, this devalues the individual’s input and limits their capability to contribute. Those most vulnerable in society may not have access to the internet, smartphone, or have the technical knowledge to navigate the submission process. In addition, it is difficult to know how much individual feedback from citizen’s submissions was taken on board by the Commission.

Consultation with social partners (NGOs, civil society organisations and other stakeholders) had a major impact on the wording of the ESPR. On March 8th, 2016, the Commission presented a first draft of the EPSR. Carella and Graziona (2022) outline that in the initial version, the ESPR did not take a human-rights-based approach but rather focused on ‘entitlements’ to social and employment benefit. The wording subordinated social policy objectives to factors focused on ‘fiscal sustainability and competitiveness’. For example, ‘health systems should be cost-effective to ensure financial sustainability’; ‘the retirement age should be linked to life expectancy’. (Seikel, 2017)

During the consultation period, Carella & Graziano (2022) noted that there are some instances in which the demands of civil society organizations were disregarded, particularly in the case of Principle 15 ‘Old age income and pensions’ and Principle 19 ‘Housing and assistance for the homeless’. Carella & Graziano suggest that the reason behind such discrepancy could be that ‘pension and housing policies are much more controversial issues at the national level than principles of inclusion and equality of opportunity’. (Ibid) In addition, ‘details on how principles should be implemented on the ground, were dropped in favour of a more universalistic and generic language, in line with employers’ concerns about efficiency and the principle of subsidiarity’. (Ibid)

ESRP and Inclusion

The ESRP uses generic language about inclusion for all rather than focusing specifically on social inequalities and barriers, as well as the need for marginalised and disadvantaged groups’ participation in democracy and political engagement. The pillar states:

“Regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, everyone has the right to equal treatment and opportunities regarding employment, social protection, education, and access to goods and services available to the public. Equal opportunities of under-represented groups shall be fostered.” (p.44)

However, the ESRP does not directly include information about diverse and intersectional groups or perspectives. Research on the political engagement of young people (aged 18–34 years) found they are not being listened to; have a pervasive lack of trust in political representatives; feel disconnected from democratic institutions and practices, such as voting, joining a labour union, etc.; and have a disconnect between political engagement and policymaking. (Bristelle et al., 2023) Therefore, those involved in policy decision-making must make a conscious effort to include young people from vulnerable populations experiencing social inequalities. In addition, involving vulnerable groups in policy decision-making should come from a trauma-informed approach with empathy and understanding of the individual and their circumstances.

While gender equality is a core focus of the ESRP, race or ethnicity is not one of the core principles. Migration is a core principle and it states that migrants should be offered adequate support needed. Within the ESRP social class is not central to its approach however, welfare support for lower-income families, and employment and education equality, are encouraged. The ESRP takes a negative approach to ‘welfare dependency’ or those relying on state-supported income. The ESRP outlines that labour policies should encourage individuals to work. However, there is little emphasis on encouraging individual goals or individual capacity to aspire. We suggest that the ESRP could be stronger in explicitly addressing class discrimination, racism, and stronger in its denouncing of all forms of discrimination.

Financing the ESRP

Currently, EU expenditure on social matters represents only on average 0.3% of total public

social expenditure in the EU, with the great bulk provided from Member States' budgets.² The Commission has said that financing implementation of the ESPR heavily depends on resources available at the Member State level. The European Social Fund Plus (ESF+) provides financial support for the implementation of social policies for Member States. To gain access to the funds, Member States need to show how their plans address the challenges set out in the Country-Specific Recommendations (CSRs). In other words, it is performance-based financing. The EU also has the possibility to withhold funds from Member States in cases where they do not deliver on major economic and welfare reforms. (Bokhorst, 2022) Heinemann (2018) questions the effectiveness of this conditionality when it comes to social rights since it is the citizens who are most likely to benefit from investment in social policy and are not responsible for government misbehaviour. The 'Impact Assessment' is essentially a cost-benefit analysis. We argue that taking a cost-based approach to social rights does not place the person as central to the policy. In addition, spending on social issues can be constrained by EU budget and debt. Any suspending or limiting funding at European level could have tangible effects on Member States' funding of social policies. (Atanasova and Rasnača, 2022)

Within the ESPR there is an assumed reliance on the private market and re-enforces a balance between the market and welfare state support. Citizens reliance on state welfare for income is regarded as undesirable. A social rights policy based on contribution schemes does not guarantee all citizens adequate social support. According to Garben, social protection can be provided through a combination of schemes, including public, occupational and private schemes and can involve contributions, rather than stressing social protection as a universal human right that falls to the State. (2019) Seikel argues that the EPSR contains some problematic phrases as minimum wages or social benefits that are too high are seen as negative incentives for taking up new employment for example, "incentives to seek work" and "shall not constitute a disincentive for a quick return to employment."

Monitoring the ESPR

The ESPR is regarded as 'soft law' and therefore, relies on Member States to implement policy and legislation reflecting the values and objectives of the pillar. Monitoring and encouragement through financial means is the only way of pushing the ESPR social targets. As stated by Boland (2021) 'unless countries actively sign up to agreements on directives, it is almost impossible to have these directives implemented and sadly when it comes to many progressive rights-based directives, many members will seek derogations.'

The implementation of the ESPR across several countries is monitored through a 'Social Scoreboard'.³ The scoreboard measures the performances of Member States by outlining actions set out in the ESPR and the level of success is represented according to country.⁴ According to the Commission, the social scoreboard monitors:

'The implementation of the Pillar by tracking trends and performances across EU

² [Reflection Paper on the Social Dimension of Europe](#), p.24

³ [Scoreboard - Eurostat \(europa.eu\)](#)

⁴ [The European Pillar of Social Rights Action Plan \(europa.eu\)](#)

countries in 12 areas and feeds into the European Semester of economic policy coordination. The Social Scoreboard is a statistic-based instrument designed to benchmark social progress within the Union. The Social Scoreboard offers an online measurement and consultation tool with more than 90 indicators structured around the following dimensions: equal opportunities and access to the labour markets; dynamic labour markets and fair working conditions; and public aid, social protection, and social inclusion.⁵

The Commission states that the Scoreboard is structured around three dimensions ‘all of them “people-centered”’: Equal opportunities and access to the labour market, Dynamic labour markets and fair working conditions, public support/social protection and inclusion. Some actions within the ESPR are not monitored. Aranguiz (2018) argues that this could potentially result in a hierarchy among the rights within the EPSR and in some of the principles being overlooked. An example of this is housing; housing was initially missing from the social scoreboard but was later added in 2022. In 2022, Ireland’s housing cost overburden rate was recorded as 3.9%. It is surprising that Ireland scored this low as Ireland was, and is still, experiencing a severe housing crisis in which people are struggling to pay rent. (Hearne, 2022) There is a question of how the overburden of housing is being measured. The data used is derived from the [EU statistics on income and living conditions \(EU-SILC\)](#), a survey that measures income and living conditions, carried out annually in Europe. There are questions about the sources of data and the accuracy of data presented on the scoreboard.

The decision on the Social Scoreboard and on the indicators to be included was taken by the Commission at the highest levels, without involving the Member States. We argue that there should be vulnerable citizen’s input into how the ESPR is monitored and evaluated. Some argue that the indicators chosen on the scoreboard fail to capture what each Member State government is doing to achieve the agreed EPSR actions. Statistical analysis tells us little about implementation on the ground and if this has led to improvement in people’s lives. The scoreboard represents where the country falls next to other EU countries with respect to child poverty and other issues, but we are limited in terms of contextual information. Vanhercke et al. (2018) propose that social partners and civil society organisations (CSOs) could work closer on the implementation of the EPSR through the European Semester. They suggest CSOs being directly involved in the implementation of social policies. This would be an important step in advancing the implementation of the ESPR.

⁵ [Social Scoreboard | Knowledge for policy \(europa.eu\)](#)

4. Conclusion

There have been recent efforts by the EU to promote more public engagement and citizen involvement in policymaking. In 2021, Guidelines on *Better Regulation* were published by the European Commission. The objectives included ensuring that EU policymaking is based on evidence and aims to “involve citizens, businesses and stakeholders in the decision-making process” and “improve public consultations by introducing a single ‘Call for Evidence’ through a public online consultation portal called *Have Your Say*. Following on from this the *European Citizens’ Initiative* launched in August 2022, provides an opportunity for citizens to become directly involved in policy proposal and policymaking. It is the first tool that allows citizens from several EU countries to join together and propose concrete legal changes on a common cause.

In December 2023, the European Commission stated that it is implementing “a new phase of citizens’ engagement” including developing ‘European Citizens’ Panels’, bringing together randomly-selected citizens from all Member States, one-third being young, aged between 16 and 25, who will be asked to discuss upcoming proposals. The Defence of Democracy Package, published in December 2023, includes recommendations to Member States on the participation of citizens and civil society organisations in policy-making at national level. The package states that “Member States should introduce citizen-led participatory and deliberative exercises on specific decisions and policies, and support and promote individual and collective ways of participation, such as citizens panels, citizens assemblies, and other dialogue and co-creation formats.” (COM/2023/630)

While the ESPR did include a consultation process with citizen input, the process did not ensure close meaningful engagement with citizens who are particularly vulnerable and particularly by the social issues included in the ESPR. We argue that the ESPR does not provide direct opportunity to hear from those most heavily affected by the issues in the ESPR, nor the ability to participate in ensuring policy implementation and evaluation. The social scoreboard which does not allow for individual or citizen feedback. In terms of the social policy agenda, efforts are being made by the EU to become more inclusive in its policymaking and this is an area within the EU that is quickly changing. The situation at national level around the EU is, however, more varied. At a time when democracy is in crisis, ensuring that those most marginalized are included and are central the EU social agenda and policymaking process is imperative.

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