



SARA Law Research Center

International Journal of Legal and Social Order, <https://www.ccdsara.ro/ijlso>

ISSN 2810-4188, ISSN-L 2810-4188

Nº. 1 (2021), pp. 411-415

## THE EUROPEAN PILLAR OF SOCIAL RIGHTS

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### **Abstract**

*The European Pillar of Social Rights is a high-profile political reaffirmation of twenty social rights and principles. Its implementation deploys the full EU governance arsenal: regulations, directives, recommendations, communications, new institutions, funding actions, and country-specific recommendations. As such, the static imagery evoked by a 'pillar' does not capture the true nature of the initiative, which is dynamic and fluid, wide-ranging, and permeating. An equation of the Pillar with the set of twenty rights and principles it proclaims similarly fails to capture its true significance, which lies in its programmatic nature. Several important measures have already been proposed as part of this new social action plan for Europe, some of which are close to adoption. This Article analyses the meaning of the Pillar and its potential significance, by considering its content sensu largo, and its broader context. It argues that even if the Pillar cannot address all the EU's social failings, it has put a surprising social spin on the Better Regulation Agenda that was threatening to erode the social acquis, it has rekindled the EU's relationship with the International Labour Organization and Council of Europe, and it helps rebalance the EU's output by reviving the use of the Treaty's Social Title.*

**Keywords:** Social rights, Social Europe, European Social Pillar

### **INTRODUCTION**

More than ever before, small communities and the European Citizens need guidance towards a world of continuous changes onto a more green and sustainable future, where the regulation of general framework of the social domain is in the centre of the European Unions s interest. This idea has received support and voice through the speeches made by the European Commission, as well as through the resolutions of the European Parliament and came to life in the Strategic Agenda of the European Union for the years 2019-2024 drafted by the European Council. The best way to achieve this is through the European Pillar of Social Rights, which offers real opportunities for job creation, which puts "skills, innovation and social protection on an equal footing."

In the last decades, The European Union has developed a strong and rich acquis in the field of Social values, but also a major progress in what free movement of persons, living and working conditions, equality between women and men, health and safety at work, social protection, education and training are concerned.

Globalization, the digital revolution, dynamic working patterns and social and demographic developments offer new opportunities and new challenges and, as a consequence, labour markets and society are evolving rapidly while member states are dealing with situations like significant inequalities in the health area, long term unemployment, youth unemployment or solidarity between generations, all on different scales. In order to remedy such situations, the European Union has stabilised its economy, significantly increased employment levels and lowered the unemployment rate, but the social consequences of the economic and financial crisis are still being felt deeply. The European Pillar of Social Rights is part of a broader effort to establish a more sustainable and inclusive growth model by improving Europe's competitiveness and making it more attractive for investment, creating jobs and promoting social cohesion.

„The aim of the European Pillar of Social Rights is to serve as a guide to achieving effective social and employment outcomes when addressing current and future challenges, aimed directly at meeting people's essential needs, and for ensuring better activation and enforcement of social rights”.

The high standards that Europe and Europeans have in terms of working conditions and the social protection of workers have given shape to the idea of competitive sustainability, an idea that is 'at the heart of Europe's social market economy, which is about identifying a model of sustainable and inclusive growth that delivers the best of people and the planet'. This is the unique model on which Europe's social and economic resilience is based. The Union's ambition is to deliver on the promise of shared prosperity. This is also the promise of the European Pillar of Social Rights, proclaimed by the European Parliament, the Council and the Commission in 2017.

The COVID-19 pandemic has thrown the world into a sudden and deep recession. Despite the strong, coordinated and innovative response at national and EU levels, many uncertainties remain; in particular how long this crisis will last and how exactly it will affect our lives and economies. „We need to protect European citizens, their health and their jobs while ensuring fairness, resilience and macroeconomic stability across our Union. While the pandemic has hit all Member States, the scale of the impact as well as the pace and the strength of the recovery will vary significantly across regions”. (COMMUNICATION FROM

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THE COMMISSION, Annual Strategy for 2021 on Sustainable Growth, available on EUR-Lex - 52020DC0575 - EN - EUR-Lex (europa.eu).

The European Pillar of Social Rights sets out 20 key principles and rights essential for fair and well-functioning labour markets and social protection systems. It reaffirms some of the rights already present in the Union acquis. It adds new principles addressing the issues raised by societal, technological and economic developments.

Climate change and environmental challenges, digitalisation, globalisation and demographic trends are rapidly changing our daily lives. Due to COVID-19, Europe has been exposed to further drastic changes that have affected our jobs, education, the economy, social protection systems and social life. In times characterized by profound transformations, such as those we are experiencing, our social structure is being put to the test.

The Pillar sets out 20 key principles which represent the beacon guiding us towards a strong social Europe that is fair, inclusive and full of opportunity in the 21st century, divided as follows:

- Equal opportunities and access to the labour market
- Fair working conditions
- Social protection and inclusion

In what Equal opportunities and access to the labour market are concerned, the Pillar points out the following main aspects: Education, training and lifelong learning in the sense that everyone has the right to high-quality and inclusive education, training and lifelong learning in order to acquire and maintain skills that enable them to participate fully in society and manage successfully transitions in the labour market, gender equality, equal opportunities, meaning that, irrespective of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, everyone has the right to equal treatment and opportunities in employment, social protection, education and access to goods and services available to the public. Equal opportunities for under-represented groups should be encouraged, as well as active support for employment. (European Pillar of Social Rights in 20 principles - <https://ec.europa.eu/info/strategy/priorities-2019-2024>). More than that, to the identification and management of gender-based discrimination "present in the current society (even if, in general, European states enjoy a high level of gender equality)" (D. Cîrmăciu - Increasing tax collection and reducing tax evasion - Imperatives of the fiscal sustainability strategy - budget - p. 140), can also contribute to the study and implementation of effective fiscal policies and strategies. Also here, we can mention principles from other branches of law

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that interfere with the field we are discussing, especially the principle of legality of incriminations and sanctions, "a principle unanimously admitted in the criminal doctrine in Romania (L. R. Popoviciu- Criminal Law. General Part-p. 15). Gender-based violence is just one of the possible ramifications that show the connection between the two areas, and here we can point to gender-based violence as forms of violence: physical, sexual or psychological violence, domestic violence or sexual harassment.

As for the fair working conditions that the Pillar is talking about in part two, they refer in the main to safe and adaptable jobs both in terms of the type and duration of the employment relationship and ensuring the flexibility necessary for employers to adapt quickly to changes in the economic context, in accordance with legislation and collective agreements. The atypical times we are living in have imposed the promotion of innovative forms of work, in which to ensure good quality working conditions, but also occupational mobility. Workers' wages must ensure a decent living for them. „Adequate minimum wages must be ensured which can meet the needs of the worker and his family, taking into account the economic and social conditions prevailing at national level, while protecting access to employment and incentives to seek employment. In-work poverty must be prevented” (The 20 principles of the European Pillar of Social Rights- p. 20).

Information about employment conditions and protection in the event of dismissal of workers is another mention in the Pillar, so that workers have the right to be informed in writing when they are employed of their rights and obligations arising from the employment relationship, including in relation to probationary period. Before dismissal, workers have the right to be informed of the reasons for the dismissal and to be given a reasonable period of notice. Workers shall have the right of access to impartial dispute settlement mechanisms and, in the event of unjustified dismissal, shall have the right to an appeal, including adequate compensation.

In the content of the document describing the European Pillar of Social Rights, an important place is occupied by the social dialogue between the social partners, as well as the conclusion of collective agreements on issues relevant to them, while respecting their autonomy and the right to collective action. Where appropriate, agreements concluded between the social partners should be implemented at Union and Member State level.

Work-life balance is another item on the Pillar's agenda, so that 'parents and people with caring responsibilities have the right to adequate leave, flexible forms of work and the right of access to care services'. (The 20 principles of the European Pillar of Social Rights -p. 20). Women and men have an equal

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right of access to special leave in order to fulfil their caring responsibilities and should be encouraged to use these leave in a balanced way.

Chapter III of the Pillar concerns social protection and inclusion, in which context it talks about the care to be provided to children, but also support for this category, with a predilection in the sense that children have the right to protection against poverty, to early childhood education and care services. Social protection includes provisions relating to adequate unemployment benefits of reasonable duration, in accordance with the contributions paid and the national eligibility rules. Old-age benefits and workers' pensions must be proportionate to the contributions paid and ensure an adequate income for them. Old-age benefits and workers' pensions must be proportionate to the contributions paid and ensure an adequate income for them. Men and women must have equal opportunities to acquire pension rights. A dignified life also means the right to affordable and good quality healthcare, but also the provision of social housing for the homeless, along with easy access to essential services such as water, sanitation, energy, transport, financial services and digital communications.

Due to the shortness of this presentation of the essential points of the European Pillar of Social Rights, we must see its efficiency, especially because not only Euro area member states must implement it, but also the other ones, which is designed to lead to real convergence at European Union level, the rights and principles established by the Pillar and must be implemented at the level of the European Union and the Member States in full respect of their autonomy and competences and the principle of subsidiarity.

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