

Towards a European Pillar of Effective Social Rights

Submission to the European Commission

The **European Social Policy Network (ESPN)** was established in July 2014 on the initiative of the European Commission to provide high-quality and timely independent information, advice, analysis and expertise on social policy issues in the European Union and neighbouring countries. It covers 35 European countries: the 28 EU countries as well as Iceland, Liechtenstein, Former Yugoslav Republic of Macedonia, Norway, Serbia, Switzerland and Turkey.

The ESPN brings together into a single network the work that used to be carried out by the European Network of Independent Experts on Social Inclusion, the Network for the Analytical Support on the Socio-Economic Impact of Social Protection Reforms (ASISP) and the MISSOC (Mutual Information Systems on Social Protection) secretariat.

The ESPN is managed by the Luxembourg Institute of Socio-Economic Research (LISER), APPLICA and the European Social Observatory (OSE).

For more information on the ESPN, see: <http://ec.europa.eusocialmain.jsp?catId=1135&langId=en>.

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Preface

This submission by the European Social Policy Network (ESPN) on the proposed *European Pillar of Social Rights*¹ grew out of a half day seminar that ESPN independent experts held with Allan Larsson² and other European Commission representatives in September 2016 to discuss the proposal. Several ESPN experts made presentations on different aspects of the proposed Pillar³. Then, they wrote up their presentations taking account of the discussion at the seminar. These contributions were further developed and edited by the editors⁴ who compiled them into an overall ESPN submission. This draft was circulated to ESPN members⁵ for their comments and additional suggestions. The document was then finalised by the editors.

The submission focuses primarily on the Annex⁶ to the European Commission Communication which sets out a first Preliminary Outline of the proposed Pillar. Section 1 discusses some overarching reflections on the approach adopted in the Preliminary Outline. Section 2 looks at the third chapter of this Annex on adequate and sustainable social protection, which is the main area of expertise of ESPN experts. It assesses the strengths and weaknesses of the principles set out in the Preliminary Outline and makes concrete suggestions as to how they might be strengthened in the future Pillar. Finally, Section 3 identifies some of the challenges that the Pillar will have to address if it is to be more than an aspirational document. Specific suggestions are made as to how the principles in the Pillar might be put into effect if it is to have a real impact on strengthening Social Europe.

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Launching a consultation on a European Pillar of Social Rights*, Strasbourg, COM(2016) 127 final.

² Allan Larsson is European Commission President Juncker's Special Adviser for the European Pillar of Social Rights.

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⁴ The editors of this submission are Hugh Frazer (ESPN Independent Experts' Coordinator and Social Inclusion Leader; Maynooth University [Ireland]) and Eric Marlier (ESPN Project Director; Luxembourg Institute of Socio-Economic Research [LISER]).

⁵ See Annex 1 for details of ESPN experts on the Network Core Team and on the 35 Country Teams.

⁶ Annex: *First preliminary outline of a European Pillar of Social Rights*, Accompanying to the Communication *Launching a consultation on a European Pillar of Social Rights*.

1. Overarching Comments on the Preliminary Outline

The European Commission's Preliminary Outline of a Pillar of social rights is a welcome and timely attempt to refocus attention on the social dimension of European Union (EU) policy and to draw attention to the meaning and potential applicability of a rights-based approach in that context. This is urgent given the rise in poverty and inequalities in Europe and the growing alienation from the European project in many countries where the EU is perceived as being remote from people's day to day lives and needs. Indeed, it has become increasingly clear during the economic crisis that those countries with strong social protection systems and strong social rights have better outcomes both socially and economically and have recovered better from the crisis. Thus, establishing a clear set of social rights for all European citizens will be important in encouraging greater social investments and more universalising tendencies in welfare provision. However, in setting out a European Pillar of social rights, it will be important to ensure that nothing in those rights will be used to undermine the (more) advanced social standards that are already implemented in many Member States. To this end the inclusion of a clear statement in the Pillar that the EU will aspire to the **progressive convergence** towards the highest social standards already existing in some countries would be helpful.

Pragmatic approach

The approach taken in the Preliminary Outline could be said to be pragmatic in that it seeks to cover the main domains and spheres of social life and relevant service provision. It starts therefore from existing provision. Among the spheres specifically mentioned are employment, education and training, childcare, long-term care, housing, essential services, healthcare, integrated benefits and services, benefits for the unemployed, disabled, pensions and minimum income. Viewed from the perspective of social policy, the approach adopted has a number of positive features and is in line with some current thinking and trends in academic social policy. For example, it is underpinned to some extent by a life course approach and it covers topics in an intersectional way. The fields of policy actually covered are also very inclusive.

Overall vision unclear

The approach adopted arguably favours coverage over vision. For example, it is difficult to see an overarching social policy project or vision in the document. It is also difficult to see which set of problems the Pillar considers in need of (better) addressing. Is it lack of attention to social rights? Or rather the problem of widespread and increased inequality and/or poverty? Or perhaps the lack of readiness on the part of some to engage in employment? Or is it really about structural problems relating to the functioning of social policy systems and their engagement with other domains of policy objectives, such as employment or finance/fiscal policy?

It is also difficult to see the end goal of the Preliminary Outline of the Pillar. The visionary potential of the document – and the endeavour as a whole – is therefore underemphasised. To raise a related matter, one can question why the document concentrates on setting out principles and what “principles” mean in a context where the overarching vision is under-specified or under-developed. It should be noted that the approach adopted is completely different to that of the Charter of Fundamental Social Rights, which specifies a set of titles and attaching rights and freedoms.

Link between environmental and social rights not emphasised

The lack of an overarching policy orientation makes it difficult to answer the key question “what kind of development do we want to sustain and achieve?” The document indeed does not elaborate any frame of reference to key principles stated by Article 3 of the Treaty on the European Union (namely: sustainable development based on balanced economic growth, social

progress and improvement of the quality of the environment; freedom, security and justice without frontiers), although this Article is mentioned in the Commission Communication on “Launching a consultation on a European Pillar of Social Rights” (COM(2016) 127 final). This reflects, for example, on the lack of comprehensive strategies to tackle the close relationship between environmental determinants and access to essential services (see Section 2.9 below).

Social rights of migrants not sufficiently addressed

Insufficient attention is given to the social rights and needs of migrants and refugees. Indeed this theme could merit the introduction of a specific section in the Preliminary Outline. The new section should be written according to principles of social justice without frontiers, intended as the core of a (long-term) permanent policy planning system aimed at considering the integration of migrants and refugees as a natural and ordinary process. For these reasons, the new section should be taken into account in a broad range of policy areas (e.g. integrated social benefits and services, health, minimum income, children, housing and essential services). Similarly, the rights of persons belonging to minorities (Article 2 of the EU Treaty) should be taken into due consideration (e.g. Roma communities) - not only for increasing their labour market participation (Section 6 - Equal opportunities - of the Preliminary Outline) but also in order to promote their social integration.

Implementation not addressed

There are some areas where the document could be improved and some aspects that raise new risks. For example, the approach risks being fragmented, in compartmentalising “problems” by virtue of taking a policy-specific rather than an overarching approach. It is also notable that there are no mechanisms proposed for the realisation of a rights-based approach or a trajectory of implementation. Presumably, this clarification of the implementation mechanism is intended to come from the consultation process. While this is understandable, it does leave open at least three important questions: *Who are the intended actor(s) who will be responsible for effecting the necessary changes? Who is the intended audience? And how will a move from a statement of principles to a statement of objectives be realised?*

Arguments unduly economic

Another area where some changes and improvements are needed results from the fact that the arguments throughout the Preliminary Outline of the Pillar seem to be unduly *economic* and not sufficiently *social* – in particular, in relation to social protection it gives more attention to essentially *sustainability* aspects while not taking enough account of *adequacy*. This may in part be pragmatic and reflect the need for strategic labelling to win support for the initiative in the current political context. Or, more worryingly, the wording may be a crystallisation of a narrow EU vision of the social dimension and social rights as being primarily a support to economic and employment policies. In such a vision, the contribution of social policies and “social investment” is merely seen as a stabiliser of economic activity and not as a social imperative. In this respect, the Preliminary Outline highlights adequacy of benefits and fairness of welfare states but does not put forward concrete proposals to achieve these goals (see Section 3 on Implementation). The crucial leverage of taxation is not mentioned at all, even if it is at the very heart of redistribution and the welfare models of the Member States. We consider that it is important to stress both roles (social imperative and economic stabiliser), particularly in a document on social rights.

Too narrow focus on employment rights

A related area for improvement is that the document tends to unduly focus on social rights in terms of *employment* rights and on how social policies can enhance people's access to the labour market. While this is important, it is essential that a document on social rights should strongly emphasise that *social* rights apply to all ages and to everyone whether or not they are able to work.⁷

Social rights should apply to all Member States

A final potential overall concern we would highlight is the choice to apply the future Pillar to the Eurozone: for some (including in the countries that would be excluded) this approach may be considered a step further in the direction of a Europe "à la carte", with different paces and levels of EU integration. Social rights should apply to everyone in the EU. In fact, citizens in a number of non-Eurozone EU Member States are among those who would benefit most from such a Pillar; some non-EU countries would also benefit from it, particularly the candidate countries of the Western Balkans and those involved in the European Neighbourhood Policy programme. To limit the Pillar in the first instance to Eurozone countries may also raise legal questions given that so much of the existing *social acquis* on which it draws is already applicable to all Member States.

Imperative versus aspirational principles

One way of analysing the policy areas covered is to consider whether they are specified in a strong or a weak way in the Pillar document. We assess as "strong" topics those which have a detailed specification and which are stated in an imperative mode, and as "weak" topics those that are expressed in a less specific and more aspirational form.

Strong	Weak⁸
<ul style="list-style-type: none">• Access to quality education and training for all• Equal treatment for all• Access to individualised job search assistance; portability of credentials• Good quality offer of employment/ training/ apprenticeship to all under 25• Access to leave for carers and for parents• Information for every worker• Access to high quality healthcare for all• Sick leave for all workers• Adequate pensions• Adequate minimum income benefits for all, including the disabled• Access to quality and affordable long-term care services for all• Access to childcare for all	<ul style="list-style-type: none">• Early intervention for all• Gender equality• Flexible working arrangements• Labour market participation of under-represented groups• Dismissal, notices, conditions, etc.• Integration of social benefits and services• Housing and Homelessness

⁷ To this end it could be informed by the capability approach advocated by Amartya Sen which links people's well-being to their capabilities, that is, their real opportunities to do and be what they have reason to value.

⁸ This table only assesses the principles that are included in the Preliminary Outline. It does not assess areas that we believe are missing and perhaps should have principles - such as migration and refugee issues, rights of persons belonging to minority communities and environmental determinants of social outcomes.

Enforceability of social rights essential

Overall we consider that the more strongly and imperatively the Pillar is worded the more useful it will be. Governance processes such as the European Employment Strategy (EES) and the Social Open Method of Coordination (Social OMC) have proved very valuable in enabling increased cooperation and exchanges on common social problems and concerns between the European Commission and Member States. While we are strongly convinced that these “soft” processes should continue, experience has shown that, unless they are complemented with legislation (i.e. an approach based on enforceable social rights), their impact is rather limited. Thus, it is vital that the Pillar should as far as possible aim for a binding approach, if it is to achieve the aim of building a stronger Social Europe in which social policies have the same importance as economic, employment and environmental policies.

State Overall Vision

As we have commented above, the approach set out in the Pillar lacks an overall vision. It is essentially pragmatic and seeks to build on and fill in the gaps in the EU’s existing social acquis. In the light of this we think that it would be helpful in giving momentum to the Pillar, if, at the beginning of the Pillar, there was a clear overall vision set out which would be in line with European Commission President Juncker’s vision of a *Triple-A* Social Europe and with the “Horizontal Social Clause” (HSC)⁹. Indeed this could be done by including before the principles in the three existing chapters of the Preliminary Outline an overarching principle reflecting the HSC and the Treaties other horizontal clauses on gender equality, combating discrimination and environmental protection. It could be worded on the following lines:

In strengthening social rights the European Union, in line with EU Treaties, will ensure a high level of employment, guarantee adequate social protection, fight against poverty and social exclusion, combat discrimination, promote gender equality, foster a high level of education, training and protection of human health and promote environmental protection.

⁹ Article 9 of the Treaty on the Functioning of the European Union (TFEU) states: “In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against exclusion, and a high level of education, training and protection of human health”.

2. Social Protection and Social Inclusion Principles

In this section we look in more detail at the “social protection” principles set out in Chapter III of the Commission’s Preliminary Outline of the Pillar. However, we would suggest that these should be more accurately defined as “social protection *and social inclusion* principles” and that the title of Chapter III should be amended accordingly.

Each of the sub-sections below (2.1 - 2.9) begins with the relevant principle(s). These are then commented on and, in the light of this, amendments or additions are suggested.

2.1 Integrated social benefits and services

a. Social protection benefits and services shall be integrated to the extent possible in order to strengthen the consistency and effectiveness of these measures and support social and labour market integration.

It is important that there is a principle on integrated benefits and services in the Pillar as the provision of services which are as integrated and comprehensive as possible at the point of delivery can greatly enhance their effectiveness. However, we would have three main concerns with how the introductory text and the draft principle are worded. First, the principle does not refer to the quality of the services or the adequacy of the benefits or how integration would improve the delivery of both. Secondly, it will be important to stress in the preamble to the principle that the provision of integrated benefits and services should be regarded as a right and not merely as a tool to get people into work as those not of working age or unable to work are just as entitled to comprehensive support. Thirdly, it is also important to stress more strongly in the preamble to the principle that integration between benefits and services is essential for social delivery more generally and not just for “work inclusion services”. Thus long-term care, disability, healthcare & sickness benefits & services should also envisage integration as a desirable goal.

In the light of the above, we would suggest the following changes to the draft principle¹⁰:

Comprehensive ~~Social protection benefits and services shall be integrated to the greatest extent possible so as to improve both their adequacy and accessibility and the efficiency of their delivery and thereby enhance in order to strengthen the consistency and their effectiveness of these measures and in supporting both~~ social and labour market integration.

Suggested revised principles for “Integrated social benefits and services”

1) Comprehensive social protection benefits and services shall be integrated to the greatest extent possible so as to improve both their adequacy and accessibility and the efficiency of their delivery and thereby enhance their effectiveness in supporting both social and labour market integration.

2.2 Healthcare and sickness benefits

a. Everyone shall have timely access to good quality preventive and curative healthcare, and the need for healthcare shall not lead to poverty or financial strain.

The accessibility to healthcare is a highly complex issue – the draft principle touches upon the “timely” component of accessibility (waiting times) as well as its “financial” component. However, the extent to which a population gains access to health services depends also on physical accessibility, organisational and social or cultural barriers that can limit the utilisation of services

¹⁰ Here and further in the document, our main suggested changes to the draft principles are shown in bold and strikethrough. For ease of reference, at the end of each of the nine sub-sections (2.1... 2.9) a box then provides the suggested revised wording of the principles in “clean” format.

and most of all, their relevance. Some barriers are connected with poverty and social exclusion. For instance, in some countries low income people have particular problems in accessing services. Related to this there can also be a knowledge/ education barrier as people with low education levels often have difficulties in accessing services and this is partly reflected in their lower life expectancy rates. In relation to cultural barriers different cultural and religious groups have different needs/ expectations and this needs to be taken into account in healthcare provision. It is also important that access to healthcare covers everyone residing de facto in a country, regardless of their legal status.¹¹ As well as access to healthcare access to a safe environment is also a vital part of healthcare as ambient pollution is among the top ten health risk factors¹². Thus, the principle should be defined in a more encompassing manner; the availability of services must include more perspectives, health needs as well as material and cultural settings of all societal groups.

It is very important how we define and measure accessibility. The definition used in the document implies the use of measures such as adequate supply, but does not take into account those factors that impact utilisation (which refers to the organisational, cultural and social component of accessibility that impact the relevance of services and are reflected in their utilisation) and outcomes of services (which measure the effectiveness of relevant care according to the healthcare needs of the population broken down by age, education, income, citizenship etc.).

The emphasis in the draft principle on “quality” is welcome. It is important, in the interest of equity, that two-tier healthcare systems are avoided and that quality services are available for all including those with disadvantaged backgrounds. Indeed, given the profound socio-economic health inequalities in Europe, which mainly arise not solely as a result of healthcare but due to inequalities in social policies more generally, those who are most disadvantaged often have the greatest need for quality healthcare.

In the light of this we would suggest revising the draft principle as follows:

*Everyone shall **live in a healthy environment** and have ~~timely~~ **prompt** access to **equally good quality preventive and curative healthcare which shall be provided in ways that overcome physical, organisational, social and cultural barriers to accessing services**, and **ensure that the need for-to use healthcare shall not lead to poverty or financial strain.***

b. Healthcare systems shall encourage the cost-effective provision of care, while strengthening health promotion and disease prevention, in order to improve the resilience of healthcare systems and their financial sustainability.

In order to improve their sustainability and resilience, a unified approach to the healthcare system as a whole is needed. The draft principle set out in the Preliminary Outline explicitly exposes the issues of health promotion and disease prevention. In our view, it is as important to stress the cost effectiveness of health promotion and disease prevention policies as to

¹¹ A helpful set of *Recommendations on access to healthcare for migrants in an irregular situation* have been developed by a group of experts funded by the Organisation for Migrations and the EU. See: http://equi-health.eea.iom.int/images/Expert_consensus_Recommendations.pdf.

¹² See, for instance: Institute for Health Metrics and Evaluation (2016), *Rethinking Development and Health: Findings from the Global Burden of Disease Study*, Seattle, WA: IHME. This report emphasises that “From a population health standpoint, the most pressing targets for intervention are those risk factors that cause the largest burden of disease and are increasing rapidly. Those risk factors include high body mass index, high fasting plasma glucose, ambient air pollution, and drug use.” (page 41).

emphasise the cost-effective provision of care. The principle should stress the need to identify interventions to ensure a rational use of resources in general without giving priority to any one area (not even health promotion or disease prevention) in the absence of evidence. The same approach should be applied across all forms of health attainment procedures. Therefore it is necessary to improve the quality of evidence and develop consensus on the most effective analytical techniques and stronger adherence to health economic guidelines. It is also important to ensure that, in allocating resources, not only questions of efficiency but also ethical goals (e.g. the achievement of equity and the protection of the most vulnerable) are fully taken into account. This is important as, for example, the provision of some healthcare services in remote areas might have a low cost-effectiveness but be very desirable on ethical grounds.

In the light of this we would suggest revising the proposed principle as follows:

*Healthcare systems shall encourage the cost-effective provision of **all aspects of healthcare including** strengthening health promotion and disease prevention, in order to improve **resource allocation**, the resilience of healthcare systems and their financial sustainability. **At the same time, they will ensure equity and protection of the most vulnerable.***

c. All workers, regardless of contract type, shall be ensured adequately paid sick leave during periods of illness; the participation of the self-employed in insurance schemes shall be encouraged. Effective reintegration and rehabilitation for a quick return to work shall be encouraged.

This draft principle is well written but needs to be broadened. First, the encouragement to participate in insurance schemes should explicitly extend to all categories of self-employed (including the emerging new forms of self-employment) as well as to employees with non-standard employment contracts. Secondly, it is not clear that all illness should be covered by insurance. It could also be covered by a tax-funded citizenship right or a tax-funded income tested scheme.

In the light of this we would suggest revising the draft principle as follows:

*All workers, **employees and self-employed**, ~~regardless of contract type~~ shall be ensured adequately paid sick leave during periods of illness; the participation of **all workers (including employees with non-standard employment contracts and those working in new forms of the self-employmented)** in insurance schemes shall be encouraged **as appropriate**. **Whenever suitable**, effective reintegration and rehabilitation for a quick return to work shall be encouraged.*

Suggested revised principles for “Healthcare and sickness benefits”

- 1) Everyone shall live in a healthy environment and have prompt access to equally good quality preventive and curative healthcare which shall be provided in ways that overcome physical, organisational, social and cultural barriers to accessing services, and ensure that the need to use healthcare shall not lead to poverty or financial strain.
- 2) Healthcare systems shall encourage the cost-effective provision of all aspects of healthcare including strengthening health promotion and disease prevention, in order to improve resource allocation, the resilience of healthcare systems and their financial sustainability. At the same time, they will ensure equity and protection of the most vulnerable.
- 3) All workers, employees and self-employed, shall be ensured adequately paid sick leave during periods of illness; the participation of all workers (including employees with non-standard employment contracts and those working in new forms of self-employment) in insurance schemes shall be encouraged as appropriate. Whenever suitable, effective reintegration and rehabilitation for a quick return to work shall be encouraged.

2.3 Pensions

a. Pensions shall ensure all persons a decent standard of living at retirement age. Measures shall be taken to address the gender pension gap, such as by adequately crediting care periods. According to national specificities, the participation of the self-employed in pension schemes shall be encouraged.

b. Pension systems shall strive to safeguard the sustainability and future adequacy of pensions by ensuring a broad contribution base, linking the statutory retirement age to life expectancy and by closing the gap between the effective retirement and statutory retirement age by avoiding early exit from the labour force.

The document recalls the principles of adequacy and sustainability that should guide pension reform in the Member States. These principles are not new, and are consistent with previous EU work and legislation on old-age pensions. In addition, some indications are provided with regard to how these two principles can be translated into policies. These include, for adequacy:

- guarantee of a decent standard of living¹³;
- measures to address the pension gap;
- improved coverage for the self-employed.

And, for sustainability:

- ensuring a broad contribution base;
- linking the statutory age of retirement to life expectancy;
- avoid early exit from the labour force.

These principles fail to address a number of important inequalities that are relevant in pension provision. First, working conditions can be very different and prolonging working life can be an option for some but not for all workers. Physically demanding jobs, arduous and hazardous jobs, for instance, provide working conditions in which prolonging working life requires a considerably bigger effort. A generalised increase in the age of retirement, implied in the proposal to link retirement age to life expectancy, would not consider this important source of inequality.

Secondly, life expectancy differs across social groups. In the absence of countervailing redistributive mechanisms, the collective sharing of longevity risks in a national pension system will result in a regressive effect.

Thirdly, the emphasis on “a broad contribution base” does not seem to take account of the reality that in many countries pensions are financed by pay-roll taxes or to take sufficient account of the impact of the increasing use of robots in production in place of people and increasing capital-intensive production and how this will impact on pension contributions in the future.

In order to address these inequalities, we think the following measures could usefully be considered:

- 1) The pension system should allow for flexibility in the choice of retirement age on actuarially neutral terms over some interval (for example, between 61 and 70) while linking the lower and upper age limits of the interval to changes in longevity. Occupational groups and individual workers who are particularly constrained in their ability to work longer should be compensated for this – either by a generally more

¹³ In considering the role of pensions in ensuring an adequate standard of living it is necessary to take into account all aspects of multi-layered social security systems such as the different elements of the pension system (i.e. basic pension plus employment-related pension plus survivors' pension) together with other transfers such as housing allowances plus the value of social services.

progressive system for accruing pension rights (accrual rates a decreasing function of lifetime earnings) or by offering particular groups targeted additions to their pension wealth. This solution would also allow the system to accommodate differences in individual preferences, while at the same time compensate for systematic social inequalities. In order to protect individuals with health problems, adequate disability/invalidity benefits should be offered and should generate future pension credits/rights. Other schemes, such as unemployment benefits, should remain available for individuals beyond the beginning of the period during which retirement is allowed. Otherwise, individuals with labour market problems will be pressured into low benefit early retirement, which may impact negatively on system adequacy.

- 2) Social differences in life-expectancy (as well as differences in the ability to continue working) would be best compensated for by a sufficiently progressive formula for calculating old-age benefits. A universal flat-rate benefit floor would have excellent qualities in this respect and could ensure that all elderly people have an income above the poverty risk threshold (60% of the national median household equivalised income).
- 3) With regard to the inclusion of the self-employed, and other forms of non-standard employment, a universal basic pension set at a decent level may also be the best solution. Recent and likely future transformations in the world of work (rise of atypical employment; gig economy), have resulted in the emergence of relatively large populations that are extremely difficult to insure with the traditional social insurance tools. Adapting them may be at the same time technically very difficult and insufficient to deliver the results required in terms of pension adequacy for all. We want to highlight that a universal basic pension would in addition help in closing the gender gap in pensions and contribute to making the overall pension system more progressive.

In the light of this we would suggest revising the proposed principles and adding two additional principles as follows:

*a. Pensions shall ensure all persons a decent standard of living **in retirement, and individuals should be allowed some flexibility in the timing of retirement on actuarially neutral terms** at retirement age. Measures shall be taken to address the gender pension gap, ~~such as~~ **primarily by equalising wages and working careers of men and women**¹⁴ and also by adequately crediting care periods **without creating career traps for women**. According to national specificities, the participation of the self-employed in public and private pension schemes shall be encouraged.*

*b. Pension systems shall strive to safeguard the sustainability and future adequacy of pensions by ensuring a broad contribution base, **by linking the statutory retirement age age limits in the system to life expectancy and by closing subsidised early retirement options (unless they are effectively targeted towards particularly vulnerable groups)**.*

c. Inequalities in health status, life expectancy and in the ability to prolong working life will as far as possible be prevented by occupational safety regulations. In addition, a generally more progressive benefit profile or targeted additions to the pension wealth of disadvantaged (groups of) workers shall be introduced as appropriate so they can better afford utilising any flexibility options offered on actuarially neutral terms. Adequate disability/invalidity benefits shall be in place,

¹⁴ This would be in line with the draft principle included in Chapter I.5 of the Preliminary Outline.

which shall also give credits/rights to future old-age pension. ~~the gap between the effective retirement and statutory retirement age by avoiding early exit from the labour force.~~

d. Pension systems shall include a basic universal component for both men and women which shall ensure that all elderly people have an income above the poverty risk threshold.

Suggested revised principles for “Pensions”

- 1) Pensions shall ensure all persons a decent standard of living in retirement, and individuals should be allowed some flexibility in the timing of retirement on actuarially neutral terms. Measures shall be taken to address the gender pension gap primarily by equalising wages and working careers of men and women and also by adequately crediting care periods without creating career traps for women. According to national specificities, the participation of the self-employed in public and private pension schemes shall be encouraged.
- 2) Pension systems shall strive to safeguard the sustainability and future adequacy of pensions by ensuring a broad contribution base, by linking age limits in the system to life expectancy and by closing subsidised early retirement options (unless they are effectively targeted towards particularly vulnerable groups).
- 3) Inequalities in health status, life expectancy and in the ability to prolong working life will as far as possible be prevented by occupational safety regulations. In addition, a generally more progressive benefit profile or targeted additions to the pension wealth of disadvantaged (groups of) workers shall be introduced as appropriate so they can better afford utilising any flexibility options offered on actuarially neutral terms. Adequate disability/invalidity benefits shall be in place, which shall also give credits/rights to future old-age pension.
- 4) Pension systems shall include a basic universal component for both men and women which shall ensure that all elderly people have an income above the poverty risk threshold.

2.4 Unemployment benefits and minimum income

a. Action to support the unemployed shall include the requirement for active job search and participation in active support combined with adequate unemployment benefits. The duration of benefits shall allow sufficient time for job search whilst preserving incentives for a quick return to employment.

b. Adequate minimum income benefits shall be ensured for those who lack sufficient resources for a decent standard of living. For those of working age, these benefits shall include requirements for participation in active support to encourage labour market (re)integration.

On the draft principles attached to unemployment benefits and minimum income we would highlight four concerns. Our first concern relates to the widespread use of vague formulations and choice of words. How should words like “adequate”, “sufficient”, “quick” and “decent” be understood? Although such formulation aligns with the language of politics, it may not necessarily translate into effective policy making; nor can it easily contribute to advancing social convergence in the EU. One obvious reason for choosing vague wording is that definitions reflect normative positions of policy makers. Yet, in view of the above arguments we think it is advisable to strengthen the Pillar by discussing in more detail how each principle should exactly be interpreted.

Our second concern has to do with the policy dynamics in welfare reform, and particularly the interplay between benefits in the income formation process. First-tier contributory benefits and last-resort safety-nets are not separate entities, but communicating vessels. It is not really meaningful to discuss reforms in minimum income benefits, before it has been decided how contributory benefits (such as unemployment insurance) should be organised. The policy dynamics involved in the organisation of minimum income benefits includes also the functioning of first-tier contributory programmes. For political, budgetary and institutional reasons it may be very difficult, if not impossible, to introduce reforms in the area of minimum incomes without first

addressing insufficiencies in first-tier contributory benefits. The political aspects of this interplay between first-tier and last-resort programmes include the ways in which contributory benefits influence cross-class coalition-making in support of vertical redistribution. The budgetary aspect refers to the marginal financial costs of raising ambitions in the area of minimum incomes. These marginal costs are substantially lower in the presence of encompassing first-tier contributory benefits. The institutional aspects relate to an often unarticulated “distance of legitimacy” in the hierarchy of social benefits, according to which the floor in first-tier contributory benefits defines the roof for last-resort minimum income benefits. Discussions about policy reform in the European countries need to better acknowledge this interplay between benefit programmes in the income formation process.

Our third concern relates to possible trade-offs in policy making. In the area of unemployment benefits and minimum income, one such trade-off is between income protection and activation. In fact, comparative research shows that there is a negative relationship between active labour market policy and adequacy of minimum income benefits¹⁵. When countries spend more on active labour market policy, minimum income benefits tend to deteriorate. Whether or not similar effects apply to unemployment benefits is unclear. In order to avoid potential trade-offs in policy reform, it is advisable to identify conflicting interests between principles and to address them accordingly.

Finally, our fourth concern is linked to the stringency with which activation is supposed to be imposed on beneficiaries. The stringency of activation requirements should be flexible and adjusted to variation in labour demand. It does not make much sense to enforce participation in activation programmes in areas and periods where there are no jobs to find. Stringent forms of activation in periods of mass-unemployment are difficult to justify both from an individual and a societal perspective. Activation also raises issues concerning the chief objectives of contributory unemployment benefits. Besides providing economic security in rapidly changing European labour markets, it is not uncommon to consider contributory unemployment benefits to be an insurance against bad jobs. Activation requirements that are imposed on beneficiaries in periods characterised by mass-unemployment challenge this role of contributory unemployment benefits. One possible way out of this dilemma is to recognise more clearly that effective labour market activation requires combined efforts to strengthen both the supply of “good” jobs and the demand for qualified labour.

We realise the need to keep the principles attached to unemployment benefits and minimum income in the Pillar as short and precise as possible to reach broad consensual solutions in policymaking. We would therefore only suggest limited changes to the principles as such. In addition, most of our above concerns can be fruitfully addressed in the background documents to the Pillar and in the text leading up to the principles. For example, in the document titled “Towards a European Pillar of Social Rights: Minimum income” it is stated that “The levels of minimum income benefits differ significantly across the EU. In most countries, they fall below the poverty risk threshold (60% of the median income), although the gap varies widely across Member States¹⁶. In 14 Member States minimum income benefits are even lower than 40% of the median income, as shown below”.¹⁷ Although not clearly stated, readers may implicitly

¹⁵ See for instance: Nelson, K. (2013), *Social Assistance and EU Poverty Thresholds 1990-2008. Are European Welfare Systems Providing Just and Fair Protection Against Low Income?* European Sociological Review, Volume 29, Number 2.

¹⁶ If one argues that people should have a minimum income that at least lifts them above a 60% of median poverty threshold this does not necessarily all have to come from a minimum income payment. What matters is that when it is cumulated with other sources of income to the household it should ensure a total household income which is above the poverty risk threshold.

¹⁷ Available at: http://ec.europa.eu/priorities/sites/beta-political/files/minimum-income_en.pdf.

associate adequate minimum income benefits as providing resources lifting families above the EU at-risk-of-poverty rate. But is this actually what the European Commission has in mind? Besides relating to our first concern above, formulations in the quote above also raise questions in relation to our second concern on recognising important policy dynamics in welfare reform.

In the light of the above we would suggest that the sections on support for the unemployed and minimum income be merged into one section. In the preamble to the principles the text should stress the interdependence of different social protection schemes and that adequate minimum schemes should be seen as schemes of last resort within high quality universal social protection systems. We would also suggest adding a reference in the preamble to the tapered withdrawal of benefits as people move into employment so as to assist the transition. We would then suggest the following amendments to the proposed principles as follows:

*a. Action to support the unemployed shall include **access to unemployment benefits which ensure a decent standard of living** whilst ~~preserving~~ **avoiding disincentives** for a quick return to employment. The duration of benefits shall allow sufficient time for job search **after which there shall be a smooth transition to minimum income or other benefits for those who have been unable to access decent employment. The receipt of unemployment benefits shall be linked to the requirement for active job search and participation in active support and will take account of the state of the labour market and the availability of decent jobs.***

*b. Adequate minimum income benefits **including adequate child benefits** shall be ensured for those who lack sufficient resources for a decent standard of living **either from employment or from other social protection benefits or a combination of the two. In order to encourage and support the labour market (re)integration of those of working age, these benefits shall include requirements for participation in active support which shall take account of the state of the labour market and the availability of decent jobs.***

Suggested revised principles for “Unemployment benefit and minimum income”

1) Action to support the unemployed shall include access to unemployment benefits which ensure a decent standard of living whilst avoiding disincentives for a quick return to employment. The duration of benefits shall allow sufficient time for job search after which there shall be a smooth transition to minimum income or other benefits for those who have been unable to access decent employment. The receipt of unemployment benefits shall be linked to the requirement for active job search and participation in active support and will take account of the state of the labour market and the availability of decent jobs.

2) Adequate minimum income benefits including adequate child benefits shall be ensured for those who lack sufficient resources for a decent standard of living either from employment or from other social protection benefits or a combination of the two. In order to encourage and support the labour market (re)integration of those of working age, these benefits shall include requirements for participation in active support which shall take account of the state of the labour market and the availability of decent jobs.

2.5 Disability

a. Persons with disabilities shall be ensured enabling services and basic income security that allows them a decent standard of living. The conditions of benefit receipt shall not create barriers to employment.

This draft principle is quite basic in assuring persons with disabilities their financial independence and services. In order to improve the life of these persons the principle should be more explicit and more in line with the modernisation of social rights and the integration of persons with disabilities into economy and society. The principle could also tackle the issue of integration of social and healthcare, which is of crucial importance and is not mentioned in any other principle proposed in the Preliminary Outline. As treatments are developing, modernising

and becoming more complex, a people-centred- and integrated-services approach to health and social services is increasingly needed. Innovative approaches to care should be developed which link and coordinate health services with the employment, social and support services that people with disabilities use on a daily basis (school, work, transport, leisure services, etc.). This will ensure a transfer of information and expertise between service providers. Such care will make life easier for persons with disabilities as well as their carers and environments.

In the light of this we would suggest revising the proposed principle as follows:

*a. Persons with disabilities shall be ensured **access to integrated people-centred enabling support** services that **shall enable their integration into society and access to basic**adequate income support**security** that **shall** allow them a decent standard of living **and financial independence**. The conditions of benefit receipt shall not create barriers to employment.*

Suggested revised principles for “Disability”

1) Persons with disabilities shall be ensured access to integrated people-centred support services that shall enable their integration into society and access to adequate income support that shall allow them a decent standard of living and financial independence. The conditions of benefit receipt shall not create barriers to employment.

2.6 Long-term care

a. Access to quality and affordable long-term care services, including home-based care, provided by adequately qualified professionals shall be ensured.

By 2025 more than 20% of Europeans will be 65 or over, with a particularly rapid increase in numbers of over 80s. Ageing is a major challenge for Europe, which cannot be satisfactorily tackled using old solutions. So, professionalization, specialisation and quality provision systems which worked well in the healthcare area may not be appropriate solutions for chronic care needs, where a large proportion of people mostly require social contacts, activities and fairly “basic” services. Activities of daily living, which include caring for and moving the body (walking, bathing, dressing, eating etc.), as well as instrumental activities of daily living (cooking, driving, shopping, managing medication etc.) are more about the carer’s energy, his/her good will and personality than professionalization. The fact that family carers, usually women, often fill the gap left by unavailable or costly institutional or professional home care services does not necessarily mean that the care provided by the family, including the extended family, friends and the local community, is not appropriate and that we therefore need to choose the path of professionalization of all care. Family and community care can often be better in taking into account specific needs and conditions and responding appropriately. Given the important role played by informal carers it will be important both to recognise their right to social protection and also to develop policies for persons of working-age with dependent relatives.

There is also a need to differentiate between service (IADL), personal care (ADL) and health and medical care. Long-term care of older people increasingly includes health and medical care which must be addressed alongside ADL and IADL needs. To meet these kinds of needs there is a need for professionally trained care personnel, i.e. nurses and doctors.

In the light of this we would suggest adding to the proposed principle as follows:

*a. Access to quality and affordable long-term care services, including home-based care, provided by adequately qualified professionals shall be ensured **as needed and shall function in mutual complementarity with support provided by family and other non-***

professional carers. Work-life balance policies and social protection coverage will be developed to assist those involved in informal caring.

b. The provision and financing of long-term care services shall be strengthened and improved in order to ensure access to adequate care in a financially sustainable way.

We do not have specific suggestions concerning this draft principle and the way it is formulated. However, continuing from the previous point, we want to highlight the need to look for innovative solutions to provide adequate long-term care such as the government paying a proportion of the wage of a full-time carer of a person who continues to live at home. This will require not only a careful assessment of the needs and wishes of frail older people (which should involve people themselves), but also a reconsideration of our societal values – *inter alia* rethinking gender issues and the actual possibilities of choice for women, and accepting ageing as a productive and positive process. Only then can we start strengthening and improving the provision and financing of *adequate* long-term care services.

Suggested revised principles for “Long-term care”

- 1) Access to quality and affordable long-term care services, including home-based care, provided by adequately qualified professionals shall be ensured as needed and shall function in mutual complementarity with support provided by family and other non-professional carers. Work-life balance policies and social protection coverage will be developed to assist those involved in informal caring.
- 2) The provision and financing of long-term care services shall be strengthened and improved in order to ensure access to adequate care in a financially sustainable way.

2.7 Children

a. Access to quality and affordable childcare services, provided by adequately qualified professionals, shall be ensured for all children.

b. Measures shall be taken at an early stage and preventive approaches should be adopted to address child poverty, including specific measures to encourage attendance of children with disadvantages backgrounds.

The two draft principles relating specifically to children are on childcare and child poverty. They are welcome. Several other principles are also relevant to children’s well-being (e.g. principles relating to work-life balance, social protection, health and the homeless) but they do not specifically reference children. The Staff Working Documents accompanying the Commission Communication also highlight the negative trends in relation to child poverty and social exclusion and the EU’s growing social acquis in relation to children. However, in spite of this, the Preliminary Outline, as a statement of social *rights*, has serious deficiencies in terms of children’s rights. This is not very astonishing given that the Commission Communication launching the initiative only mentions young people once, youth once, childcare once and children not at all. Surprisingly for a document addressing people’s social rights there is no real focus on children’s rights and children’s rights are not mainstreamed across the different sections of the Preliminary Outline. Children are largely “siloes” into social protection and childcare and there is no acknowledgement that other sections of the Preliminary Outline dealing with equal opportunities and access to the labour market and fair working conditions are also highly relevant to children. This is a striking absence from a document that follows a life course approach. It is also surprising given that the Commission’s excellent 2013 Recommendation on *Investing in Children – breaking the cycle of disadvantage* is underpinned by a children’s rights perspective and emphasises a comprehensive approach to ensuring children’s rights through a three pillar approach covering access to adequate resources, quality and affordable services,

and children's right to participate. This approach is not adequately reflected in the Preliminary Outline.

2.7.1 Mainstreaming children's rights in the Pillar

The key ESPN recommendation in relation to children in the Pillar is that children's rights should be mainstreamed. This will mean ensuring that every section of the Pillar contributes to promoting children's rights. We would propose that the best way to achieve this is to include an additional overall principle at the beginning of the Pillar (before the three Chapters of the Pillar) on mainstreaming children's rights. The following is a suggested text for such a principle:

The needs and well-being of children will be mainstreamed across the broad range of policy areas covered in the three Chapters of the Pillar so as to ensure that all policy areas will contribute to guaranteeing children's rights to the highest attainable standard of health, to the right to social benefits, to the right to an adequate standard of living and to the right to education.

We consider that it should be self-evident that children's rights should be at the heart of any European Pillar of Social Rights. However, just in case there is any doubt about this, we would stress 9 particular reasons for mainstreaming children's rights in the proposed Pillar. First, children's rights are recognised in the Treaty of the European Union and all Member States have signed up to the UN Convention on the Rights of the Child. Secondly, the EU *Recommendation on Investing in Children*, proposed by the Commission and endorsed by the EU Council of Ministers, is now part of the EU *Social acquis* and should therefore be adequately reflected in the Pillar. The Recommendation is based on a children's rights approach and reflects a broad political and professional consensus across the EU after more than a decade of work on tackling child poverty and social exclusion and improving child well-being. Thirdly, children will be affected by each domain included in the Pillar and this should be acknowledged. Fourthly, the very high and persistent level of child poverty and social exclusion¹⁸ with over 1 in 4 children at risk, with children at greater risk than adults and some children at very high risk (e.g. Roma children, children from migrant and refugee backgrounds, children with disabilities, children living in and leaving institutions and homeless children) means it is vital that the Social Pillar should address this reality. Fifthly there is a strong argument that any Pillar on Social Rights should be seen to promote inter-generational equity and protect against generational inequity. Recent trends across the EU tend to protect older people at the expense of children and it is therefore essential to reinforce children's rights in the Pillar.¹⁹ Sixthly, one of the underlying aims of a Pillar of Social Rights should be to increase economic and social convergence across the EU; this will not be achieved unless promoting children's rights is a key part of this process. Seventhly, one of the core arguments for strengthening social rights in the EU is that it is a social

¹⁸ Still increasing in the majority of EU countries.

¹⁹ Since the crisis (2008-2015), and probably from earlier, the majority of EU countries have shifted their social spending from children to pensioners. Where spending has increased it has increased more (per capita) for pensioners than children, but in most countries it has fallen for children and increased for pensioners. The only countries in which children have benefited more than pensioners have been Bulgaria, Germany, Slovakia and Switzerland. The result of this is that the rates of child at risk of poverty or materially deprived have risen in the majority of EU countries. In a few of the countries where child poverty has fallen, pensioners' poverty rates have fallen more. Only in Germany, Luxembourg, Poland and Switzerland have social protection transfers become more effective at reducing child poverty rates than pensioners' poverty rates. [See: Bradshaw, J. and Chzhen, Y. (2015), *The outcome of the crisis for pensioners and children*, Belgisch tijdschrift voor Sociale Zekerheid, 1, 37-49: <http://socialsecurity.fgov.be/docs/nl/publicaties/btsz/2015/btsz-1-2015-bradshaw-chzhen-nl.pdf>; updated in Bradshaw, J. (2017) *Social Justice for children*, in Craig, G. (ed) *A Handbook on Social Justice*, Edward Elgar.] The causes of this are complex and vary from country to country. But effectively countries have protected pensioners at the expense of children. This is not fair and also not in line with a social investment approach. One reason why it has happened, and one that the EU might bring its influence to bear, is that social protection benefits have in many countries been uprated differentially. Pensioners' benefits have been protected, while child benefit packages have not, or not as well.

investment that will help to ensure sustainable economic growth. This is especially the case in relation to children. Investing in their rights and thus their well-being will greatly increase the contribution they will be able to make in the future to society and the economy as it will increase their future labour market participation and their productivity. Eighthly, in an ageing continent it is vital for future sustainability that we ensure that all children have an opportunity to reach their full potential and that their development is not undermined by growing up in poverty or social exclusion. Finally, putting children at the heart of EU policy and in particular at the centre of the proposed Pillar will be a significant contribution to restoring the political credibility of the EU. If the aim is to regain credibility and relevance for the EU by ensuring a “social triple-A rating”, to put it in the words of European Commission President Juncker, this will be impossible without guaranteeing the well-being and rights of children. Mainstreaming children at the heart of the Pillar is essential to showing that the EU is more than just an economic construct; that it is enlightened and forward looking and is above all about people’s well-being.

2.7.2 Further additions to the Preliminary Outline

In addition to including a principle mainstreaming children’s rights we would suggest three other main additions to the Preliminary Outline as regards children.

- A. We propose that a specific reference to the **Recommendation on investing in children** should be included in the Pillar and the Pillar should emphasise that its implementation will be a key means of ensuring the mainstreaming of children’s rights. This could be included just after the mainstreaming principle we have proposed and could be worded as follows:

The mainstreaming of children’s rights in the Pillar will be delivered through the active implementation of the 2013 EU Recommendation on investing in children. This will be achieved by making its implementation a key element in the European Semester process and through proofing all relevant EU policy measures for their impact on the well-being of children.

In following through the logic of linking children’s rights in the Pillar to the Recommendation, it is logical then to strengthen the Pillar in appropriate places to reflect more clearly the three pillar approach of the Recommendation.

A.1 In the light of this, in relation to **access to adequate resources** we would suggest two additions. First given the importance of parents’ access to decent and family-friendly jobs to ensure an adequate income for children we would propose referring explicitly to this at the beginning of section 5 on Gender equality and work life balance with the following additions (in bold) to the existing text:

*Women continue to be underrepresented in employment, overrepresented in part-time work and lower-paid sectors, and receive lower hourly wages even though they have surpassed men in educational attainment. Supporting their labour market participation is fundamental for ensuring equality of opportunities **and for addressing child poverty and social exclusion**, and becomes an economic imperative in a context of ageing workforce.*

*There is also an enhanced opportunity for flexibility in the organisation of work partly derived from digital environments and combination of several occupations in the sharing and collaborative economy. Flexible working arrangements can also help facilitate work-life balance by allowing both people in employment and firms to adapt working schedules and patterns to their needs. **This is also vital to facilitate parents in caring for and supporting their children’s well-being. In this regard it will be important to***

encourage both men and women to take advantage of childcare leaves so as to share caring responsibilities more equally.

Secondly there is a need in our view to add a specific reference in the section on social protection to the right to adequate social protection for children. We propose that this could be done by changing the sub-heading “18 Childcare” to “**18 Children**” and then adding an additional principle to this section as follows:

c. An adequate living standard compatible with a life in dignity will be ensured for all children through the provision of an effective combination of cash and in-kind benefits including adequate child benefits.

A.2 In relation to access to **affordable quality services** we would suggest the following:

A.2.1 In relation to the current principle a. on childcare we would suggest broadening principle a. from just childcare to early childhood education and care. It could also be useful to add some text referring to the Barcelona targets or to updating the targets. Our suggested amendment to the draft principle is as follows:

a. Access to quality and affordable early childhood education and care services, shall be provided by adequately qualified professionals, and shall be ensured for all children with a particular focus on ensuring access for children from disadvantaged backgrounds.

A.2.2 In relation to children’s health we suggest adding a specific reference in section 12 on Healthcare and sickness benefits as follows:

Providing universal access to healthcare and addressing health inequalities will reinforce social cohesion and improve economic outcomes. This is particularly important to ensure the well-being and development of children and should commence with prenatal and pregnancy screening.

A.2.3 In relation to education under section 1 on skills, education and lifelong learning more emphasis on inclusive education will be important. We would suggest adding to principle a. as follows:

a. All persons shall have access to quality education and training throughout the life course to acquire an adequate level of basic skills and key competences for active participation in society and employment. Particular attention will be given to using the education system to break the cycle of disadvantage and to ensuring that all children from an early age can benefit from inclusive high quality education. Low skilled young people and working age adults shall be encouraged to up-grade their skills.

A.3 In relation to the Recommendation’s third pillar on **children’s right to participate** it will be important to include in the Social Pillar a recognition that every child has a right to be heard in the decisions affecting them. This could be done by broadening the current section 10 on social dialogue and involvement of workers to also refer to civil dialogue A third principle might then be added to this section on promoting increased civil dialogue which would include a specific reference to the participation of children.

c. Civil society organisations (including people experiencing poverty and children) shall be consulted in the design and implementation of policies to ensure social rights and in the active monitoring of their implementation.²⁰

- B. The Pillar should acknowledge the specific need to give special attention to rights of **children in vulnerable situations**. This could be encompassed in the Pillar by changing the title of section 18 to “Children” (see above) and amending the text somewhat. For instance, it might be amended to read as follows:

18. Children

Access to adequate social services is critical for the development of children from an early age. Early childhood education and care services improve the cognitive and social development of children, especially those living in disadvantaged households, and enhance educational and labour market prospects later on in life. Formal childcare is also a key tool for work-life balance, encouraging parental employment, especially for women. However, limited availability, access, affordability and quality remain major obstacles and hamper children’s development. The access of children from disadvantaged backgrounds to these **and other key social services (such as child protection and health services)** also remains challenging and can be a key factor in trapping children in poverty and social exclusion. In developing services for children particular attention must be given to a comprehensive approach to breaking the cycle of disadvantage and ensuring that children in vulnerable situations, particularly children in living in households confronted with income poverty or material deprivation, children in alternative care, refugee and migrant children (esp. unaccompanied), stateless children, children with disabilities, homeless children and children in conflict with the law have access to the range of services and supports they need. Particular attention needs to be given to moving away from institutional care and developing community-based care services which guarantee a child’s right to grow up in a supportive family or family-like environment.

In the light of this, draft principle b. might be amended as follows:

*b. Measures shall be taken at an early stage and preventive approaches should be adopted to address child poverty **in a comprehensive and integrated manner, including specific measures to increase access to high quality services especially for children from disadvantaged backgrounds.***

- C. In order to give the Pillar visibility and impact in relation to children consideration should be given to developing a **Child Guarantee** which would complement the existing youth guarantee.

²⁰ See also our proposed new section of the Pillar on “Ensuring Impact” and especially the reference in that section to civil dialogue in the final section of this submission (Ensuring that the Pillar has real impact).

Suggested revisions proposed in relation to “Children”

- a) Additions/amendments to the text of the Preliminary Outline (text): In this sub-section, we have proposed various additions/amendments which concern the accompanying text and not the principles themselves and which in our view are of major importance. These are not repeated in this box.
- b) Additions/amendments to principles including a new overall principle on mainstreaming children’s rights:
 - 1) The needs and well-being of children will be mainstreamed across the broad range of policy areas covered in the three Chapters of the Pillar so as to ensure that all policy areas will contribute to guaranteeing children’s rights to the highest attainable standard of health, to the right to social benefits, to the right to an adequate standard of living and to the right to education.
 - 2) An adequate living standard compatible with a life in dignity will be ensured for all children through the provision of an effective combination of cash and in-kind benefits including adequate child benefits.
 - 3) Access to quality and affordable early childhood education and care services shall be provided by adequately qualified professionals and shall be ensured for all children with a particular focus on ensuring access for children from disadvantaged backgrounds.
 - 4) All persons shall have access to quality education and training throughout the life course to acquire an adequate level of basic skills and key competences for active participation in society and employment. Particular attention will be given to using the education system to break the cycle of disadvantage and to ensuring that all children from an early age can benefit from inclusive high quality education. Low skilled young people and working age adults shall be encouraged to up-grade their skills.
 - 5) Civil society organisations (including people experiencing poverty and children) shall be consulted in the design and implementation of policies to ensure social rights and in the active monitoring of their implementation.
 - 6) Measures shall be taken at an early stage and preventive approaches should be adopted to address child poverty in a comprehensive and integrated manner, including specific measures to increase access to high quality services especially for children from disadvantaged backgrounds.

2.8 Housing

a. Access to social housing or housing assistance shall be provided for those in need. Protection against eviction of vulnerable people shall be ensured, and support for low and medium income households to access home property provided.

b. Shelter shall be provided to those that are homeless, and shall be linked up to other social services in order to promote social integration.

We think it is important to link the Pillar of Social Rights to earlier key EU initiatives, such as the European Commission’s *Social Investment Package*. Although this applies to the whole Pillar, the right to housing is an excellent example. The World Health Organisation has extensively documented the importance of decent housing for all as an investment that can prevent enormous social damage. The lack of decent housing causes chronic illness, mental distress, marginalisation etc. In a report published in 2016, Eurofound estimated that “the total cost of leaving people living in (...) ‘unimproved’ housing is at least €193 billion a year to the economies of the EU” (page 91)²¹.

It should be noted that social investment in “access to social housing or housing assistance for those in need” coincides only partly with “investing in real estate”: if the return on investment is the prevention of damage from housing poverty and exclusion, we are talking mainly about targeted investment in a decent living for poor households. Such investments can take various forms: social housing, shelters for the homeless, rent subsidies etc. In other words: the return on investment does not depend on the type of expenditure, but on its impact on the living standard of the poor. The same type of public investment in housing for middle-income groups has a far lower return because the government subsidies may have large deadweight effects (private households may have made the investment without public intervention).

²¹ Eurofound (2016), *Inadequate housing in Europe: Costs and consequences*, Luxembourg: Publications Office of the European Union.

Concerning the draft principles and their phrasing, we want to make four comments:

- Legal protection against eviction is an excellent example of implementation of basic rights.
- Specialised NGOs question the effectiveness of public support in ensuring access to home property for poor households and/or for refugees and asylum seekers. They may be trapped in a debt cycle, or be unable to move if necessary for other reasons. Means-tested housing allowances can be designed in a more neutral way so that tenancy and ownership are treated on an equal footing.
- In addition to material housing conditions, it is worth referring to the spatial dimension of housing policies (urban planning). Decent housing also implies public space, recreational space for children, minimal air pollution and noise, access to public transport, desegregation, proximity of services and employment.
- The text refers explicitly to shelters for the homeless: this is obviously useful, but investing in “housing-led” approaches (e.g. “housing first”²²) is seen by most specialised services as preferable.

In the light of the above we would suggest the following changes/additions to the wording of the draft principles in relation to housing:

*a. Access to **decent** social housing or housing assistance **and to a good quality environment** shall be provided for those in need. **Legal p**rotection against eviction of vulnerable people shall be ensured, and support for low and medium income households to access home property provided.*

*b. **“Housing-led” approaches** ~~Shelter shall be prioritised~~ ~~provided to~~ **when assisting** those that are homeless. ~~and shall be linked up to other.~~ **Social services will also be developed** to promote social integration.*

Suggested revised principles for “Housing”

- 1) Access to decent social housing or housing assistance and to a good quality environment shall be provided for those in need. Legal protection against eviction of vulnerable people shall be ensured, and support for low and medium income households to access home property provided.
- 2) “Housing-led” approaches shall be prioritised when assisting those that are homeless. Social services will also be developed to promote social integration.

2.9 Essential services

a. Affordable access to essential services including electronic communications, energy, transport, and financial services, shall be ensured for all people. Measures to support access to these services shall be available for those in need.

Ecological systems are the basis and preconditions for all life. As underlined by the United Nation Development Account project aimed at mainstreaming ecosystem services into sectoral and macroeconomic policies and programmes: “There is growing evidence from international and national ecosystems assessments that the harmful effects of the degradation of ecosystem services - the decrease in the capacity of an ecosystem to deliver services – are borne disproportionately by the poor. This contributes to growing inequality, poverty, food insecurity and social conflict. In all regions, the condition and management of ecosystem services is a dominant factor for the goal of poverty alleviation”.²³

²² See, for instance: FEANTSA, *The Housing First Guide Europe*, <http://housingfirstguide.eu/website/>.

²³ <http://www.un.org/esa/devaccount/projects/2012/1213Q.html>.

The right to environmental quality is closely associated with policy measures capable of removing social inequalities and of favouring the access to resources (natural, economic and social) especially from the part of the poor. A key example is the right to clean (drinkable) water that is generally seen as one of the most basic human rights and that we would recommend including explicitly into the principle. Further arguments in support of this addition can be found in the debates surrounding privatisation of water services in the PIIGS countries, and the citizens' initiative in favour of maintenance of the public service nature of water services.²⁴

A main recommendation relates to the need to: improve the understanding of the close linkage between ecosystem resources and human well-being; analyse the relationship between poverty and environmental degradation; use an ecosystem management approach in order to develop national policies, laws and planning frameworks devoted to poverty reduction.

Another important area to add to this principle concerns access to legal services. A key to ensuring access to rights is having access to justice. For people experiencing poverty, social exclusion or discrimination such access can often be limited which then curtails their ability to guarantee their social rights. It is thus important to ensure that everyone has access to fair and accountable mechanisms, especially legal services, necessary to vindicate their rights.

In the light of this we would suggest amending the draft principle as follows:

*a. Affordable access to essential services including **water**, electronic communications, energy, transport, **housing and sanitation services**, **legal services** and financial services, shall be ensured for all people, **especially for those in need. This will be achieved through an ecosystem management approach anchored on the principles of sustainable development.***

Suggested revised principles for “Essential services”

1) Affordable access to essential services including water, electronic communications, energy, transport, housing and sanitation services, legal services and financial services, shall be ensured for all people, especially for those in need. This will be achieved through an ecosystem management approach anchored on the principles of sustainable development.

²⁴ See, for instance: European Water Movement (2015), *We want the Human Right to Water and we want it now!*, <http://europeanwater.org/news/press-releases/531-we-want-the-human-right-to-water-and-we-want-it-now>.

3. Ensuring that the Pillar has real impact

In this final section, we concentrate on making suggestions on some elements that should be included in the Pillar in order to best ensure that the principles (especially the social protection and social inclusion principles) have real and ongoing impact and resonance in EU and national policy making. First we identify some of the concerns and challenges in this regard and then we make some concrete proposals.

3.1 Concerns and challenges

It is very encouraging that the initiative to develop a European Pillar of Social Rights comes from a very high political level and, as a result, has stimulated debates on the future of the European Social Model among a range of EU and national stakeholders in the past months. Building such ownership of the Commission's Proposal significantly increases the chances of the Pillar having a significant impact on the development and delivery of EU and (sub-)national level policies. The Proposal is a major initiative to address some of the key social challenges facing the EU and as such can be seen as a way of engaging with some of the present social discontent with the EU. The ongoing interactive public consultation process with stakeholders allows policymakers to take the pulse of social developments and to feed knowledge and expertise on specific issues into the debate. Put differently, the consultation process can be considered a new channel for "legitimising" the EU in the eyes of its citizens. This is essential, but this is not enough.

Indeed, the result of the high political profile of the Proposal combined with the public consultation accompanying it is that expectations are huge that the Pillar will have a significant political and policy impact. Many see it as perhaps the EU's last chance to achieve greater cohesion and to reduce inequalities that are undermining the European project. However, if this is to happen the Pillar should explicitly address the question as to how the Commission will ensure that all EU Member States (and acceding/ candidate countries) will actually implement the principles. It should also clarify the status these principles will have in the policy process. If the Pillar is about social *rights*, there should be mechanisms ensuring that these rights are enforceable. In this regard, we believe there are six particular concerns or challenges the Pillar needs to address to make it a strong instrument capable of contributing significantly to a more Social Europe:

1. Ultimately, the implementation of the Lisbon strategy has been disappointing in terms of strengthening the social dimension in the EU – especially during the second half of the 10-year period covered by the strategy (2005-2010). The recent history of the Europe 2020 strategy has also been discouraging in terms of fulfilling the expectations that there would be a rebalancing of economic, employment, environmental and social policies and that this would lead to the social dimension being given increased status in the EU and national policy making process. The same can also be said of the implementation to date of the *Social Investment Package* (SIP) and especially the aforementioned *Recommendation on Investing in Children*.²⁵ Thus, there is a significant challenge to ensure that the Pillar becomes more than just (another) aspirational document that is not really enforced or enforceable.

Implicit in a document on rights is that there should be mechanisms in place for their implementation and systems of accountability. An EU Pillar which asserts rights without having in place effective implementation and accountability mechanisms can only have very

²⁵ The ESPN has been involved on an ongoing basis in monitoring the implementation of the Europe 2020 strategy and the SIP and our assessment has been that this has not to-date led to a significant rebalancing of economic, employment and social policies so that they are mutually reinforcing.

limited impact. It would even risk being counterproductive by raising hopes that it could not meet.

2. A second concern that arises both from recent ESPN experience of monitoring EU policy developments and from the way the Preliminary Outline has been formulated is that social policies will be treated as subsidiary to employment policies or be mainly narrowed to focussing on their impact on promoting employment. While there are and should be strong links between employment and social policies and while social policies can play a key role in relation to tackling unemployment and enabling employment, they also have a wider role in ensuring people's social rights - whether or not they are in the labour force. At present, the Pillar has two essentially "employment" sections and one "social protection" section and even the latter focuses primarily on employment.

The underlying arguments in the social protection section are closely linked to the economic performance of the systems. This section also does not propose concrete measurement or benchmarking of the "adequacy" of benefits which could contribute to increasing convergence between countries. In addition, the Preliminary Outline appropriately highlights prevention, rehabilitation and reinsertion programmes (e.g. in healthcare) but does not insist on the need to ensure that these are properly funded - in particular, in the context of austerity. Thus, the challenge will be to ensure that in the implementation of the Pillar social protection and social inclusion policies will be given the same status and importance as employment and economic/productivity related policies.

3. A key starting premise for developing the Pillar is that "there is growing evidence and global consensus on the need to strengthen the link between economic, social, and environmental development, on the fact that inequalities hold back economic development, and on the need to build a more inclusive growth model, as illustrated in the Sustainable Development Goals"²⁶. A key challenge will thus be to make it clear how the Pillar will in practice lead to the EU moving away from an undue focus on austerity (financial consolidation) policies and towards a more balanced approach emphasising greater social and environmental investment.
4. At present, the Preliminary Outline does not make it clear how the Pillar will connect with existing EU and other international policy frameworks and processes. Member States are likely to be resistant to another reporting process being added on top of the many existing ones. Thus, a key challenge will be to link the implementation of the Pillar with existing mechanisms at EU level (such as Europe 2020 and the European Semester, the Implementation of the SIP [including the Recommendations on investing in children and active inclusion], social dialogue, etc.) It will also be important to make links with relevant international level processes (e.g. Sustainable Development Goals [SDGs], Council of Europe charters as well as ILO conventions [e.g. decent work] and Recommendations [e.g. Social Protection Floors]). In this regard the requirement that countries report annually on progress on achieving the SDGs is highly relevant.
5. A key challenge for a rights-based document is that it is sufficiently open and flexible to be relevant in both the short and longer term. It must thus be designed in a way that enables it to respond to new social developments which impact on people's social rights as they arise. These could include, for example, issues such as changes in the nature of work,

²⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Launching a consultation on a European Pillar of Social Rights*, Strasbourg, COM(2016) 127 final.

developments in the digital economy and collective rights, demographic changes, whistleblower protection, the impact of environmental change, etc. In view of this the challenge then will be to ensure that the Pillar includes provision for ongoing social, civil and academic dialogue so that the implications for new developments on social rights can be discussed and addressed as they arise.

6. A final key implementation challenge relates to subsidiarity. It will be crucial for the European Commission (together with other relevant EU institutions – EU Council of Ministers, European Court of Justice...) to find effective ways of enforcing social rights across the EU in the context of many social policies being subject to subsidiarity.

3.2 Proposals to ensure effective implementation

If the Pillar is to have credibility it will be important that there is clarity about what will be done to ensure that it has a real impact on policy. We would suggest that the best way of doing this is to add a **new section** to the Pillar after the three sections outlining the core principles. This additional section could be entitled “**Ensuring Impact**”. In developing this section, we believe it is important to include both incentives to encourage implementation of the principles and sanctions for not doing so. The extent to which the social rights set out in the Pillar are enforceable will be crucial to both its credibility and its effectiveness. It may also be useful to develop a roadmap for the progressive realisation of the rights set out in this document and thus to identify things that can be done in the short term and others that may require a longer time frame. The following are nine suggestions we would make for inclusion in such a section.

1. The Pillar should be linked with **existing implementation mechanisms**. This could involve:
 - a. A clear statement that the principles in the Pillar will be put at the heart of the European Semester process. In particular, there could be a restatement of the centrality of achieving the full scope of the Europe 2020 targets, including those on poverty and social exclusion and on climate change and energy sustainability (the latter dimension is completely absent from the Preliminary Outline). We would also suggest adding that the EU should consider adopting an additional target on reducing inequality in the EU in line with one of the key SDGs adopted in September 2015 (i.e. *to ensure that in each country the income of the bottom 40% increases faster than the income of the whole population*).
 - b. A clear link should be made to the implementation of the SIP (in particular the EU Recommendation on active inclusion and the EU Recommendation on investing in children) as a key method of ensuring the Pillar’s principles.
 - c. Adherence to the Pillar should be assessed in the process of accession to the EU for candidate countries and EU funds should be used to promote adherence.
2. There should be clearly defined **accountability mechanisms and sanctions** for not delivering on the Pillar’s principles. These could include:
 - a. A commitment to establishing as strong a “social” as an economic scoreboard for monitoring progress in Member States which would draw on existing scoreboards as developed by the Social Protection Committee, the Employment Committee and the Economic Policy Committee;
 - b. A commitment to establish appropriate “social” benchmarks or minimum standards for the various principles. These could cover such areas as: a guaranteed minimum

income benchmark, a minimum/ living wage benchmark and benchmarks in industrial relations.²⁷

- c. In the longer term, consideration should be given to Treaty changes to allow for sanctions for countries failing to meet social as well as economic and employment objectives.
3. In line with the EU's *Horizontal Social Clause* included in the Lisbon Treaty, there should be a specific commitment to **effective monitoring** of countries' progress in tackling poverty and social exclusion and ensuring social rights. In this regard, we would suggest the following:
 - a. A commitment to effective **child and poverty proofing** of all economic and employment policies to ensure that they are as far as is possible contributing to the achievement of social rights and are not inadvertently putting them at risk.
 - b. The adoption of one or more EU child-specific indicators (including a child-specific material deprivation indicator on which important progress has already been made) so as to enhance progress towards children's rights.
 - c. The adoption of specific indicators to monitor progress on reducing inequality (see above).
 4. A strong statement should be included on the importance of **civil dialogue** as well as the existing recognition in the Preliminary Outline of social dialogue. This should include a specific reference to participation of people experiencing poverty and social exclusion as well as to the right of children to participate in such a dialogue. In particular, an explicit role should be given to civil society dialogue (including academic and NGO representatives) along with traditional social dialogue in monitoring and holding to account the delivery of the Pillar. In this regard it could be helpful to include a commitment to establish an EU-level set of minimum standards for social and civil dialogue.
 5. The allocation of **EU Funds** should include a clear assessment that they are contributing to delivering on social rights. More specifically this could include:
 - a. In the immediate future, a commitment to an enhanced use of the European Social Fund and Regional Funds in the fight against poverty and social exclusion and the delivery of social rights. In the longer term, there could be a commitment to the development of new funding programmes to combat poverty and inequality and promote social rights and to establish an EU Child Guarantee;
 - b. Provision for a more effective monitoring (including a stronger role for the European Commission) of the use of EU Funds to promote social rights and to fight poverty and social exclusion and to ensure that they are used to assist those most at risk such as the homeless and Roma.
 6. Given the persistent high levels of poverty and social exclusion in the EU, the Pillar should include provision for the establishment of a highly visible **EU integrated anti-poverty strategy**. As part of this, all Member States should be required to develop and report regularly (in the context of their European Semester and/or the existing national social reports submitted as part of the Social OMC) on national plans for combating poverty and social exclusion including specifically child poverty and social exclusion.

²⁷ In this regard the Commission and Social Protection Committee (and the Employment Committee in relation to collective bargaining) should agree common EU guidelines for establishing benchmarks which should then be used by Member States for developing appropriate national minimum standards.

7. The implementation section (or alternatively the introductory section) of the Pillar should include a specific commitment that the implementation of the Pillar will lead to a change in the overall focus of EU policy from **austerity (fiscal consolidation) to investment** in social and environmental policies and in tackling inequality.
8. Given the strong overlap between the principles in the proposed Pillar and other **related “rights” based processes** such as the UN’s SDGs and the UN Convention on the Rights of the Child, there should be a clear statement linking the implementation and monitoring of the Pillar’s principles with the implementation and monitoring of these other processes.
9. There should be a commitment to documenting **good practice** and a programme of exchange and learning (including peer reviews) on the implementation of the different principles.

Annex: Presentation of the European Social Policy Network (ESPN)

1. ESPN Network Management Team and Network Core Team

The European Social Policy Network (ESPN) is managed jointly by the Luxembourg Institute of Socio-Economic Research (LISER) and the independent research company APPLICA, in close association with the European Social Observatory.

The ESPN Network Management Team is responsible for the overall supervision and coordination of the ESPN. It consists of five members:

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