



EUROPEAN COMMISSION  
DG Employment, Social Affairs and Inclusion

Unit C2 Modernisation of social protection systems

## Stakeholder Consultation Strategy

### Access to social protection

#### 1. Context

All Member States are confronted with transformative trends calling for increased flexibility in work organisation and employment relations. These have resulted in the emergence of new forms of employment across Europe which, due to current deficiencies in the arrangements of social and employment policies, may have less access to social protection and related employment services than workers in standard employment.

#### ***Key definitions***

***Non-standard employment*** refers to all forms of work other than full time, open-ended employment in a subordinate and bilateral employment relationship.<sup>1</sup>

***Self-employment*** refers to employment in which persons pursue a gainful activity for their own account.

***New forms of employment*** are characterised by unconventional work patterns and places of work, or by the irregular provision of work. They can be based on non-standard

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<sup>1</sup> ILO (2016): *Non-standard employment around the world*, available [online](#).

contractual arrangements or on self-employment status. Eurofound<sup>2</sup> identifies nine employment forms as new — or of increasing importance — since 2000: employee sharing, job sharing, interim management, casual work, ICT-based mobile work; voucher-based work; portfolio work; crowd employment; and collaborative employment.

***Social protection*** encompasses all social benefits in cash and kind, with typical ones being benefits in case of: unemployment, sickness, accidents at work and occupational diseases, invalidity, old-age, pre-retirement, death (i.e. survivors' pensions and death grants), maternity/paternity, parental and family obligations, and need for health care or long- term care.

***Related employment services*** encompass benefits in kind included in active labour market policies such as guidance, counselling and placement, training and updating, rehabilitation and re-insertion measures, typically facilitated by public employment services.

This has various negative consequences, such as distorting the playing field between people employed on standard contracts and people in non-standard work or in various forms of self-employment, bringing moral hazards and opening for free riding. People, who earn their living from non-standard employment or self-employment under such conditions, have more precarious lives and must endure greater economic uncertainty with less access to social protection and employment services tailored to their needs.

An initiative at the EU level could help Member States address these issues and would strive to foster upward social convergence. In full respect of subsidiarity and national diversities, such action would not seek to harmonise rights and obligations across countries or interfere with the way Member States organise their social protection systems.

In line with the principles proposed in the European Pillar of Social Rights,<sup>3</sup> an EU action

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<sup>2</sup> Eurofound (2015): *New forms of employment*, available [online](#).

<sup>3</sup> COMMISSION RECOMMENDATION of 26.4.2017 on the European Pillar of Social Rights, C(2017) 2600 final: [https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles\\_en](https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles_en)

could call on Member States to provide that their national arrangements ensure access to a security package of social protection benefits and related employment services to people in all forms of employment to help them manage demands in modern labour markets.

The EU response could cover workers, dependent self-employed and genuine self-employed and all social protection benefits, key employment services and training.

A package combining several (legislative/non-legislative) instruments may be appropriate to address the issues at stake taking account of the wide diversity of national circumstances and respecting the EU subsidiarity and proportionality requirements.

An Inter-Service Steering Group (ISSG), consisting of people from various Directorates-General of the European Commission, has been set up to steer the initiative on access to social protection during all key phases.

## **2. Stakeholder Consultation – Objectives and Scope**

In order to ensure that the general public interest of the Union - as opposed to special interests of a narrow range of stakeholder groups - is well reflected in the design of an EU initiative on access to social protection, the Commission regards it as a duty to conduct stakeholder consultations, and wishes to consult as widely as possible.

The aim of the stakeholder consultation related to the EU initiative on access to social protection is thus to deliver a high quality and credible proposals by allowing interested parties to provide feedback and to contribute suggestions on all key elements of the impact assessment, while building on the stakeholders' contributions provided during other consultation activities, notably the consultation on the European Pillar of Social rights. This also ensures transparency and accountability.

Based on articles 153 and 154 TFEU, the Commission carries out, before submitting any proposal in the social policy field, a consultation of management and labour on the possible direction of Union action, followed by an in-depth consultation at a second

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stage.

However, as not all self-employed are covered by social partners but often represented by their own organisations or not at all, and because potential initiative would cover also non-legislative measures outside the article 153, it is important to organise other consultation activities, like open public consultation and more targeted consultations of particular stakeholder groups or experts.

This Stakeholder Consultation Strategy will serve as the umbrella of all consultation methods and tools used to identify the most appropriate mix of methods used and to identify the relevant stakeholder groups.

Furthermore, right timing of the consultations is important to ensure that stakeholders can express their views during all major steps of the procedure in a way that allows them to influence the outcome of the EU initiative.

The Stakeholder Consultations are a dynamic process and the approach might be altered during the impact assessment work if deemed necessary by the ISSG. The findings of the consultations will be summarized in a synopsis report and also made available to stakeholders and the wider public via the Commission website. Stakeholders who participated will be able to see if – and if not, why – their views have been taken into consideration.

### **3. Stakeholder Mapping**

As a first step, it is necessary to identify possible stakeholder groups who might be concerned by the EU initiative on access to social protection. This could be stakeholder groups who are impacted by or could impact the EU initiative, or are relevant for or particularly interested in the EU initiative in general or in a certain aspect covered by the EU initiative.

In a second step, the categories of stakeholders will be mapped according to their level of interest in and their influence on social protection, in order to be able to define the right approach to consult them.

These differentiations might not always be clear cut, and could depend on the national

context in particular.

**Stakeholders' categories:**

**Citizens/General Public:** The general public constitutes the largest stakeholder group. The general public should have a high interest in how social protection and employment services is organised and will be organised in the future as it affects their lives directly (e.g. access to benefits when risks materialise) and indirectly (e.g. impact on family members). However many people consider social protection as a national matter. Therefore, the interest of the general public in an EU initiative might be low during a consultation phase.

**Industry/business, including self-employed and their organisations:** Industry or businesses, especially in the platform economy, would have a high interest as the design of social protection and employment services and its financing directly affects them (impact on labour costs and thus on labour supply and labour demand, impact on competitiveness). For the same reasons, it can be expected that also the interest of the organisations representing industry, businesses or self-employed is high., especially of those with high share of new forms of employment.

**Workers/people in new forms of employment/dependent self-employed:** Workers in new forms of employment represent a small but fast growing part of the European workforce/population. Their interest in the design of the social protection is expected to be high, as they are directly affected by the gaps in access to social protection and employment services, however their influence may be low as their organisation and representation is still low. Workers in standard employment have more influence as they are better organised.

**Social partners:** Social partners' include employers' organizations and trade unions engaged in the European social dialogue and meeting the representativeness criteria.<sup>4</sup> They have high interest as they are directly affected and they have a special role in the

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<sup>4</sup> Representativeness criteria are set by the COM (93) 600 and Commission Decision of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level, COM (1998) 2334; OJ L 225, 12.08.1998, p.27

preparation of proposals as regards social protection according to the Article 154 TFEU.

**Public authorities:** They have by definition, a major influence on the design and the implementation of social protection and employment services that affects both well-being of citizens and public financing. Therefore, their interest is also very high. The level of influence of Member State is very high as unanimity in the Council is required for adopting proposals in matters of social protection.

**Private sector bodies and professionals:** Private sector bodies are involved in organising social protection (e.g. private health insurances, life-insurances and pension fund) for professionals, and so, both their interest and influence is high. Professionals include various experts such as medical professionals, psychologists, lawyers, engineers, business and financial advisers, etc.

**Self-governing bodies of social protection:** Some Member States have self-governing bodies which organise parts of social protection and employment related services. Those bodies might have a major influence on the design and financing of social protection and might be very interested in an EU initiative.

**Research in the subject area (social protection/employment services):** Researchers representing academia, research institutes or think tanks are likely to have an interest and their findings can be important in good definition of problems, good design of options and is assessing impacts.

**Non-governmental organisations (NGO):** NGOs that are not workers' organisations and not representing industry or business might still have an interest in the EU initiative on access to social protection. This could include special interest organisations such as welfare organisations, organisations focusing on gender issues etc. Their interest would generally be rather medium, except regarding the particular causes they represent.

#### **4. Methods & Tools**

The different steps of the consultation process and strategy require different types of consultation activities. Depending on the stakeholder group identified, different tools and methods will be used in order to conduct the consultation.

As a first step in the consultation activities, the Inception Impact Assessment (IIA) published in April 2017 will be open for public feedback in order to give all interested stakeholders the possibility to comment on the outline of the initiative on Better Regulation Portal.

Two-stage Social Partner consultation will be done between April and October 2017 regarding the potential initiative on access to social protection and employment services for workers. A 6 week 1<sup>st</sup> stage social partner consultation on the possible direction of EU action has been launched on 26 April 2017. A 6 week 2-nd stage social partner consultation on the content of the envisaged proposal is planned to be launched in after summer 2017, provided that social partners do not decide to enter into negotiations during the 1<sup>st</sup> stage consultation.

The Commission will also launch a 12-week open public consultation (available in all EU official languages) before summer 2017 (July – September) to consult general public and other stakeholders on the key elements of the potential initiative, i.e. problem, subsidiarity, options for EU action and likely impacts. In order to raise awareness about this consultation it will inform relevant stakeholders (e.g. Members of the Social Protection Committee, associations of self-employed) to use their networks and to act as multipliers. Further channels could be used to promote the consultation, such as social media, direct (e)mailing, etc, in order to ensure the participation of important stakeholder groups that might otherwise be underrepresented (like workers in new forms of employment, dependent self-employed etc).

Various targeted consultations are planned to reach out to public authorities in the form of information sessions or mail contacts.

- Social Protection Committee (SPC): Exploratory debates with MS representatives in SPC may take place during the open public consultation period.
- Employment Committee (EMCO): Exploratory debates with MS representatives in EMCO may take place during the public consultation period
- Public Employment Services (PES) network: PES members will be informed on the launch of the open public consultation by mail.

- Dedicated hearings with stakeholders such as businesses, self-employed and self-governing bodies of social protection are planned to take place in September 2017.

## **5. Website**

DG EMPL will ensure that all relevant information on the stakeholder consultations is available in the website EUROPA. It will contain subpages for the different types of consulting work performed, inform about the envisaged timeframes and all relevant information on the consultation activities planned.