

Key messages accompanying Social Platform response to the consultation

- **Stable and open-ended contracts shall remain the preferred form of employment.**

While any initiatives to increase the quality of atypical forms of work are welcomed, fostering the transition towards open-ended forms of employment shall remain the final goal. Employment relationships that lead to precarious working conditions should be prevented, including by prohibiting the abuse of atypical contracts.

- **Promote all dimensions of quality employment.**

The promotion of quality employment encompasses five dimensions: i) fair remuneration and adequate minimum wages, ii) access to social protection; iii) career and employment security, including protection of employment rights, progression in employment and access to training and life-long learning for skills improvement; iv) arrangements for balancing professional and private lives, especially supporting employees with children or those with care obligations; and v) health and well-being, including adapted employment schemes for people with evolving conditions and requiring work place adaptations. Incorporating all these aspects into employment policies is crucial to fight in-work poverty and wage disparities, precariousness and underemployment, and creating a healthier and better-skilled workforce, especially in light of the emergence of new forms of work in the digital economy.

- **Adopt a EU framework directive on universal and non-discriminatory access to adequate social protection for all types of work.**

Common deficiencies in national social protection systems that cause difficulties for the access of non-standard workers and the self-employed to social protection shall be addressed with the introduction of new EU legislation. Based on articles 153 (2) and 352 TFEU, a framework directive can be adopted that shall address gaps in formal and effective coverage as well as ensure the adequacy, transferability and transparency of social protection rights, setting common principles and minimum standards for a single mandatory social protection scheme covering all people in employment . This universal approach is fundamental to avoid discrimination in the new world of work and to safeguard the collective dimension of our social models, built on societal solidarity and redistribution.

- **Complement this initiative with similar measures to ensure the enforcement of social protection rights.**

Access and enjoyment of rights is in some instances prevented by illegal actions, such as fraud and abuse, and due to stigma, discrimination and lack of support, including insufficient access to information. This shall be addressed at EU level with measures that reinforce or introduce dispute settlement mechanisms and labour inspections and that increase transparency regarding rights and obligations, both within and when moving between

Member States. The announced initiative on the creation of a European Labour Market Authority and of a European Social Security Number shall have the necessary ambition to effectively address these issues.

- **Complement this initiative with the adoption of a EU framework directive on Adequate Minimum Income Schemes and similar measures to ensure universal non-discriminatory access to social protection and services for all.**

Access to adequate non-work-related benefits- including old-age, invalidity and family benefits – and quality essential services - including care, social, health, housing, education and life-long learning services – shall be ensured to all people in society, including those not in employment. The first step should be the urgent adoption of a EU framework directive on Adequate Minimum Income Schemes that establishes common principles, definitions and methods on the basis of article 153 (1) (h) TFEU.

Questionnaire

Providing access to social protection and related employment services for people in all forms of employment is crucial not only for the economic and social safety of the workforce, but also for well-functioning labour markets and economies that create quality jobs and sustainable growth. Yet, there are groups of employed who are left without sufficient access to social protection and related employment services. The Commission has identified and described relevant challenges in the background document.

Respondents to this questionnaire are recommended to read the background document before proceeding.

1. The background document identifies some challenges regarding social protection and related employment services.

Do you agree with the identification of the challenges outlined in the background document?

I do agree	I rather agree	I rather do not agree	I do not agree	I don't know
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Gaps in formal coverage

Gaps in effective coverage

Insufficient transferability of rights

Insufficient transparency of rights and

Regulatory complexity

There are other challenges in access to social protection and employment services

Please specify:

200 character(s) maximum

The background document covers all the major challenges regarding access to social and employment protection.

2. Social protection covers several benefits and services from unemployment benefits to long-term care, and employment services are connected to some of these benefits.

Which areas of social protection and employment services (listed below) do you consider to be relevant for a possible EU initiative promoting access?

2.1 for workers in non-standard forms of employment? (please choose max. 3 items on the list)

Social protection:

	High relevance	Medium relevance	Low relevance	Not relevant at all	Don't know
Unemployment benefits					
Sickness benefits					
Benefits in respect of accidents at work and occupational diseases					
Old-age benefits					
Invalidity benefits					
Survivor's benefits					
Maternity and equivalent paternity benefits					
Family benefits					
Health care					
Long-term care					

2.1 for workers in non-standard forms of employment?

Employment services:

	High relevance	Medium relevance	Low relevance	Not relevant at all	Don't know
Guidance, counselling and placement					
Training and updating skills					
Rehabilitation and re-insertion measures					

2.2 for self- employed? (please choose max. 3 items on the list)

Social protection:

	High relevance	Medium relevance	Low relevance	Not relevant at all	Don't know
Unemployment benefits					
Sickness benefits					
Benefits in respect of accidents at					

work and occupational diseases
 Old-age benefits
 Invalidity benefits
 Survivor's benefits
 Maternity and equivalent paternity benefits
 Family benefits
 Health care
 Long-term care

2.2 for self- employed?

Employment services:

	High relevance	Medium relevance	Low relevance	Not relevant at all	Don't know
Guidance, counselling and placement					
Training and updating skills					
Rehabilitation and re-insertion measures					

3. Some common principles could be promoted to help increase access to social protection and employment services to all people, regardless of their form of employment, and so foster upward social convergence in the EU. Do you think that the following general policy principles should be pursued by a possible EU initiative?

	I do agree	I rather agree	I rather do not agree	I do not agree	I don't know
Regardless of the type and duration of their employment relationship, workers, and, under comparable conditions, the self-employed, have the right to adequate social protection;					
Tying rights to individuals as they work (and not to the contract) and making rights transferable;					
Making rights and related information transparent;					
Simplifying administrative requirements.					
No action required					

4. People in non-standard forms of employment and self-employed are facing gaps in formal coverage to social protection and their effective coverage is limited by rules of eligibility, low-levels of benefits, complexity of rules and the risk of under-insurance. Action to address gaps in access to social protection may be taken at EU, national and regional level.

4.1 Which avenues do you consider most appropriate to address the challenges of the gaps in formal and effective coverage by social protection?

4.1.1 for non-standard forms of employment

4.1.1.1 The social protection rights and obligations not yet formally covered

should: (Please choose only one answer from the list)

- be mandatory (for every kind of job, irrespective of the type of contract)
- be voluntary (for every kind of job where gaps exist, irrespective of the type of contract)
- be partly mandatory and partly voluntary (for every kind of job where gaps exist, irrespective of the type of contract)
- remain as they are (no action required)

4.1.1.2 What should be the level of protection in the case of rights not yet formally or effectively covered? (Please choose only one answer from the list)

- Mandatory protection and contributions aligned to the level of standard workers
- A minimum level of mandatory protection and contribution is defined for all people in employment
- Differentiated levels are defined
- Remain as it is (no action required)

4.1.1.3. What is the most appropriate way to ensure effective coverage? (Multiple answers possible)

- A single social protection scheme covering all people in employment
- Specific mandatory social protection schemes could co-exist and their qualification criteria, contribution rules and benefit calculation could be tailored to the specificities of each group
- Temporary and decreasing incentives for low income people in non-standard forms of employment to enable them to fully and/or effectively participate on a mandatory basis in social protection schemes.
- Access to unemployment benefits and employment services tied with activation measures for all people in employment, regardless of their employment contract
- Automatic enrolment with opt-out clauses
- Creation of voluntary schemes accompanied with better information and reduced administrative burden
- Tailoring better the qualification criteria, contribution rules and benefits' calculation of the voluntary schemes to the needs and specificities of each group
- Temporary and decreasing incentives for low income people in non-standard forms of employment to enable them to fully and/or effectively participate on a voluntary basis in social protection schemes
- Other

4.1.1.4 In your view, is there a need for EU-level action to ensure access to social protection and related employment services for people in non-standard forms of employment where gaps exist?

- Yes
- No
- I don't know

What elements from sections 4.1.1.1, 4.1.1.2 and 4.1.1.3 should be addressed by EU action?

500 character(s) maximum

The protection of rights and obligations should apply to every type of job, irrespective of the type of contract. The social protection should prevent poverty risk for workers, namely,
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in case of work loss, sickness, and serious injury. Either through single social protection scheme covering all people in employment and/or other social protection schemes. However, any modification has to reach a balanced solution in order not to burden the companies, thus putting at risk its sustainability and the own existence of the jobs. Also, this analysis cannot be made without considering the particularities of each country, paying special attention to the effects of these changes in more fragile economies.

What kind of EU policy instrument(s) would be most effective?

Highly effective	Moderately effective	Low effective	Not effective at all	Don't know
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Improve the implementation of the existing EU-level legislative framework

Introduce new EU legislation (ex: Directive)

Introduce soft EU legislation to be adhered by MS on a voluntary basis (ex: Council recommendation)

Strengthen EU level coordination and monitoring (e.g European semester, Social Open Method of Coordination, employment guidelines, benchmarks)

Exchange of best practices

A combination of two or more of the above

Please specify

200 character(s) maximum

An EU level legislative framework would be the most effective way to ensure the implementation of social protection rights and obligation across EU countries. However, promoting interactive channels and cooperation between the countries is known to be an effective way of both spreading and adapting solutions between member States.

4.1 Which avenues do you consider most appropriate to address the challenges of the gaps in formal and effective coverage by social protection?

4.1.2 for self-employed not yet covered

4.1.2.1 The social protection rights and obligations should (Please choose only one answer from the list)

- be mandatory for all self-employed
- be voluntary for self-employed not yet covered
- be partly mandatory and partly voluntary
- remain as they are (no action required)

4.1.2.2 What should be the level of protection? (Please choose only one answer from the list)

- Mandatory protection and contribution aligned to the level of standard workers
- A minimum level of mandatory protection and contribution is defined for all people in employment
- Differentiated levels are defined for self-employed according to their specific needs

Remain as it is (no action required)

4.1.2.3 What is the most appropriate way to ensure effective coverage? (Multiple answers possible)

A single social protection scheme could be envisaged to cover all people in employment
Specific mandatory social protection schemes could co-exist and their qualification criteria, contribution rules and benefit calculation could be tailored to the specificities of each
The choice of contributing to a public or private insurance scheme is left open to self-employed as long as they are part of an insurance scheme which would protect them in case of need

Temporary and decreasing incentives for low income self-employed to enable them to fully and/or effectively participate on a mandatory basis in social protection schemes

Access to unemployment benefits and employment services tied with activation measures

Automatic enrolment with opt-out clauses

Creation of voluntary schemes accompanied with better information and reduced administrative burden

Tailoring better the qualification criteria, contribution rules and benefits' calculation of the voluntary schemes to the needs and specificities of each group

Temporary and decreasing incentives for low income self-employed to to enable them to fully and/or effectively participate on a voluntary basis in the social protection schemes

Other

4.1.2.4 In your view, is there a need for EU-level action to ensure access to social protection for self-employed where gaps exist?

Yes

No

I don't know

What elements from sections 4.1.1.1, 4.1.1.2 and 4.1.1.3 should be addressed by EU action?

500 character(s) maximum

What kind of EU policy instrument(s) would be most effective?

Highly effective	Moderately effective	Low effective	Not effective at all	Don't know
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Improve the implementation of the existing EU-level legislative framework

Introduce new EU legislation

Introduce soft EU legislation to be adhered by MS on a voluntary basis (ex: Council recommendation)

Strengthen EU level coordination and monitoring (e.g European semester, Social Open Method of Coordination, employment guidelines, benchmarks)

Exchange of best practices

A combination of two or more of the above

Please specify

200 character(s) maximum

4.2 Transferability and transparency of social protection rights could help to ensure secure labour market transitions. Which avenues do you consider most appropriate to address those gaps?

	Highly appropriate	Moderately Appropriate	Low appropriate	Not appropriate at all	Don't know
Stipulating minimum standards for timely acquisition, preservation and transferability of social protection and employment service rights					
Creation of individual accounts for social protection and/or employment service rights (in order to avoid losses of social entitlements when changing jobs)					
Simplifying administrative procedures					

4.2.1 If your response is highly or moderately appropriate, is there a need for EU-level action?

	Yes	No	I don't know
Stipulating minimum standards for timely acquisition, preservation and transferability of social protection and employment service rights			
Creation of individual accounts for social protection and/or employment service rights (in order to avoid losses of social entitlements when changing jobs)			
Simplifying administrative procedures			

If yes, what kind of EU policy instrument(s) would be most effective?

	Highly effective	Moderately effective	Low effective	Not effective at all	Don't know
Introduce new EU legislation					
Introduce soft EU legislation to be adhered by MS on a voluntary basis (ex: Council recommendation)					
Strengthen EU level coordination and monitoring (e.g European semester, Social Open Method of Coordination, employment guidelines, benchmarks)					

Exchange of best practices
A combination of two or more of the above

Please specify

200 character(s) maximum

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4.3 The background document identified gaps in access to employment services for some groups. Which avenues do you consider most appropriate to address the challenges of the gaps in access to employment services?

Highly appropriate	Moderately Appropriate	Low appropriate	Not appropriate at all	Don't know
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Access to **employment services** for workers should be ensured, irrespective of type of contract, and for self-employed
Some social protection benefits should be bound to the participation in specific employment related programmes.

4.3.1 If your response is highly or moderately appropriate, is there a need for EU-level action to ensure that rights and obligations to employment services are voluntary where gaps exist?

Yes

No

I don't know

If yes, what kind of EU policy instrument(s) would be most effective?

Highly effective	Moderately effective	Low effective	Not effective at all	Don't know
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Improve the implementation of the existing EU-level legislative framework
Introduce new EU legislation
Introduce soft EU legislation to be adhered by MS on a voluntary basis (ex: Council recommendation)
Strengthen EU level coordination and monitoring (e.g European semester, Social Open Method of coordination, employment guidelines, benchmarks)
Exchange of best practices
A combination of two or more of the above

Please specify:

200 character(s) maximum

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5. According to your assessment, the impact of making social protection rights mandatory in all forms of employment would be positive, neutral or negative for

positive neutral negative

The European society: Cohesion in society
The European society: Intergenerational justice
The labour market: Labour market transitions
The labour market: Transparency
The economy: Competitiveness
The economy: Resilience and adaptability
The economy: Economic growth
The workers: Security of workers
The workers: Investment in people and their skills
Social protection and public finances: Financial sustainability of social protection systems
Social protection and public finances: Adequacy of social protection benefits and services
Social protection and public finances: Public budget
Small and medium sized enterprises: Cost
Small and medium sized enterprises: Competition

5.1 In your opinion, what is the most important positive and negative impact of making social protection rights mandatory in all forms of employment?

400 character(s) maximum

<p>Making rights equal and accessible for all employers would contribute to the transparency of the labour market, to social health protection and poverty prevention for all workers. Still, it is necessary to study the best way not to put additional pressure on the public national budget.</p>

6. According to your assessment, the impact of making social protection rights voluntary where gaps currently exist would be

positive neutral negative

The European society: Cohesion in society
The European society: Intergenerational justice
The labour market: Labour market transitions
The labour market: Transparency
The economy: Competitiveness
The economy: Resilience and adaptability
The economy: Economic growth
The workers: Security of workers
The workers: Investment in people and their skills
Social protection and public finances: Financial sustainability of social protection systems
Social protection and public finances: Adequacy of social protection benefits and services
Social protection and public finances: Public budgets

Small and medium sized enterprises: Cost

Small and medium sized enterprises: Competition

6.1 In your opinion, what is the most important positive and negative impact of making social protection rights voluntary where gaps currently exist?

400 character(s) maximum

Making social protection rights voluntary may cause different member States adopting solutions that are excessively unequal. Some common procedures and policies are necessary.

7. If you have any additional comments and/or suggestions, feel free to use the open answer box below.

1500 character(s) maximum

8. If you wish please send your written contribution to EMPL-ACCESS-SOCIAL-PROTECTION-OPC@ec.europa.eu