**Draft suggestions for the European pillar of social rights**

The European Commission shall make use of all its powers and competences to support the delivery of outcomes of the pillar of social rights. Here are some key elements to be reflected upon in order to ensure results:

1. **The basis of the pillar of social rights**: At its foundation, the pillar shall aim at ensuring the enjoyment of all social rights and should be rooted in the European Social Charter, the Charter of Fundamental Rights of the EU and relevant international conventions. Additionally, international jurisprudence and EU case law must also be used when setting standards such as the Complaint No. 86/2012 of the European committee of social rights that was implemented in one Member State.
2. **The pillar should:**
   1. **include specific instruments that address the fight against poverty, social exclusion and inequalities in addtion to labour law, and take into account the promotion of equality between women and men, work-life balance and non-discrimination.** This would allow the social pillar to address also the needs of people outside working age and to meet people’s social needs that cannot be addressed by employment policies such as minimum income, access to quality and universal services, social inclusion.

* The Pillar requires a **life cycle approach**. For example, in relation to adequate income, it shall cover child rearing, minimum income, wages, unemployment benefits, pensions.
  1. **be about adequacy** - where adequacy is defined as “as good as necessary for a life in dignity and full participation in society’’ - **and not setting minimum standards**. The social pillar shall not define a minimum floor that risks triggering a race to the bottom within and between Member States. On the contrary, it shall aim at upward social convergence, **setting tangible standards to reach progressively higher levels of social security and social protection for all people in all Member States**:

“Adequacy” should be the guiding principle and replace or be added to the word “minimum” (such as adequate minimum wage or adequate minimum income) and should be defined for each of the standards included in the pillar.

For example, “enabling services” should be defined as “affordable, available, accessible and quality” services. The European Commission should set benchmarks at EU level concerning the provision of essential services, such as childcare, care, long-term care, and other social services, healthcare, support services for victims of violence and abuse. Benchmarks should not be limited to availability of services, but should drive the implementation of essential principles enshrined in Protocol 26 of the Lisbon Treaty, such as universal access, a high level of quality, safety and affordability, equal treatment and the promotion of users’ rights. The voluntary European Quality Framework for social services published by the EU Social Protection Committee in 2010 should be used as a reference in the development of benchmarks at EU level and quality criteria tailored to specific services, especially in the member states where they do not exist.. •

* 1. **be supported by all other EU competences and powers**: It requires an **integrated approach** which not only considers the overlaps and synergies between labour markets, social protection systems and social services but ensures that social standards are promoted and supported by relevant EU policies in a concrete and measurable way. That will require the leadership of all Commissioners. For example, but this should be applied to all its instruments, empowering social services have to be supported by:
* internal market policies and legislation based on article 14 and protocole 26 of the Treaty,
* trade agreements that preserve them, for example by excluding them from the scope of TTIP and TISA negotiations,
* the implementation of the social clause in the public procurement directive,
* the adoption of EU antidiscrimination law in access to services
* the investment plan, EU funds and Research programmes on social innovation
  1. **be an instrument that deliver outcomes:** the pillar should have a **visible impact** and determine **clear outcomes**:
* All Commissioners shall make use of their respective portfolios to ensure the outcomes of the social pillar. A good example of how to do it comes from Belgian practice of gender mainstreaming, which after the adoption of a specific law on 12 January 2007 ceased to be an informal commitment to become an effective obligation. The implementation of gender mainstreaming involves civil servants and policy makers at the highest level. The government is indeed the main responsible of the effective implementation of a gender mainstreaming strategy and all ministers are called upon to integrate the gender dimension in all policies, measures and actions concerning their portfolios and to annually present all the envisaged actions and measures to reach specific strategic objectives on this. Internal coordination between departments and ministries, the use of benchmarks and indicators and of gender budgeting support the whole process.
* The Commission shall make use of all the EU powers and impactful instruments at its disposal to mainstream the social pillar and deliver tangible outcomes for people:
  + **Legislation**: where the EU has competence to legislate, it shall use it to facilitate the implementation of the pillar. For example by adapting existing legislation and proposing new one in the field of non-discrimination, services of general interest (art. 14 TFEU and protocol 26), internal market, coordination of social security. The horizontal social clause in Article 9 TFEU should be made operational and the possibility to use Treaty provisions under Title 10 to propose binding legislation in the social field should be seriously investigated. Some social NGOs showed how this is possible, for example the EAPN with its proposal for the adoption of a framework Directive on Adequate Minimum Income schemes using article 153(1)(h) TFEU as the legal basis.
  + **Enabling policy framework**: EU policies shall not only avoid to negatively impact on social rights but ensure their enjoyment and support their development. The coordination of economic and budgetary policies should enable the full implementation of the pillar and budgetary flexibility should be allowed for social investment as it is for other kinds of expenditure.
  + **Financial support**: The European Commission should also use the programming and monitoring of the implementation by member states of the European Structural and Investment Funds. The latter should not be used to cover the costs of provision of services – which should be ensured by member states’ budgets – but only to improve provision: for example, to develop quality criteria for specific services, to design training pathways for the workforce on specific users’ needs, to design and pilot new services, to adapt existing services to the needs of specific target groups, to develop methodologies to involve users in the design, implementation and monitoring of services, and to spur innovation. Technical and transitional financial support as envisaged in the proposal for structural reform support programmes that accompanied the AGS should be considered for those Member States that need support to implement reforms of their social protection systems to meet the objectives of the Pillar.