

Copenhagen/Brussels, 19 November 2020

Reply on consultation for the implementation of the European Pillar of Social Rights

3F – the United Federation of Workers in Denmark, is the largest Danish trade union with 270.000 members within manufacturing, construction, transportation, restaurants, hotels and services and gardening in the public and private sectors. 3F is a member of FH - Danish Trade Union Confederation, the largest national trade union confederation in Denmark.

Overall remarks

The key goals for 3F are full employment, an inclusive labour market, a safe working environment, democratic rights, and education for all.

Therefore, 3F finds it positive that the European Commission together with Member States focus on decent working conditions, equal opportunities and social protection for the benefit of the individual worker and throughout the EU.

It is essential for 3F that European legislation on the free movement of workers and services do not undermine local salaries and working conditions. It must be ensured that the development of the single market takes place on an inclusive and socially acceptable basis.

3F supports the European Pillar of Social Rights as an important instrument that can raise social standards, combat social dumping and support the economic development that results in social progress in all EU Member States. We need a fair Europe with less inequality, no in-work poverty and no social dumping.

The Nordic countries and their social collective bargaining models have historically been leaders of social change and continue to be so. Therefore, to further the goals of the European Pillar of Social Rights, it is crucial that the action plan supports existing national collective bargaining models and welfare systems and strives to respect and promote this throughout Europe.

The 20 principles of the European Pillar of Social Rights must not be implemented through binding legislation at the expense of the autonomy of the social partners, the full legal force of collective agreements, the right to initiate collective action, and the self-regulatory labour market models that have proven most efficient towards developing results.

Therefore, the implementation of the European Pillar of social rights should take place with a clear distinction between national and EU competences, as confirmed in the preamble paragraph 17 and 18 by Heads of States and Governments and by Article 153 of the Lisbon Treaty. Social and employment policy is the competence of the Member States, with the Union supporting and complementing these efforts.

3F encourages the European Commission not to propose legislation that tests the legal boundaries of the Treaty but rather focuses on unifying



measures that can utilize the momentum to create positive social change in Europe.

The Member States and the EU must deliver tangible results and initiatives with real impact on workers and citizens. This must be done as close to the individual as possible, according to the principles of subsidiarity and proportionality. Also acknowledging that these collective bargaining models often have a tradition of limited direct political intervention in wage setting and working conditions.

A FAIR REPRESENTATION

In line with the European Pillar of Social Rights principle 8, 3F calls for the action plan to focus on initiatives that will strengthen national social partners and national collective bargaining systems. More specifically, 3F suggests that the European Commission:

- Facilitate of a stronger representation of national social partners in EU agencies, public authorities, committees and institutions to ensure practice-oriented initiatives and legislation that take into account the various European labour market models and helps strengthen collective bargaining structures in all Member States.
- Invest in long-term capacity building for national and sectoral social partners via EU funds, projects and programmes, e.g. the European Social Fund+ and a new dedicated fund for strengthening social dialogue.
- Promote of collective bargaining structures in all Member States through activities involving the social partners.
- Support of capacity building for national and sectoral social partners through mentoring programmes.
- Earmark of targeted funds supporting marginalized groups and regions through increased employment initiatives and by combatting poverty, with the involvement of social partners.
- Extend of the Country Specific Recommendations to include the outcome regarding the involvement and effectiveness of social partners in wage-setting mechanisms and collective bargaining-structures.
- Include of social dialogue impact in the European Commission's impact assessments.
- Announce of an "Ombudsman for social dialogue", who will be reporting to the social dialogue-committee about the development in the Member States.

3F finds that the strengthening of social dialogue also constitutes a central precondition for the successful long-term and sustainable achievement of most other central principles in the European Pillar of Social Rights.

A FAIR FREE MOVEMENT

To address chapter II and III in the European Pillar of Social Rights in the action plan, 3F encourages the European Commission:

- Introduce a European Social Security Number including a personal labour card. This would enable effective enforcement of social security, securing tax payments, labour rights and fair mobility. The proposal has the potential to become a transparent and effective tool helping to ensure that workers work under decent and local conditions and that companies comply with their obligations so that we can ensure equal pay for equal work in the same place for all European workers.
- Prioritise a speedy and full operationality of the European Labour Authority, contributing to the implementation of in particular principle 5 and 10 with a strong focus on social dumping and prioritising the establishment of a database which validates information from foreign service providers similar to the Danish Register of Foreign Service Providers (RUT).
- Prevent market exploitation of skilled and unskilled third-country nationals by requiring and enforcing sufficient and validated work and residence permits.
- Commit to work for a Social Progress Protocol to the Lisbon Treaty to ensure that union, collective and social rights are not subordinated to the economic freedoms in the Single Market.
- Assess Regulation 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. Legal loopholes must be closed, whereas agreements of industrial arbitration and rulings of national labour courts are not always recognized and executed in the other EU Member States. Claims must be effectively recovered with a view to ensure legal certainty within the Single Market.

A FAIR CHANGING LABOUR MARKET

The labour-related principles in the European Pillar of Social Rights are undermined by the continuous growth of non-standard work and increasing diversification of working time and work contract patterns across Europe. 3F encourages the European Commission to include the following in its action plan:

- Assess of possible initiatives that can improve the protection of non-standard workers, including short-term contracts, zero-hour contracts, self-employed and precarious forms of employment.
- Introduce an ambitious initiative to improve the working conditions of platform workers.
- Initiate a comprehensive revision of the public procurement directive (2014/24/EU). This should focus on strengthening mandatory social clauses in public procurements and establish a European exclusion

mechanism, to exclude primary contractors and subcontractors who repeatedly engage in social dumping and other types of crimes.

- Revise Directive 2001/23/EC on Transfer of Undertakings with a view to re-establishing its original purpose to protect workers and ensuring that this protection covers all affected workers.

A HEALTHY LABOUR MARKET

Far too many people today are suffering from the consequences of long-term labour or exposure to unnecessary physical or psychological occupational hazards. Eight percent of all incidences of cancer are caused by workplace exposures, and every year as many as 4,000 Europeans die from work-related accidents.

3F urges the European Commission to continue the tradition of the EU paving new ways for improving occupational health and safety in Europe.

More specifically 3F suggests that the European Commission:

- Announce an ambitious new Occupational Health and Safety strategy, tackling both physical and mental health of workers including a clear view on improving conditions for vulnerable workers in non-standard forms of occupation.
- Present legislative proposals aimed at improving regulation on both physical and psychological working environment, including ergonomic aspects and stress-related disorders.
- Initiate continuous updates on the Carcinogens and Mutagens Directive (2004/37/EC) adding 50 new substances, including substances with damaging effects on the reproductive system.