C/2025/106

10.1.2025

Opinion of the European Economic and Social Committee

Imbalances in social protection in general and specifically for the 'new forms of work' and 'atypical workers'

(own-initiative opinion)

(C/2025/106)

Rapporteur: **María del Carmen BARRERA CHAMORRO**

Advisor	Anna KWIATKIEWICZ (to Group I) Cristóbal MOLINA NAVARRETE (to the Group II rapporteur)
Plenary Assembly decision	15.2.2024
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Section responsible	Employment, Social Affairs and Citizenship
Adopted in section	3.10.2024
Adopted at plenary session	23.10.2024
Plenary session No	591
Outcome of vote (for/against/ abstentions)	140/13/51

1. Conclusions and recommendations

1.1. The European Economic and Social Committee (EESC) points out that the EU and the Member States, bearing in mind social rights such as those set out in the European Social Charter, aim not only to promote a high level of employment and improve living and working conditions, but also to achieve 'proper social protection' (Article 151 TFEU). In the same vein, Principle 12 of the European Pillar of Social Rights recognises the 'right to adequate social protection' for workers, regardless of the type of the employment relationship and its duration, which includes, under 'comparable conditions', self-employed people.

1.2. The EESC notes that, according to a recent report from the European Commission, in the most competitive economies and the most dynamic labour markets, such as those of the EU and its Member States, so-called atypical forms of employment developed several decades ago. This study confirms that workers in such forms of employment account for more than a third of the labour force in the EU. According to International Labour Organization (ILO) reports on this subject, the causes of these transition processes from typical to atypical work are diverse and multiplying; these include globalisation, organisational innovations in businesses, digitalisation, the very conditions of social progress, and changes and shortcomings in the regulation of employment relationships.

1.3. The EESC highlights the institutional consensus based on available research (ILO, European Parliament, Council, Commission) on the need to include under atypical forms of employment all those that do not correspond to typical employment (employed and subordinate, full-time and permanent), including new forms of employment (temporary, part-time, intermittent, on-demand and platform work, disguised employment relationships and economically dependent or vulnerable self-employment). Although the ILO draws a clear distinction between atypical work and precarious work, atypical workers do not have the same level of protection as those in typical employment, meaning that, in many cases, access to sufficient and sustainable benefits is not safeguarded.

1.4. The EESC points out that almost all EU Member States have ratified the European Social Charter (at least the 1961 Charter), meaning that they have agreed 'to maintain the social security system at a satisfactory level at least equal to that required for ratification of the European Code of Social Security' and 'to endeavour to raise progressively the system of social security to a higher level', as stipulated in paragraphs 2 and 3 of Article 12. The EESC therefore encourages the EU institutions and the Member States, within their respective remits and after social dialogue at the appropriate levels, to ensure their social protection systems are adapted to non-standard forms of work, in order to provide sufficient and sustainable coverage and benefits and thereby ensure decent work and a decent life.

1.5. The EESC thinks that, without prejudice to the possibility of exploring a regulatory instrument, the path outlined in the Council Recommendation for the Member States on access to sustainable social protection for employed workers and the self-employed will enable progress to be made on:

(a) adequate social protection schemes (closing gaps in formal access);

(b) rights that are cumulative or transferable between systems (effective coverage);

(c) sufficient benefits, with a proportional contribution (adequacy);

(d) adequate information on rights and obligations (transparency).

1.6. According to the ILO's model, suitable and sustainable social protection systems are essential prerequisites for ensuring a good quality of life for all. The EESC therefore considers it necessary, while taking into account national practices, that Member States move towards social protection systems that focus not only on workers – in typical or atypical employment – but on citizens as a whole, granting those who are not able to work a minimum income that combines incentives and assistance with returning to employment for those able to work, in accordance with Principle 14 of the European Pillar of Social Rights, while ensuring sufficient protection and the financial sustainability of these systems at all times.

1.7. To finance this progress, the EESC urges the Member States to undertake a thorough and comprehensive review of the funding sources for social protection systems to ensure their financial sustainability without jeopardising job creation. The EU can support Member States in this endeavour by facilitating the exchange of experiences relating to the review/reform of national social protection systems.

1.8. The EESC recognises that the primary responsibility for adapting social protection systems to economic and labour market changes lies with the Member States, with the involvement of social dialogue. However, the EU, in line with the principle of subsidiarity, should make a greater effort to help the Member States address the main obstacles identified so that they can review and, where necessary, rectify their gaps in social protection for atypical work in order to ensure sufficient and sustainable benefits comparable to those of typical employment, without undermining the advantages in terms of flexibility for businesses and employees.

1.9. The EESC notes that the Court of Justice of the European Union (CJEU) and national courts limit the possibility of introducing positive measures through national laws to remedy gender gaps in social protection. It therefore suggests that the Commission and the Council carry out reforms of Directive 79/7/EC [1] to adapt it to the present day. The EESC therefore asks the Commission to assess, as soon as possible, the implementation of Directive 79/7/EC and, where appropriate, to propose to the Council and the European Parliament the reforms deemed most appropriate for promoting, at the Member State level and within the framework of the social dialogue, the effective correction of these gaps, in accordance with Article 157(4) TFEU.

1.10. The EESC believes that exchanges of experiences between Member States are a further way of improving best practices when it comes to adapting national social protection systems to modern labour markets characterised by a variety of contracts and contractual arrangements, of which 40 % [2] consists of atypical work, thereby rectifying any imbalances that may exist. It therefore calls on the Commission to promote these mutual learning opportunities and make it easier for the national social partners and the EESC to take part in them.

[1] Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (OJ L 6, 10.1.1979, p. 24).

[2] Report from the Commission to the Council on the implementation of the Council Recommendation on access to social protection for workers and the self-employed, 31.1.2023, COM(2023) 43 final.

2. **Background, purpose and gist of the opinion**

2.1. Ensuring adequate social protection for all is part of the concept of decent work. The EESC reaffirmed this in its opinion on the European Commission's communication on decent work worldwide ([3]).

2.2. A sustainable future for the EU can only be based on marrying a strongly competitive economic system with a strong social dimension. This is why the EESC advocates improving social protection for all as a fundamental and essential element of the European social model. This is recommended in the opinion on the implementation of the European Pillar of Social Rights, in order to make social protection systems solvent, reliable, suitable and sufficient ([4]), while at the same time respecting different national traditions and the division of responsibilities.

2.3. The EESC notes a marked transition from typical forms of employment (employee, permanent, full-time) to atypical forms of employment, whether traditional (part-time, temporary, intermittent) or new (digital platform work, economically dependent or vulnerable self-employment ([5]) – ILO, 2016 ([6]); Eurofound, 2017 ([7]); Council, 2019 ([8]); and Commission, 2023 ([9])). All these processes are affected by changes in the world of work, macroeconomic fluctuations and crises, and regulatory reforms.

2.4. The EESC has already had the opportunity to express its support for strengthening requirements for transparency and predictability in employment in EU and national law for workers, especially atypical workers ([10]). These transparency requirements include social protection.

2.5. In the face of these developments in the economy and labour markets, the European institutions warn that, while they offer businesses and individuals opportunities for flexibility in terms of management, these atypical forms also pose risks due to the economic insecurity entailed. Moreover, as pointed out by the Commission (2023) and the ILO (2016), these gaps in social protection can have a negative impact on the economy and society as a whole because they jeopardise domestic demand, investment in human capital, and social cohesion.

2.6. The EESC agrees with the Council and the Commission that the persistent shortcomings of social protection systems with regard to atypical forms of employment are exacerbating the gaps between generations, genders and social groups. The main reason for these potential situations of social inequality is that it is predominantly young people, immigrants and women who are recruited to these positions, meaning that these groups account for large numbers of workers in temporary, part-time, intermittent, discontinuous or on-demand work or on zero-hours contracts, etc.

2.7. In line with what the ILO proposes, the EESC believes that, in this scenario, reducing shortcomings in access to sufficient social protection for atypical forms of work, including self-employment, particularly for self-employed people who are economically dependent or in vulnerable situations through a mix of appropriate legislative reforms and non-legislative, policy measures and financial support, would play a significant role in reducing inequalities, including the gender gap in social protection ([11]).

([3]) Opinion of the European Economic and Social Committee on a Decent work worldwide [COM(2022) 66 final] (OJ C 486, 21.12.2022, p. 149).
([4]) Opinion of the European Economic and Social Committee on 'The European Pillar of Social Rights — evaluation of the initial implementation and recommendations for the future' (own-initiative opinion) (OJ C 14, 15.1.2020, p. 1).
([5]) https://www.ela.europa.eu/sites/default/files/2023-04/Study-on-the-extent-of-dependent-self-employment-in-the-EU.pdf.
([6]) https://www.ilo.org/publications/non-standard-employment-around-world-understanding-challenges-shaping.
([7]) https://www.eurofound.europa.eu/en/publications/2017/non-standard-forms-employment-recent-trends-and-future-prospects.
([8]) OJ C 387, 15.11.2019, p. 1.
([9]) COM(2023) 43 final.
([10]) Opinion of the European Economic and Social Committee on 'Proposal for a Council Recommendation on access to social protection for workers and the self-employed' (COM(2018) 132 final) (OJ C 440, 6.12.2018, p. 135).
([11]) Opinion of the European Economic and Social Committee on 'Gender equality in European labour markets' (Exploratory opinion requested by the European Parliament) (OJ C 110, 22.3.2019, p. 26).

2.8. The EESC highlights the report ([12]) from the Commission to the Council on the implementation of the Council Recommendation on access to social protection for workers and the self-employed, according to which, in 2021, almost 40 % of the population in employment in the EU were in atypical forms of work. Almost one million people are economically dependent self-employed persons. The EESC notes that a significant body of international legal literature ([13]), endorsed by the Commission, shows that most social security systems do not adequately protect workers in these situations of atypical work.

2.9. The EESC points out that the ILO is also concerned about the increased risk of economic insecurity caused by atypical forms of employment and, to prevent this, calls for legislative and policy measures that ensure adequate social protection (access, effective coverage, adequacy and transparency) without depriving atypical jobs of the flexibility associated with them ([14]). Contemporary labour markets thus offer more and better opportunities, but also coexist with many situations of social under-protection. The EESC therefore believes that the EU institutions and the Member States, within their respective remits and after social dialogue at the appropriate levels, should strengthen their efforts to ensure their social protection systems are adapted to these non-standard forms of work, in order to provide sufficient and sustainable coverage and benefits and thereby ensure decent work and a decent life. Stable and high employment rates are needed to support the sustainability of social security systems.

3. **European context and institutional and scientific input**

3.1. The EESC stresses that Principle 12 of the European Pillar of Social Rights recognises the 'right to adequate social protection' for all employees, regardless of the type and duration of their employment relationship. This right is also recognised, under comparable conditions, for self-employed people. Member States should therefore be encouraged and supported when it comes to reforming their national social protection systems to ensure access to social protection for all, regardless of the type of employment contract, including for the self-employed. To this end, atypical workers should be able to enjoy protection equivalent to that enjoyed by those in typical employment, so that they have access to sufficient and sustainable benefits in proportion to their contribution.

3.2. To implement this social policy objective, on 8 November 2019 the EPSCO Council adopted the Council Recommendation ([15]) on access to social protection, which recommends that Member States ensure that all workers and self-employed people can benefit from:

(a) social protection schemes (closing gaps in formal access);

(b) rights that are cumulative or transferable between systems (effective coverage);

(c) sufficient benefits, with a proportional contribution (adequacy);

(d) adequate information on rights and obligations (transparency).

3.3. Paragraph 19 of the Council Recommendation calls on the Member States to implement the principles set out and submit a plan setting out the corresponding measures to be taken at national level. As of December 2022, all Member States except Luxembourg had submitted such a national implementation plan (NIP). The NIPs were discussed in December 2021 by the EPSCO Council as part of the European Semester and in May 2022 by the Social Protection Committee. The social partners were also consulted (May 2022).

([12]) COM(2023) 43 final.

([13]) Spasova, S., et al., *Access to Social Protection for People Working on Non-Standard Contracts and as Self-Employed in Europe. A Study of National Policies*, report from the European Social Policy Network for the European Commission, Luxembourg, 2017; Westerveld, M., and Olivier, M., (dir.), *Social Security Outside the Realm of the Employment Contract'Informal Work and Employee-like Workers*, Cheltenham, Edward Elgar, 2019; Daugareilh, I., 'Introduction: social protection for digital platform workers in Europe', *International Social Security Review*, vol. 74, no 3-4, special edition, 2021, pp. 5-12.

([14]) *Non-standard employment around the world: Understanding challenges, shaping prospects*, Geneva, OIL, 2016, pp. 18-19.

([15]) https://ec.europa.eu/social/main.jsp?langId=en&catId=89&furtherNews=yes&newsId=9478.

3.4. The Commission has examined Member States' implementation of the Recommendation's objectives so far. The EESC highlights the report ([16]) presented to this end (January 2023), in which the Commission notes some progress and many shortcomings. Alongside the aforementioned NIPs, the Commission takes into account the objectives of structural reforms linked to improving the social protection of atypical work in the NRRPs.

3.5. The EESC points out that the NRRPs are accelerating the digital and green transitions. The digital transition is promoting the expansion of the economy and digital platform work. This gives people significant opportunities to access the labour market and earn more money, boosting their income, but it also creates gaps in social protection, which makes it hard for people, particularly the most vulnerable groups, to lead decent lives.

3.6. To meet the objective of proper social protection set out in Article 151 TFEU, the EESC considers it necessary to further explore how to manage the green transition fairly and effectively, which also requires adapting and strengthening the Member States' pre-existing social safety nets, with the support of the EU and after social dialogue at the appropriate levels, in order to offset the effects of the fight against climate change on the well-being of the most vulnerable people, groups, and areas.

3.7. In early 2022, a new challenge arose for European economies, society and protection systems: the economic and geopolitical environment triggered by Russia's war of aggression against Ukraine. This ongoing conflict poses new risks of poverty for households that are already vulnerable, and all the more so in the case of households whose members are low-skilled, do not work fulltime, are in other forms of works, atypical employment or are economically inactive. Sustainable and inclusive national social protection systems therefore need to be promoted within the framework of the European Semester as these provide both social and economic benefits. Such systems are important for well-functioning labour markets as they offer support in case of life-course events such as sickness or unemployment. At the same time these systems will support job-to-job transitions and reduce spells of inactivity for those who can work.

3.8. The EESC notes that, since 2019, the Commission and the Council have launched a number of initiatives, including legislative initiatives, linked to the protection of atypical workers (adequacy of minimum wages, promotion of an adequate minimum income for active inclusion, Directive on transparent and predictable working conditions, including information on social security, Directive on improving working conditions in platform work).

3.9. The EESC notes that the Commission monitors social protection issues as part of the European Semester. Moreover, every year the social protection performance monitor (a monitoring tool developed with the Social Protection Committee to identify the main social trends in the EU) determines which Member States face key social challenges linked to access to social protection.

4. **General comments**

4.1. The EESC points out that almost all EU Member States have ratified the European Social Charter, meaning that they have agreed 'to maintain the social security system at a satisfactory level at least equal to that required for ratification of the European Code of Social Security' and 'to endeavour to raise progressively the system of social security to a higher level', as stipulated in paragraphs 2 and 3 of Article 12 ([17]). As a result, they are committed to continuously adapting to changes in labour markets in changing and competitive economies, in order to ensure equal social protection for all through suitable, sufficient and sustainable systems, and, where appropriate, their efforts should be supported.

4.2. In light of the Commission's report (2023), the EESC points out that the vast majority of social protection systems are still designed for standard or typical jobs and workers (contributory approach). As a result, a growing portion of the labour force does not enjoy sufficient social protection due to their higher risk and vulnerability in the labour market (whether employed or self-employed) or the type of employment relationship they maintain.

([16]) COM(2023) 43 final.
([17]) European Social Charter (revised).

4.3. The EESC notes the extreme diversity in the implementation of the Recommendation in each Member State and points to significant territorial imbalances. The EESC shares the Commission's concern that only a minority of Member States are comprehensively and consistently addressing the existing gaps in actual access, effective coverage and adequate social protection, hence the urgent need to step up and accelerate implementation efforts, based on the principles of good governance, in order to address these gaps. Adapting systems to ensure better access to social protection for all is a long-term process, involving social partners and other relevant national organisations.

4.4. The EESC welcomes the fact that objective indicators have been used to measure progress since the adoption of the Recommendation. However, they need to be updated to improve transparency, as there are data gaps in various categories of atypical work, such as seasonal work in the agricultural and food sectors (temporary, posted and intermittent workers), hence Eurostat's shortcomings. The attempt to update the set of indicators used is crucial to ensure they are comparable and statistically sound.

4.5. The EESC takes note of exchanges of information between representatives of the Member States and the social partners. However, it deems it necessary to better monitor access to social protection in all EU Member States and improve the information available on the materialisation of risks, the perception of benefits, the quantification of shortcomings in formal coverage (in figures) and adequacy, given the wide variety of situations in the Member States. Member States should also be encouraged to design adequate social protection schemes for the self-employed and encourage the latter to participate in all of the strands on offer.

4.6. The EESC notes that some areas of social protection have more gaps. This is the case for unemployment benefits (13 Member States), sick pay (11) and maternity pay (9). The categories affected include casual workers or those on simplified, short-term fixed contracts, seasonal workers and those on other country-specific work contracts. Furthermore, self-employed workers in 19 Member States and some non-standard workers in 17 Member States lacked coverage in at least one area of social protection.

4.7. The EESC believes that the Commission should redouble its support for Member States in addressing the obstacles identified, so that they can review and, where necessary, rectify their shortcomings in social protection for atypical work. Adequate flexibility must be maintained in the labour market. Moreover, extending coverage (especially unemployment and disability insurance) to self-employed people and specific groups, such as platform workers, domestic workers and agricultural workers, is complex. Best practices should be taken into account.

4.8. The EESC is aware that measures to reduce the use of atypical contracts – without losing flexibility for businesses and workers – help mitigate gaps in formal and effective coverage (those launched in the Netherlands, Poland and Germany). Such measures include reducing the social and fiscal incentives of short-term contracts and bogus self-employment, regulating platform work and reforming labour legislation to address segmentation. Correct classification ensures access to appropriate social protection and creates a clearer regulatory environment.

5. **Specific comments**

5.1. The EESC takes note of the overview of the 26 NIPs, which shows that, according to the Commission's report, almost all of the plans refer to existing or remaining gaps in access to social protection at national level, with all groups and types of shortcoming being covered in only half the Member States. Some Member States believe that they have implemented all of the provisions of the Recommendation (Bulgaria and Sweden) or almost all of them (Austria, Czechia, France, Hungary and Poland).

5.2. The EESC is also concerned by the considerable differences in implementation timetables (whether adopted or planned) from one country to another: 10 NIPs focus on one main policy or legislative measure, 11 include a set of 3-8 measures, and only Belgium's plan proposes more than 30 measures. Only 13 Member States mention adopted measures.

5.3. The EESC believes that the NIPs must take into account all groups of atypical workers, not just specific small groups, and recommends reviewing all schemes/social protection branches to reduce existing gaps. Seventeen Member States selectively address the situation of gaps in social protection and focus on self-employed workers.

5.4. In light of the Commission's report, the EESC notes that a small group of NIPs (such as those of Belgium, Cyprus and Estonia) include detailed information on each planned measure, but that the majority of Member States do not detail the measures announced for the future. The EESC calls on the Commission to be more exhaustive when requesting and assessing the minimum information for these plans to improve transparency indicators for various situations of atypical work, avoiding creating additional administrative burdens.

5.5. The EESC is concerned that only a limited number of NIPs mention the involvement of the social partners in the drafting of the plan, and other stakeholders, such as civil society organisations, are hardly mentioned. The EESC calls on the Commission and the Member States to ensure that the NIPs are implemented through social dialogue and with the involvement of the social partners and civil society organisations.

5.6. The EESC believes that the NIPs could be more effective if the Commission were to require a better link with the policy measures set out in the NRRP and the monitoring measures under the European Semester. In the EESC's view, this link would maximise their positive impact and reduce any inconsistencies. To this end, Member States should receive the appropriate support.

5.7. According to the ILO's model, suitable and sustainable social protection systems are essential prerequisites for ensuring a good quality of life for all. The EESC therefore considers that it is necessary to encourage Member States to move towards social protection systems that focus not only on workers – in typical or atypical employment – but on citizens as a whole, taking into account national practices, in order to shift towards more universalised systems, where appropriate, while ensuring sufficient protection and the financial sustainability of these systems at all times ([18]).

5.8. The EESC recommends that, in order to reconcile decent work with food sovereignty, the Commission improve the social protection of seasonal workers in the agri-food sector by, among other things, promoting mutual learning activities for the Member States, including on tackling undeclared work.

5.9. The EESC notes that the CJEU and national courts limit the possibility of introducing positive measures through national laws to remedy gender gaps in social protection. It therefore suggests that the Commission and the Council carry out reforms of Directive 79/7/EC to adapt it to the present day. The EESC therefore asks the Commission to assess, as soon as possible, the implementation of Directive 79/7/EC and, where appropriate, to propose to the Council and the European Parliament the reforms deemed most appropriate for promoting, at the Member State level and within the framework of the social dialogue, the effective correction of these gaps, in accordance with Article 157(4) TFEU.

5.10. The EESC believes that exchanges of experiences between Member States are a further way to improve best practices when it comes to adapting national social protection systems to atypical work, thereby rectifying any imbalances that may exist. It therefore calls on the Commission to promote these mutual learning opportunities and make it easier for the national social partners, where appropriate, and the EESC to take part in them.

Brussels, 23 October 2024.

The President
of the European Economic and Social Committee
Oliver RÖPKE

([18]) For example, minimum incomes in the Member States and assistance in returning to work, in line with Principle 14 of the European Pillar of Social Rights.

ANNEX

The following amendments, which received at least a quarter of the votes cast, were rejected during the discussions (Rule 75(3) of the Rules of Procedure):

Amendment 1

SOC/802

Imbalances in social protection

Point 5.9

Amend as follows:

Section opinion	Amendment
The EESC notes that the CJEU and national courts limit the possibility of introducing positive measures through national laws to remedy gender gaps in social protection. ***It therefore suggests that the Commission and the Council carry out reforms of Directive 79/7/EC to adapt it to the present day.*** The EESC therefore asks the Commission to assess, as soon as possible, the implementation of Directive 79/7/EC and***, where appropriate,*** to ***propose*** to ***the Council and the European Parliament*** the reforms deemed most appropriate for ***promoting,*** at the Member State level and within the framework of the social dialogue***, the effective correction of these gaps***, in ***accordance with Article*** 157(4) TFEU.	The EESC notes that the CJEU and national courts limit the possibility of introducing positive measures through national laws to remedy gender gaps in social protection. The EESC therefore asks the Commission to assess, as soon as possible, the implementation of Directive 79/7/EC and to ***encourage Member States*** to ***carry out,*** the reforms deemed most appropriate for ***correcting these gaps*** at the Member State level and within the framework of the social dialogue, ***by adopting positive action as provided for*** in ***Art*** 157(4) TFEU.

Reason

Rather than call for revision of Directive 79/7/EC, the text should focus on requesting Member States to carry out the appropriate reforms. TFEU art 157(4) states 'With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.'

Outcome of the vote:

In favour:	82
Against:	90
Abstention:	20

Amendment 2

SOC/802

Imbalances in social protection

Point 1.5

Amend as follows:

Section opinion	Amendment
The EESC thinks that, without prejudice to the ***possibility of exploring a regulatory instrument***, the path outlined in the Council Recommendation for the Member States on access to sustainable social protection for employed workers and the self-employed will enable progress to be made on:	The EESC thinks that, without prejudice to ***eventual further EU measures to address*** the ***remaining challenges***, the path outlined in the Council Recommendation for the Member States on access to sustainable social protection for employed workers and the self-employed will enable progress to be made on:
a) adequate social protection schemes (closing gaps in formal access);	a) adequate social protection schemes (closing gaps in formal access);
b) rights that are cumulative or transferable between systems (effective coverage);	b) rights that are cumulative or transferable between systems (effective coverage);
c) sufficient benefits, with a proportional contribution (adequacy);	c) sufficient benefits, with a proportional contribution (adequacy);
d) adequate information on rights and obligations (transparency).	d) adequate information on rights and obligations (transparency).

Reason

It is not necessary to refer to a possibility to exploring a regulatory instrument given what was concluded in the Commission report on the implementation of the Council Recommendation on access to social protection for workers and the self-employed. It states i.a.:

— The Council Recommendation has played a role in building momentum for introducing changes to long-established national social protection systems

— The Recommendation is more relevant than ever in ensuring that social protection systems are fit to cushion a large part of the active population from economic shocks

— Implementation of the Council Recommendation needs to be anchored in broader socio-economic policies both at EU and national levels. Importantly, some Member States took the Recommendation and the related NIP process as an opportunity to reflect on, conduct or prepare general reforms to social protection systems

— Adapting systems to ensure better access to social protection for all is a long-term process, involving social partners and other relevant national organisations

— The report should trigger debates on how to address the remaining challenges and how the EU could support these efforts.

Outcome of the vote:

In favour: 81

Against: 105

Abstention: 12

Amendment 3

SOC/802

Imbalances in social protection

Point 1.9

Amend as follows:

Section opinion	Amendment
The EESC notes that the Court of Justice of the European Union (CJEU) and national courts limit the possibility of introducing positive measures through national laws to remedy gender gaps in social protection. ***It therefore suggests that the Commission and the Council carry out reforms of Directive 79/7/EC to adapt it to the present day.*** The EESC therefore asks the Commission to assess, as soon as possible, the implementation of Directive 79/7/EC and***, where appropriate, to propose*** to ***the Council and the European Parliament the*** reforms deemed most appropriate ***for promoting***, at the Member State level and within the framework of the social dialogue***, the effective correction of these gaps,*** in ***accordance with Article*** 157(4) TFEU.	The EESC notes that the Court of Justice of the European Union (CJEU) and national courts limit the possibility of introducing positive measures through national laws to remedy gender gaps in social protection. The EESC therefore asks the Commission to assess, as soon as possible, the implementation of Directive 79/7/EC and ***encourage Member States*** to ***carry out*** reforms deemed most appropriate ***to correct these gaps effectively***, at the Member State level and within the framework of the social dialogue ***by adopting positive action as provided for*** in ***Art*** 157(4) TFEU.

Reason

Rather than call for revision of Directive 79/7/EC the text should focus on requesting Member States to carry out the appropriate reforms. TFEU art 157(4) states 'With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.'

Outcome of the vote:

Same result as amendment 1 on point 5.9 (linked amendments)