

Commission Work Programme

Main messages

- **President von der Leyen** has put the social dimension at the **core of our recovery strategy** (Recovery package, State of the Union/Letter of Intent).
- Commissioners Johansson and Schmit the renewed Commission commitment to the **European Partnership for Integration** through a joint statement with five Social and Economic Partners organisations (ETUC, Business Europe, SMEUnited, CEEP, Eurochambres).
- DG EMPL issued the Employment and Social Developments in Europe (ESDE) review, titled **“Leaving no one behind and striving for more: fairness and solidarity in the European social market economy”**. The report highlights the role of the social partners as key contributors to responses to cyclical downturns, whether discussing health risk mitigation for workers or short-term work schemes.
- The **socio-economic outlook** is gloomy and affects all working population and every company big or small. Wide-range measures have been taken by the Commission, namely the SURE to support employment through a short-term work schemes.

On the European Pillar of Social Rights Action Plan – will be part of Annex I 2021 CWP

- Early in 2021, we will present an **Action Plan** to implement the Pillar and its 20 principles. We envisage a **strategic document**:
 - a **list of new actions** to be undertaken in the coming years at EU level:
 - CWP 2020/2021: e.g. minimum wages, social economy, child guarantee...
 - beyond 2021 and up to the end of the mandate.
 - an **updated governance (updated monitoring toolbox** - in particular **Social Scoreboard** -; supporting frame for Member States, regions and local authorities to **implement the Pillar at their level**).
- The aim is to have the Action Plan **endorsed by the other EU institutions** at a Social Summit (level of Heads of State and Government) in Porto in May 2021.
- It must reflect the Commission's efforts to implement the Pillar's 20 principles in **all policy domains**.
- The European agenda is however only **one side of the coin**. The other one is the action at national, regional and local level, as well as by **social partners** and civil society.
- We had a dedicated workshop with you in June and we have been in constant contact. However, I would like to **reiterate our call to participate with a written contribution** in the ongoing consultation on the Action Plan. Concretely:
 - What gaps do you see in the implementation of the Pillar? What action is needed to address these gaps and at what level?
 - What are **you** doing and what can you do in the future to implement the Pillar?

On social dialogue

- In July, the Commission appointed Andrea Nahles, former German minister of employment, as special advisor to Commissioner Nicolas Schmit to advise him “on strengthening the social dialog in Europe and on the role of social partners”.

- Her mission is closely linked to the preparation of the Action Plan on the implementation of the European Pillar of Social Rights. Commissioner Schmit asked Ms Nahles to come up with some concrete proposals for the Action Plan on how to strengthen social dialogue.
- I understand that she already talked to the leaders of the four EU cross-industry social partners to introduce herself and explain her mandate.
- Ms Nahles intends to organise a small-scale workshop with EU cross-industry and sectoral social partners to get some feedback on her first ideas and collect some proposals from social partners.

On the Minimum wage initiative

- The general objective of the initiative is to ensure that all workers in the EU are protected by an adequate minimum wage. The specific objectives of the initiative would be to improve the adequacy and increase the coverage of minimum wages.
- Any measure would respect national competences and social partners' contractual freedom. The Commission does not aim to set a uniform European minimum wage. It would also not require Member States to introduce a statutory minimum wage.
- We thank you for your inputs during the two stage-consultations! Your views are being considered to shape our final proposal.

On platform workers –will be part of Annex I 2021 CWP

- The letter of intent accompanying the State of the Union address mentions an initiative to improve the working conditions of platform workers amongst the new initiatives in 2021 to make Europe “fit for the digital age”.
- A high-level conference to gather insights on this complex issue was supposed to take place in September 2020, but was cancelled due to the uncertainties of the current public health crisis. Instead, we are organising an alternative series of events in the autumn.
- These will allow us to initiate a dialogue with different stakeholders, which remains a fundamentally important step in the process of defining options for an EU initiative in this area.
- In November, we will be meeting with the cross-industry social partners for a first exchange of views on challenges in platform work.
- A formal social partners consultation would follow in case an action based on Article 153 of the Treaty is considered.

On Occupational Safety and Health – will be part of Annex I 2021 CWP

- The Commission recently revised the **Carcinogens and Mutagens Directive**, the fourth revision since 2016. This revision reflects the opinions issued by the tri-partite Advisory Committee on Safety and Health at Work, in which Member States, employers and workers are represented.
- But the Commission does not intend to stop here. In her letter of intent, President von der Leyen also announced that the **new Occupational Safety and Health Strategy** will be a key initiative for 2021. And you, as social partners, will play a key role in its elaboration and implementation.
- In addition to that, the preparatory work is underway to set or revise the occupational limit values for **asbestos, lead and di-isocyanates**, and a two-stage social partner consultation will be launched shortly.

On the reinforced Youth Guarantee

- In July, the Commission presented a new package to boost youth employment, which included a proposal for a **reinforced Youth Guarantee**. We expect the Council adoption at the end of October/beginning of November.
- In addition, the EP's EMPL committee is preparing a resolution on the reinforced Youth Guarantee. The EESC is preparing an opinion on the proposal, and the Committee of the Regions an own-initiative report.
- The Commission is aware of ETUC's work with the European Youth Forum on a quality framework for the Youth Guarantee, and looks forward to seeing their proposal.

On the Child Guarantee – will be part of Annex I 2021 CWP

- Preparations for the Child Guarantee policy initiative are ongoing – both on the drafting of the instrument, as well as on the targeted consultations with stakeholders. It will be adopted by the Commission as a proposal for a Council Recommendation in 2021.
- The Commission will consult the European Social Partners via a dedicated hearing on 16 October 2020.
- It will also be a part of the “social arm” of the upcoming Strategy on the Rights of the Child, also to be adopted at the beginning of 2021.
- The Roadmap of the Child Guarantee initiative has been published for consultation until 7 October 2020.

On seasonal workers

- On 30 March, the Commission published **Guidelines concerning the exercise of the free movement of workers**. The goal was that frontier, posted and seasonal workers exercising critical occupations have unhampered access to their workplace.
- To consolidate our message, we have published on 16 July **Guidelines on seasonal workers** in the EU in the context of the COVID-19 outbreak.
- Our initiatives focus on free and fair movement of workers but also aim to ensure equal treatment, social rights, health and safety, access to public services and decent housing for the most vulnerable categories of mobile workers.
- We committed to further pursue our work with both EU-OSHA and the European Labour Authority in order to strengthen the access to information and facilitate awareness raising campaigns.
- In the near future, we will also organise a hearing with European social partners on seasonal workers.

On skills

- Up- and reskilling should be an **integral part of the recovery**. It will also make us **more resilient**. With better skills, in particular the vulnerable will keep their jobs or will find new ones more easily.

On funding instruments

- The ESF+ will continue to be an important financial tool to support the improvement of human capital and address social challenges. We are working hard to have a deal approved with the European Parliament, so that we can have the legislation pieces in place by the end of the year.
- It is important that Member States go on with the preparatory work of all the new funding instruments. It will also be important to have a solid strategic overview of the economic and social objectives, so to make the whole architecture of the funds clear, effective and efficient, avoiding overlaps or areas not covered.

Defensives

The social partners have requested in a letter of 10 April the creation of a new financial instrument to support the social partners during the crisis.

- The Commission took due note of your request and fully understands the difficulties faced by national social partners in a number of Member States.
- As you know, it proved not to be possible to find additional budget in the 2020 budget and under the current MFF.
- The Commission instead proposed to social partners to set aside EUR 5 million under the 2020 EaSI budget for a call for proposal providing support to cross-industry social partners with the aim of strengthening their role in mitigating the economic and social impact of the COVID-19 crisis.

Background

Timetable CWP

- The adoption of the Work Programme by the Commission is planned for 20 October 2020.
- The Work Programme will be presented to the EP plenary on the date of adoption and to the first General Affairs Council following the adoption (12 November 2020).
- Agreement on the text and signature of the Joint Declaration by the Presidents of the three institutions (by end December 2020, tbc).

Tripartite Social Summit

The Tripartite Social Summit will take place virtually on 14 October¹.

On social partner consultations

On 7 September 2020, Commissioners Johansson and Schmit and representatives of the five Social and Economic Partners organisations (ETUC, Business Europe, SMEUnited, CEEP, Eurochambres) renewed their commitment to the **European Partnership for Integration** through a joint statement.

During this Commission mandate, the following hearings took place or are being planned:

- 17 January: Dedicated social partner hearing on the renewed Skills Agenda
- 24 February: Dedicated hearing on the reinforced Youth Guarantee
- 8 June: High-level hearing on the Pillar Action Plan
- 11 June: High-level meeting with Commissioner Schmit and VP Schinas on the renewed Skills Agenda
- 16 September: Consultation hearing on Strategy for sustainable and smart mobility, jointly organised by EMPL/MOVE for sectoral social partners from transport sector (BusinessEurope and SMEUnited also took part).
- 16 October: Dedicated hearing on planned Child Guarantee
- 17 November: a first meeting with social partners on planned initiative on platform workers

¹ Note on on-going discussion on the title of the TSS: the original title proposed by COM, PEC and DE Presidency is "*Implementing together the social and economic recovery*". ETUC and BusinessEurope made alternative proposal: "*Implementing together an inclusive and sustained economic and social recovery of the EU*". We are awaiting feedback from cabinets.

The last Social Dialogue Committee meeting on 29 September focussed on the employment and social policy initiatives announced in SOTEU/letter of intent as well as on the Recovery Plan. The Social Dialogue Committee is the main body for cross-industry bi- and tripartite social dialogue at European level. It meets 3 times a year to discuss employer/worker views on employment and social topics.

On the EPSR Action Plan

The cross-industry EU social partners have not yet submitted their formal contribution to the consultation on the Action Plan to implement the European Pillar of Social Rights.

A dedicated hearing, with the participation of Executive Vice-President Dombrovskis and Commissioner Schmit has taken place on 8 June 2020. Moreover, some national and sectoral social partner organisations have already contributed to the online consultation.

Trade Unions are supportive of the Action Plan. The following policy initiatives at EU level are of particular interest to the European Trade Union Confederation (ETUC): fair minimum wages and a renewed focus on upward convergence in working conditions, Youth Employment Support, the Skills Agenda, Pay transparency, Platform work, Child Guarantee, Minimum income, workers' participation and Occupational Health and Safety (also taking into account psycho-social risks), access to social protection, work-life balance/telework/right to disconnect, public investment as macro-economic stabiliser.

Trade unions call for the EU to make use of legislation, the Semester and the Funds to implement the Pillar. ETUC recalls that as for the Semester, there remains a problematic difference between the quality of involvement of EU social partners and of national social partners. The Action Plan should improve the involvement of national social partners across the Semester cycle. Social partners in Croatia, Greece and Hungary also see this as a priority. As regards the Funds, the Action Plan should connect and support a social investment strategy in the Recovery Plan.

ETUC calls for a yearly update of the Action Plan as well as for a revision of the Social Scoreboard and the Employment Guidelines.

Employers are generally opposed to further legislative action at EU level in the field of social policy. BusinessEurope emphasises the Semester as the right tool to implement the Pillar. The Action Plan should be focussed on improving the functioning of the labour market: more resilience, flexibility and security.

The German cross-industry confederation BDA sees policy coordination and closer exchanges between Member States and social partners at EU level as the main way forward to implement the Pillar. They support the BusinessEurope proposal to create a tripartite consultative committee (1 government, 1 trade union and 1 employer representative per Member State), chaired by the Commission, to improve the performance of labour markets and social systems, respecting competences.

The BDA also points out that European employers have never agreed to the Pillar and that employer organisations do therefore not carry responsibility for its implementation.

SMEunited echoes the call of BusinessEurope for a tripartite approach to implement the Pillar. Access to social protection for self-employed should remain a priority. However, there should be due regard for the absorption capacity of national social partners when it comes to implementing new EU level social legislation.

For the European Centre of Employers and Enterprises providing Public Services (CEEP), the implementation of principle 8 on social dialogue is a top priority, in particular when it comes to the national level. Moreover, Principle 20 deserves full attention: combatting energy poverty and fostering affordable housing and healthcare services should be among the main policy priorities, underpinned by the MFF.

On the minimum wage initiative

Timeline for the adoption of the minimum wage initiative	
JUN	<ul style="list-style-type: none"> 3 Jun: College adopted document for second stage of social partners' consultation
SEP	<ul style="list-style-type: none"> 4 Sep: Deadline for second stage consultation 9 Sep: Complete IA submitted to RSB 30 Sep: RSB meeting and opinion [RSB gave a negative opinion on 2 Oct. The timetable needs to be revised accordingly – current plan is to keep the adoption date of 28.10)
OCT	<ul style="list-style-type: none"> 9 Oct: ISSG meeting to endorse adoption package 13 Oct: Fast-track ISC on adoption package launched* 15 Oct: Fast-track ISC meeting 16 Oct: Adoption package sent for adoption 28 Oct: Adoption of Commission proposal on minimum wages (oral procedure)
DEC	<ul style="list-style-type: none"> [3 Dec: Last EPSCO meeting under DE Presidency]

*Derogations to Better Regulation and special arrangements: fast track ISC (3 days) on adoption package, instead of standard ISCs (3 weeks).

Results of the second phase Social Partners consultation

The Commission received 19 replies from officially recognised European social partners: 3 from workers' organisations (including ETUC) and 16 from employers' organisations (including BusinessEurope, CEEP and SMEUnited).

Specific objectives of a possible EU action

Workers' organisations generally agreed with the identified objectives. ETUC, however, regretted the "ongoing lack of clarity" about how the considered measures can be achieved and on the choice of the legal instrument. Employers' organisations in general showed support for the objectives, but were against limiting or eliminating variations and exemptions.

Views on the possible legal instruments

ETUC and CESI called on the European Commission to propose an EU Framework Directive with binding minimum requirements and stressed that without binding requirements, a Council Recommendation would not deliver the necessary improvements. CEC European Managers considered a Recommendation the most effective tool to achieve the objectives of the initiative.

Most employers' organisations reiterated that based on Article 153 (5) TFEU, the EU has no competence to introduce a legal instrument on wage-setting mechanisms or collective bargaining, which fall within the competence and authority of the Member States and national social partners.

Willingness to enter into negotiations

According to ETUC, it did not seem possible to enter into negotiations, which could achieve a positive outcome. Nonetheless, the organisation remains open to discussions on a Council Directive.

On the side of the employer's organisations, BusinessEurope, CEEP and SMEUnited expressed their willingness to explore the possibility to enter into negotiations on a Council Recommendation together with the other European social partners, provided that the existence of a legal basis for EU action has been clearly established (CEEP).

On the reinforced Youth Guarantee

ETUC Resolution on the Reinforced Youth Guarantee (adopted on 2-3 July)

For ETUC, the most relevant issues in the YG implementation are:

- low quality of the offers provided under the scheme;
- timely intervention within the promised period of 4 months;
- the poor outreach strategies to offer the scheme to those young people who are furthest from the labour market (NEETs).

ETUC calls for:

- a better involvement of social partners in design, implementation and evaluation of the scheme.
- synergies with initiatives such as the European Pillar of Social Rights, Skills Agenda, European minimum wage initiative and European Green Deal.
- **a binding quality criteria framework** to prevent YG from contributing to social dumping, wage dumping and precariousness.
- the European Commission to conduct a study on the link between young people in jobs without social protection and youth precarious work.

Youth Guarantee negotiations at the Council and other institutions

The Commission proposal for the Council Recommendation on a Bridge to Jobs – reinforcing the Youth Guarantee is being negotiated at the Social Questions Working Party. The discussions took place on 10 July and 2 September. Member States feedback has been positive and constructive overall, and so far the DE PRES has been making only relatively small adjustments to the text.

The reinforced Youth Guarantee is one of the very few legislative EPSCO files that could be conclude under the DE Presidency. We expect adoption by the Council in the end of October/beginning of November (final adoption as “A point” by a physical Council meeting).

The initiative is a Council Recommendation, whereby the Parliament does not act as co-legislator. Nonetheless, on 21 September, the EMPL Committee adopted an oral question to the Commission, an oral question to the Council, and a draft motion for a resolution on the Council Recommendation on reinforcing the Youth Guarantee (rapporteur EMPL Committee Chair Lucia Ďuriš Nicholsonová, ECR, SK).

While overall supportive of the Commission’s proposal, the EP is concerned about the level of funding Member States will allocate for youth employment policies.

State of the Union and the Child Guarantee

The Letter of Intent of the 2020 State of the Union Address includes a list of the major initiatives the Commission will adopt in 2021, stressing that more details will be included in the Commission Work Programme for 2021 in October. Under the Heading “An economy that works for People”, the Letter of Intent includes the Child Guarantee, together with the Action Plan on the European Pillar of Social Rights.

On Occupational Safety and Health

Carcinogens and Mutagens Directive

The fourth revision of the Carcinogens and Mutagens Directive (CMD), presented on 22 September 2020, is the first step in this ambitious plan to beat cancer. In the frame of the two-phase consultation of the social partners, BusinessEurope and the SMEUnited supported the objective to effectively protect workers from occupational cancer, including by setting limit values (OELs) at EU level. In the context of the same consultation, ETUC

insisted that the target of binding OELs for 50 substances has to be achieved by 2020 (now they talk about 2024).

This fourth revision set new or revised occupational exposure OELs for three very important carcinogens (acrylonitrile, benzene and nickel compounds). The limit values proposed by the Commission in this initiative are fully in line with the opinions issued by the Advisory Committee on Safety and Health at Work, in which Member States, Employers and Workers are represented.

2021-2027 OSH Strategic Framework

The current EU Strategic Framework on Health and Safety at Work runs until end 2020. There is a large expectation from all stakeholders for its renewal. The new Strategy will define the EU policy strategic orientations for the next period 2021-2027.

The new OSH strategy will be developed by taking into account among others the lessons learnt from the current OSH Strategic Framework (being evaluated), as well as from the pandemic crises.

A public consultation is planned to be launched in the forthcoming months to gather views both on the previous and the future strategic framework.

Other chemicals

Preparatory work continues on lead and di-isocyanates under the CAD. Establishing an OEL for di-isocyanates complementary with REACH restriction will prevent occupational asthma cases among the workers exposed to this substance. RAC opinion for both substances will be delivered by end September 2020.

Work continues also on the possible revision of the existing OEL for asbestos under the Asbestos at Work Directive – a major occupational carcinogen affecting millions of workers. RAC opinion is due June 2021.

A two-stage social partner consultation concerning asbestos, lead and di-isocyanates will be launched shortly.

On seasonal workers

Commission Guidelines on free movement

On 30 March, the Commission published the *Guidelines concerning the exercise of the free movement of workers*. Their focus is on ensuring that mobile workers within the EU, in particular those in critical occupations fighting the coronavirus pandemic, can reach their workplace.

The Commission urged Member States to establish specific burden free and fast procedures to ensure a smooth passage for such cross-border workers, including proportionate health screening.

As regards seasonal workers, particularly in the agricultural sector, Member States are asked to exchange information on their different needs at technical level and to establish specific procedures to ensure a smooth passage for such workers, in order to respond to labour shortages resulting from the crisis.

Commission Guidelines on seasonal workers

The Commission published on 16 July Guidelines to ensure the protection of seasonal workers in the EU in the context of the coronavirus pandemic. The Communication covers both EU and non-EU seasonal workers. It provides guidance to national authorities, labour inspectorates, and social partners to guarantee the rights, health and safety of seasonal workers, and to ensure that seasonal workers are aware of their rights. The guidelines include both calls for action to Member States and key stakeholders, as well as further actions at EU level.

Contact – briefing contribution: