

Chapter 1

Twenty years of the publication 'Social policy in the European Union': what have we learned?

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Introduction

This introduction to the 20th edition of *Social policy in the European Union: state of play* (often and hereafter referred to as the *Bilan social*, its shorter name in French) is a little unusual. It contains an analysis of the major developments in European social policy over the last 20 years and attempts to give a brief summary of these. When space is limited, as it is in this chapter, choices must of course be made as to which issues to cover and which chapters of the *Bilan social* to refer to.

I have developed an approach which highlights the main trends underlying the various stages of European social policy, emphasising the role of the players involved (Pochet 2005, see also Hemerijck 2014). This approach considers four factors: national political balances (left-right) and the related European situation, the main outlines (areas) of social policy in each period, the dominant mode of governance, and, finally, the diversity of social protection regimes. I updated this approach in a recent book (Pochet 2019), and the analysis in this introduction largely follows this structure. Interestingly, Wolfgang Streeck, starting out from a somewhat different analysis (placing greater emphasis on structural elements than on the players), divides the time period into very similar stages (Streeck 2018).

The *Bilan social* is an annual publication designed to present the social developments which have occurred over the past year. It is not intended to be a summary, but rather to take stock of various developments in the field of social affairs, with the inclusion of an annual chronology of the main events, written by Christophe Degryse from 2001 to 2009 and by Cécile Barbier from 2010 to 2017. Reading, or, in this case, re-reading all 19 editions provides an overview of past events, of what the editors considered to be important, and of the questions which were being asked when each edition was published. For example, we can see that since the 2008 crisis, economic governance became far more prominent, while with the Barroso Commission, which had no European social programme, articles on social affairs *stricto sensu* became less frequent. As well as providing valuable analyses, the *Bilan social* is also an indicator of European social policy development, in that the choice of priority issues made by its editors each year reflects what was considered important at the time.

This reading exercise is, of course, not entirely neutral for me, since I myself was one of the editors of the *Bilan social* and subsequently an attentive reader and backer. From

the very beginning, the *Bilan social* has been a joint publication of the European Social Observatory (OSE) and the European Trade Union Institute (ETUI).

Let us take, for example, the role of particular players, and in particular the tensions between social and economic ones. As in my own publications, an approach focusing on the key players or groups has always been important in the *Bilan social*. This rereading of the books, however, is not intended to merely repeat what has already been written (Pochet 2019). I hope that it will highlight not only shared analyses, but also differences of view. With regard to the role of the various players, more recently I have tried to place greater emphasis on the importance of political balances of power (at national and European levels) in order to understand the public policies followed at European level. Little is said in the *Bilan social* about this explanatory factor. Obviously, choices have been made, with which we can agree or not agree. For example, while the recent book by Amandine Crespy (2019) also looks at the role of the various players, she presents the main areas of European social policy somewhat differently, placing greater emphasis on the various impacts of the single market, and less on questions linked to occupational health and safety or equality between men and women.

This introductory chapter therefore has a dual purpose: to suggest a) a consistent overall reading of the last 20 years of EU social policy as well as a re-reading of 20 years of the *Bilan social*; and b) an attempt to create a dialogue between these two approaches. The rest of the chapter is divided into three parts, corresponding to three periods in time. These are very succinctly described below. In my analysis, three main stages in European social policy can be identified from the end of the 1990s.

The first of these, which I refer to as the ‘social period’, began with the Treaty of Amsterdam (1997) and the implementation of its employment chapter via the European Employment Strategy (EES). This ended in around 2005, with the revision of the Open Methods of Coordination (OMC). This was the date of the EU enlargement, and also a time when centre-right and right-wing governments dominated national politics. The aim in this period was to achieve convergence, rather than harmonisation, of legislation.

The second period was marked by an absence of European social policy, which gradually disappeared from the political agenda (for a quantitative analysis, see the annexed graph, Degryse and Pochet 2018). The 2008 crisis strengthened existing trends (see Pochet 2019) and, from 2010 onwards, a new form of economic governance was, with some difficulty, put in place. In a large majority of European countries, this resulted in a questioning of national social policies. It was a time of general austerity, in a political context dominated entirely by centre-right and right parties in the various European countries (see Table 1, annexed). This inevitably had an impact on support for European integration, which came in for increasing criticism (indirectly leading, also, to Brexit). National social programmes had to be unravelled and adjusted to the constraints of Economic and Monetary Union (EMU).

In this context, the new European Commission President, Jean-Claude Juncker (2014–2019), tried to relaunch European integration, particularly its social dimension. This third phase resulted, at the end of 2017, in the adoption of the European Pillar

of Social Rights (Pillar). We are still in this phase, and the work programme of the new Commission and the new European Parliament will show the extent to which this momentum will continue, gather speed or gradually fade away.

1. From the Treaty of Amsterdam to the Open Methods of Coordination: the 'social period' (1997–2005)

What we could call the 'social period' (1997–2005) was the outcome of criticism levelled against the Maastricht Treaty. This entered into force in late 1993 and was seen by many (parties of the left, trade unions, NGOs, academics) as imbalanced, with too little weight given to employment and social policy, compared with the greater importance attached to aspects of monetary union. At the same time, social democratic and socialist parties were returning to power in the United Kingdom, France and then in Germany (1998). These political developments were part of a broader phenomenon in Europe. Between 1997 and 2003, social democratic or socialist governments, alone or in coalition with other parties, were largely dominant in Europe (Manow *et al.* 2004; see Table 1, annexed, for aggregated election results from 1995 to 2014). This resulted in an entirely new approach to social issues: convergence towards best practices, no longer a push for legislative harmonisation.

The victory, in 1997, of Tony Blair's New Labour party in the United Kingdom and of Lionel Jospin's Socialist Party in France made it possible to add an 'Employment' chapter to the Treaty of Amsterdam (inspired by the provisions of the EMU). The Maastricht Agreement on social policy was also included in the new treaty following the UK elections, as were a series of changes concerning qualified majority voting. There was a specific article on non-discrimination by sex, race, ethnic origin, religion or belief, disability, age or sexual orientation. One important factor helping us understand developments in the period 1997–2005 is that 1995 saw three countries (Austria, Finland and Sweden) joining the EU whose gross domestic product (GDP) was higher than the European average. They had highly-developed social models, as well as sophisticated collective bargaining systems with strong trade unions.

In the 1990s, and in a context of preparation for monetary union, a series of political, social and trade union players became aware of the risk that the function of social policies might change in the Eurozone, becoming an adjustment variable for economic shocks. They therefore attempted to develop a true social dimension for economic and monetary integration (Goetschy 2005; Pochet 2006). This explains why the first years of monetary integration (1995–2005) gave rise to unexpected social policy developments, particularly given the weight and cohesion of the economic group backing social deregulation (Serrano Pascual 2009). At European level, therefore, this social period began with the Treaty of Amsterdam (1997) and with the European Employment Strategy which it launched.

The first *Bilan social*, published 20 years ago, clearly shows the priority given to employment (Degryse and Pochet 2000) but also the new place for social protection on the European agenda: the role of 'soft law', as shown in the title of the chapter by

Caroline de la Porte (2000). But the *Bilan social* did not focus solely on these new developments, and there was a chapter by Christophe Degryse (2000) describing European social dialogue as a ‘mixed picture’. This regular and detailed stocktaking of interprofessional or sectoral European social dialogue is, indeed, one of the specificities of the various editions of the *Bilan social* (see below).

The Lisbon European Council (2000) was the key event of this period. It marked the launching of the Lisbon Strategy and the development of the Open Methods of Coordination¹ in a series of social policy areas (employment, poverty, pensions, healthcare, education, migration, etc.) (de la Porte and Pochet 2002; Dehousse 2004; Pochet 2005; Vanhercke 2016 and this volume). The questions addressed in the second volume of the *Bilan social* (2000) concern, in particular, the impact of the Lisbon European Council and of the OMC, this new method of governance. These reflections on the purpose and effects of the OMCs continue and develop in every *Bilan social* edition of the first half of the 2000s.

The scope of social policy, therefore, and the areas covered grew extraordinarily quickly: pensions, healthcare, poverty and exclusion, education etc. Before the arrival of the OMCs, there was general political and academic consensus that the functions at the heart of the welfare state – pension and healthcare systems, as well as education – were basic elements of the national social contract and could not be discussed in any depth at European level (apart from small-scale exchange programmes with merely symbolic budgets, such as the European ‘Poverty’ programmes). The issue of poverty and social inclusion was particularly closely followed by Ramón Peña-Casas in the *Bilan social*, in no less than four articles (2004, 2010, 2012, 2014²).

As Rita Baeten argues in the first chapter on healthcare, in the 2003 edition of the *Bilan social*, ‘[...] the Member States, traditionally very reserved about accepting European intervention in their national health care policies, are compelled to react to situations created by the application of the principles of the single market to the national health care services, and to react to developments in other fields, such as economic policies’ (Baeten 2003: 149). These not-always-positive developments, she adds, compelled the social affairs ministers to take action at European level. This is a good summary of the motivations of the social policy players: to counterbalance economic developments, rather than to form a shared social policy approach.

In this context, the next attempt to (re)define the European social dimension was the use of the Open Method of Coordination as a governance instrument. The aim was no longer, therefore, to create a (relatively consistent) set of European rules, applicable to all, but rather to promote interaction between the various levels. The OMC is based on the idea of diversity as a positive factor and as an opportunity to improve national standards and practices by promoting convergence towards the best results. It is an approach based on

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1. The Open Method of Coordination is a flexible way to try and reach quantified European targets, jointly established by the national ministers in their respective Council formations, via national plans, the results of which are evaluated using shared indicators. This is done with a view to achieving convergence in the social performance of Member States, by improving national policies through a process of on-going mutual learning.
 2. Chapter on ‘Towards a European minimum income?’, co-authored with Denis Bouget.

learning and the exchange of information and ideas to improve national public policies. There have been many academic publications on OMCs, looking at their potential and their limitations (for a summary, see de la Porte and Pochet 2012; Vanhercke 2016, and this volume). Almost 20 years since the method was first used, it is still difficult to draw any definitive conclusions as to its effectiveness.

Although almost all academic and political attention during this period was focused on the potential and limitations of the OMCs, other developments also occurred, which academics have tended to neglect (Pochet and Degryse 2017). For example, the EU Charter of Fundamental Rights was proclaimed in 2000 at the time of the adoption of the Treaty of Nice and was then integrated into the Lisbon Treaty (2009). Two non-discrimination directives were adopted unanimously in 2000, following the political events in Austria (the FPÖ, Jörg Haider's far-right party, joined the government). Some progress was also made in European sectoral social dialogue (the documents became more binding on the signatories), and interprofessional dialogue now resulted in so-called 'autonomous' agreements, i.e. agreements implemented by the national social partners. These related to teleworking and to stress and violence at the workplace (Dufresne *et al.* 2006). The *Bilan social* gave regular assessments of these developments, emphasising the progress made but also highlighting any gaps or risks relating to their implementation.

In 2008, Regulation 1408/71 on the coordination of social security schemes and free movement was revised and extended to non-community migrants, following several years of negotiations (see Cornelissen and De Wispelaere, this volume). In addition, the social policy topics dealt with in the 1960s and 1970s (health and safety, equality between men and women) were still on the European agenda (Ferrera 2005) but were no longer central concerns. Health and safety at work was sidelined in the social agenda, and the new 'gender mainstreaming' approach launched in 1997 was difficult to implement. The issue of gender equality was not addressed in the various earlier editions of the *Bilan social* (except in the section on Court of Justice judgments) and was only tackled, finally, by Dalila Ghailani in the 2013 *Bilan social* (Ghailani 2014; see also Guerrina, this volume).

Finally, as part of the debate on the role of wages in a monetary union, various forms of wage coordination emerged at European level. The Cologne process (involving the European Central Bank, the Commission, the Member States and the social partners), described by Anne Dufresne (2002) as 'Oskar Lafontaine's dream', was the first (and in fact the last) attempt of this kind at European level. In terms of interprofessional coordination, the European Trade Union Confederation (ETUC) set up a working group on wage coordination in 1999. At sectoral level, at the end of the 1990s, the European Metalworkers' Federation and the European Trade Union Federation for Textiles, Clothing and Leather adopted guidelines for national negotiators (EMF 1998). At cross-national level, the 'Doorn group', made up of trade unionists from Germany and the Benelux countries (and later joined by French unionists), held annual meetings to evaluate the outcomes of their national and sectoral collective bargaining rounds, with reference to an agreed formula: inflation + national productivity (Pochet 1999; Glassner

and Pochet 2011). Some authors regard this as the emergence of a multi-level industrial relations system (Marginson and Sisson 2004).

2. From the enlargement to the crisis: from no European social dimension to a questioning of European social policies (2005–2015)

The year 2005 was the beginning of a new stage in European social policy: a time of standstill and of calling into question the progress made over the previous period (1995–2005). I have taken 2005 as the starting date for this period, since it was at around this time that a series of upheavals occurred: enlargement, a large majority of right-leaning governments, right-wing Commission, etc. (Pochet 2019). The financial crisis a few years later would speed up these changes and act as a window of opportunity for their implementation.

2.1. Three factors explaining the questioning of the EU's social dimension

The period 2005–2015 was characterised by three main factors: a) EU enlargement to the countries of Central and Eastern Europe; b) the political shift towards centre-right or right-leaning governments; and c) the challenging by the Court of Justice of the European Union of one of these major principles.

2.1.1. EU enlargement to Central and Eastern European countries

A first factor was the three-stage enlargement (2004³, 2007⁴ and 2013⁵) to thirteen new Member States, with no additional budget to ensure economic, social and territorial convergence. In parallel, the European Commission and the Employment and Social Affairs (EPSCO) Council announced the need for a 'pause' to give the new countries time to 'digest' the Community *acquis*. Already in 2001, Caroline de la Porte asked whether enough attention was being accorded to the social dimension in the enlargement process (de la Porte 2001). Five years later, the answer to the question was clearly 'no' – the social dimension was absent.

The governments of almost all the new Member States made it clear that they were not in favour of binding European social rules and standards. At national level, these countries (emerging from a communist system) lacked structured social partners, particularly on the employers' side. Their institutions, including tripartite institutions, were weak, or even mere facades (Ost 2000). Ten years after enlargement (2014), this was still the case (special edition of *Transfer* 2015/3). Moreover, their participation in soft law processes and in the various Open Methods of Coordination was relatively passive. After the 1990s, a decade of rapid transition to capitalism, the years 2000–2008 seemed to

3. Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, Slovakia and Slovenia.

4. Bulgaria and Romania.

5. Croatia.

be a time of economic catching up, helped by large-scale foreign investment, essentially from Germany.

Spain and Portugal had viewed adoption of the European social model as a way to modernise, following years of dictatorship and authoritarian regimes; the countries emerging from forty years of communism, however, did not share this view or this wish for social modernisation, although the situation varied from country to country (Bohle and Greskovits 2012). There were no general political discussions, unlike at the time of the enlargement to Spain and Portugal (1985). The opening of markets, privatisation and a dominant market economy were assumed and were not offset by any large financial transfers from the EU budget. On the contrary, a ceiling was applied to these transfers, as a percentage of gross domestic product (GDP). Many western governments agreed to the enlargement reluctantly, had no overall vision, and did not view social issues as a priority. With no overall agreement, each country tried to maximise its own gains. Emigration became a new economic adjustment tool for some countries (the Baltic States, Poland, Romania and Bulgaria), thus heightening fears of social dumping (see the debate on the famous 'Polish plumber' in France) or of people shopping around for more generous welfare payments in the west (so-called 'social tourism') (Kvist 2004).⁶ These countries vaunted the flexibility of their labour market and the simplicity of their tax systems (most had introduced a flat tax system for all types of levies and taxes).

As emphasised by Guglielmo Meardi (2012), the new countries constituted a challenge to the European social model. In his view, they were not just lacking individual aspects of the European social model; they were lacking any structure of this type. The trade unions left over from the communist era, or created during the transition, found it difficult to carve out a new role. Negotiations between social partners at sectoral or interprofessional levels, when these took place, were completely different from collective bargaining in western Europe; social protection offered no protection to workers and labour law was not properly applied. The same author later emphasized that '[w]orkers are left in a situation of maximum vulnerability and lack of voice. Growing inequality and democratic deficit are the results, hitherto obscured by the apparent economic success' (Meardi 2012: 10). Maybe one slight weakness of the *Bilan social* is that it said relatively little about the issues relating to enlargement (but see de la Porte 2001 and Ghailani 2006).

2.1.2. A political shift to the right

The second factor was the shift of almost all EU governments towards the centre-right or right. The year 2005 was a political turning point: Angela Merkel won the Federal elections in Germany, Silvio Berlusconi was in power in Italy and Jacques Chirac in France, soon to be replaced by Nicolas Sarkozy. More generally speaking, between 2005 and 2010 the balance of power clearly tipped towards right and centre-right parties, with Member States largely dominated by conservative, liberal, or nationalist governments

6. During the run-up to the Brexit referendum, this issue was frequently raised by David Cameron's Conservative government in the UK, with regard to Bulgarian, Polish and Romanian nationals.

(see Table 1, annexed). The remaining social democratic parties were mostly very moderate, pursuing policies which could not really be described as social in nature.

In the 2004 European elections, the right-leaning parties grouped together in the European People's Party (EPP) gained a sweeping victory over the social democratic and socialist parties (S&D). The latter, which had gained 34.9% of the votes in 1994, saw their support fall to 27.3% in 2004, then to 25% in 2009. In the course of 15 years, the European socialists lost more than 10 percentage points. The liberal political parties, on the other hand, made great gains. The European Commission was led, from 2005, by a strong majority of centre-right commissioners, headed by Portugal's José Manuel Barroso.

2.1.3. Major change of direction, due to the Court of Justice

The third factor was the challenging, by the Court of Justice of the EU (CJEU), of the principle of equal treatment of workers on the same territory (*Laval* and *Viking* judgments in 2007, *Rüffert* and *Luxembourg* in 2008). The Court of Justice called into question one of the fundamental principles underlying European social policy: that of equal treatment of national and European workers in each country (on the political role of the CJEU, see Garben, this volume). This was also the objective of the proposed services directive, the so-called 'Bolkestein' directive (European Commission 2006) on free movement of services (see Van den Abeele 2007; Crespy 2019). The *Bilan social* analysed the issues raised by the free movement of services, considering its impact on healthcare (see Baeten 2007).

This principle of equal treatment had been established at a time when migrants tended to settle definitively in their host countries. From the 1980s onwards, a different type of temporary migration had become increasingly frequent: the posting of workers to another Member State to carry out a specific task under a service or sub-contracting contract. In 1996, following a Court of Justice judgment on Portuguese workers working on the construction of the West of France high-speed railway line before the opening of the borders to Spanish and Portuguese workers (the 1990 *Rush Portuguesa* judgment), the European Union had adopted a directive setting mandatory rules applicable to posted workers. These mandatory rules applied to all, or most, workers (for an analysis of this complex question, see Picard and Pochet 2018). Some countries, such as Denmark, Sweden, Finland, Italy, Austria and Germany (although the German situation changed in 2015), had no minimum wage, either statutory or based on collective agreements extended *erga omnes*. Companies employing posted workers in these countries, therefore, were not obliged to respect any minimum wage.

Subtle legal analyses can be made of these judgments, but the essential point, it seems, is that the Court of Justice of the EU, in its various judgments – *Laval* (2007), *Viking* (2007), *Rüffert* (2008), *Luxembourg* (2008) – accepted the existence of competing social standards (pay, working time, working conditions, etc.) in the same territory (see Ghailani 2008, 2009; Garben, this volume). In other words, it allowed social dumping, not between countries with differing standards and levels of protection, but within a country, between workers of different nationalities and statuses. The most blatant

abuses were addressed by the Council agreement of December 2013, allowing Member States to supervise more closely the working conditions of posted workers. Many governments (in Belgium and France, for example) decided that this was not enough, and the discussions continued (see below). As illustrated by these judgments, social (or non-social) policy has often been made by the judges in Luxembourg, which is why the case law of the CJEU has been systematically tracked by Dalila Ghailani since the 2001 edition of the *Bilan social* (see also Garben, this volume).

From an institutional viewpoint, the Lisbon Treaty (2009) did not reset the balance and contained very little in terms of setting the course of EU social policy. The social rhetoric was stepped up, to some extent, by reference to the existence of a social market economy and by a cross-cutting social clause (never really applied), while the social dialogue from then on had to be officially supported by all the institutions, no longer just by the Commission. These provisions, however, did not have strong enough backing to give them real force. The EU Charter of Fundamental Rights, already proclaimed in Nice in 2000 (see below) was again proclaimed on adoption of the Lisbon Treaty (2009), but with strong misgivings from the British and Polish governments which wished, at all costs, to avoid the Charter having any impact on national situations.

2.2. The economic and financial crisis: moving towards a paradigm shift

All these elements were the soil in which the crisis would grow, and would then engender radical national reforms. As we saw in the 2008 issue of the *Bilan social*, the 2007 crisis suggested the need for a change of paradigm. In our introduction (Degryse and Pochet 2008), we identified two major crises. On the one hand, there was a fundamental questioning of our modes of production, transport and consumption, triggered by the new work done by the Intergovernmental Panel on Climate Change (IPCC). Secondly, there was the failure of the economic-financial system and mode of governance, and the increase in inequalities, with GDP growth no longer resulting in an increase in collective well-being (see also van Ypersele 2008 and Begg 2008). These considerations were a factor leading to the suggestion by the OSE and ETUI that future editions of the *Bilan social* should emphasise a link between social and environmental issues (see, for example, the 2013 *Bilan social* on GDP: Feigl *et al.* 2013). In 2018, there was an article on degrowth and eco-social policies in Europe (Koch 2018). The book was a pioneer in this area, since these concerns only really came to the fore in the 2019 EP elections.

The 2008 financial and economic crisis, moreover, relaunched national social policy debates, albeit for a short period. The countries with structured collective bargaining institutions linked to employment/unemployment systems (such as Belgium and Germany) were able, thanks to mechanisms for paid reductions in working hours, to reduce the impact of the crisis and limit increases in unemployment. Nevertheless, reading through the 2008–2015 editions of the *Bilan social*, one can see social policy becoming less and less prominent. David Natali investigated the possible disappearance of the social model (2012), while his co-editor Bart Vanhercke (2011) wondered whether 'the social dimension of the Europe 2020 strategy' was an 'oxymoron'. In subsequent years, the Europe 2020 strategy disappeared from the list of topics addressed. The

main area of concern at European level and in the *Bilan social* editions was, from then on, economic governance, its limitations and weaknesses but, above all, its social implications. The Europe 2020 strategy only reappeared five years later, in 2015, in a chapter entitled ‘Economic governance in Europe 2020: socialising the European Semester against the odds?’ (Zeitlin and Vanhercke 2015; we shall return to this in more detail in the next section).

With regard to the political situation, the balance between left and right deteriorated. In 2011, left-leaning parties became a tiny minority, only present in six national governments. In early spring 2012, just three of the 27 Member States were governed by the left (Austria, Cyprus and Denmark), and one, Belgium, by a left-right coalition headed by a socialist prime minister (see Table 1, annexed). The S&D suffered a historic defeat in the 2009 elections to the European Parliament, and the second Barroso Commission was disproportionately right-leaning, with only six social democratic Commissioners out of 27.

In 2010, the banking crisis became a sovereign debt crisis. Economic and monetary governance, as implemented up to that point in the eurozone, was criticised. The urgent need to avoid the collapse of the eurozone took the place of a policy, as the German government refused to countenance significant changes until radical social and budgetary measures were taken by the governments of the countries in difficulties. In this context, one important player emerged with a key role in rescuing the euro: the European Central Bank (ECB). The Troika, made up of the Commission, the ECB and the International Monetary Fund (IMF), imposed its conditions on countries at risk of bankruptcy (Greece, Portugal, Spain, Ireland, Cyprus, see Degryse 2012). Less reported in the media were the cases of Latvia and Hungary and the conditional support given to help them re-establish their balance of payments. A new type of governance was thus put in place, viewed by some as non-democratic, even anti-democratic (Scharpf 2014; Streeck 2014). The *Bilan social* also changed. Originally, its intention was to provide a detailed report on European social policies; it became clear, however, that these were vanishing, and therefore the *Bilan social* concentrated, between 2010 and 2015, on major macro-economic issues. Already in the 2012 edition, Christophe Degryse and Philippe Pochet (2012) wrote of the worrying trends in European governance. The attention paid to EMU governance issues and their social implications has since become one of the trademarks of the *Bilan social*, with a chapter on these issues almost every year.

2.3. The new economic governance and the missing social dimension

In the chaotic implementation of the new economic governance (Degryse 2012) addressing the limitations of monetary union as set out in the Maastricht Treaty (1992), the main problem was the absence of a social dimension (no direct transfers, no basic framework for unemployment insurance, etc.), as well as the lack of debt-pooling. For those countries receiving financial assistance from the EU, this governance led to a series of reductions in social standards and a questioning of the role of the unions and of existing collective bargaining structures (Degryse and Pochet 2012; Degryse *et al.*

2013). In the eyes of the ECB, social policy, and, in particular, national wages, should act as an adjustment variable for a monetary union without its own budget, and, above all, lacking in solidarity (in the form of European unemployment insurance or Eurobonds, for example). This was highlighted by Müller and Schulten (2013) in the 2012 *Bilan social* with reference to wages; Fichtner (2014) explored the idea of a European unemployment insurance scheme the following year. The European Union was divided in two: on the one hand there were countries coping relatively well with the crisis and where few changes were taking place (Germany, Austria, Benelux, the Scandinavian countries, Poland), and, on the other, those with rocketing unemployment which were adopting radical reforms (or being strongly recommended to do so by the Commission, the ECB or the Council). As well as Greece, this latter group included Portugal, Spain, Ireland, Italy, the Baltic States, Romania and Bulgaria.

Another outcome of the change in the political scene from 2005 onwards was the rebalancing, followed by the gradual abandonment, of the OMCs. The 'social' dynamic of the OMCs was called into question, particularly with the publication of the Kok report entitled 'Jobs, Jobs, Jobs' (2004), produced at the request of the Commission. This report refocused the entire discussion on growth, competitiveness and flexibilization. The various Open Methods of Coordination were firstly streamlined into two main categories: the economic and employment OMCs on the one hand, and the Social Protection OMC on the other (pensions, healthcare, poverty). Finally, they were merged into ten guidelines and seven flagship initiatives in the new Europe 2020 strategy. This strategy, however, never really came into its own; it remained a marginal exercise in the European Semester system highlighting the need to make wages more flexible and to increase the retirement age (linking it to life expectancy).

Compared to the previous period, another upheaval was that the European social dialogue had broken down; no further agreements were signed between the European social partners in the period 2010–2016 (see Tricart, this volume).

As of 2005, Europe no longer had a central social policy paradigm. Indeed, it began to question some of the fundamental principles underlying the various social policy versions, particularly in relation to the equal treatment of workers in the same territory. Moreover, in the early years of European integration there had been a sort of implicit division of tasks: market efficiency at European level, and redistribution at national level. This division of tasks was summarised by David Natali (2012): 'Adam Smith at European level and Keynes at national level'. Now, however, the situation was looking more like Adam Smith, or even Hayek, at all levels (Höpner and Schäfer 2012; on this point see also Streeck 2018).

As indicated by Brigitte Favarel and Odile Quintin,⁷ '[...] the range of possibilities has grown and...there is no political will or clear vision of the form which Community social policy should take' (2007: 166).⁸ European social policy was in a crisis, partly because of

7. Former Director General in DG Employment from 2000 to 2005.

8. Source text : '[...] l'éventail des moyens s'est élargi et...il manque à la fois la volonté politique et une vision claire de ce que doit être la politique sociale communautaire'.

the lack of a new overarching concept to replace the OMC model of flexible convergence, the outcomes of which had not lived up to the expectations of those who supported this new approach (de la Porte and Pochet 2012).

There was just one positive point: the Youth Guarantee created in 2013. The purpose of this scheme, with a budget of six billion euros, was to provide guaranteed offers of placements, training or work after six months of unemployment. This was an acknowledgement that the crisis, in the vast majority of countries, had disproportionately affected young people. Many countries, particularly southern nations (Greece, Spain, Italy), had a worrying number of young people with no job and not in education or training.

In parallel, from 2013 onwards, the left-right balance started to improve. The left won elections in France, Italy and Denmark, and a left-right coalition government was formed in Germany in 2014. But this did not mean, as could be seen in France, a radical change in the social policy agenda. In this context, a number of new important strands emerged after the 2014 European elections and the setting up of a new Commission chaired by the Luxembourgier Jean-Claude Juncker.

3. A new start for the EU's social dimension? (2015–present)

From 2015, the political situation was heavily overshadowed by the discussions on Brexit and by the June 2016 referendum in which British voters, by a small majority, voted to leave the EU. For the first time in its history, the EU might be going to shrink, rather than expand. The Brexit vote was also a vote rejecting non-social Europe and the free movement rules, which were viewed as too lax. From this angle, the shrinkage of the EU was indeed linked to its enlargement (Clegg 2017).

The populist vote against both the EU and migrants grew and grew. Some populist parties joined governments, as in Austria or Italy. In Central Europe, Lech Kaczyński's PiS party in Poland was anti-European and anti-migrant with no respect for liberal democracy, but it nonetheless emphasized social aspects, at least for nationals. This was a new phenomenon: many populist, far-right movements became pro-social, at least in their rhetoric. The migration crisis again highlighted a strong division within the EU (Kraštev 2018). While the media focused mainly on the refusal by the Central and Eastern European countries to take their share of refugees, these countries were far from alone (see, for example, France or Denmark).

In national politics, an unprecedented collapse of social democracy was now taking place, particularly in Germany, Austria, France, Italy, the Netherlands and in Czechia. At the time of writing, only the Portuguese socialists and the British Labour party are doing somewhat better.

At European level, the European Commission under Jean-Claude Juncker was still imbalanced, with only eight social democratic Commissioners out of 28. As for the European Parliament, the EPP won the 2014 elections and remained the largest political group, although losing many seats. The S&D reached an all-time low. By contrast, the

anti-European parties grew in popularity. In a political context which had not changed fundamentally (a majority of right-leaning governments), doubts arose and fears multiplied as to the future of European integration. This led the Commission President, Jean-Claude Juncker, to launch (and to spread) the idea of a 'Triple A' social Europe, to show that the Barroso era and blind austerity were well and truly over.

The paradoxical outcome of this particularly difficult situation was the relaunching of discussions on the future of Europe, and in particular on its social situation. In 2018, the Commission published various scenarios and five documents on various aspects (social, monetary, military, cohesion, financing). This was not at all a structured plan to develop a strong social dimension; rather, it was a plan assessing the risk that the European project might collapse without a social dimension and evaluating the damage done to its public image by the years of austerity and the national social backtracking (which could also be measured in terms of votes for the populist parties). Initially, this planned Pillar was not supported by the whole Commission, nor by many governments, apart from as a symbolic act at European level (i.e. with no consequences nationally).

From 2017 onwards, the very pro-European words of the new French President Emmanuel Macron broke with a long tradition of blaming the EU for all problems. He presented a positive vision of greater integration, although he was unable to create a general pro-European atmosphere. Nevertheless, a higher turn-out at the European elections, as well as greater public support for European integration, could be indications of a possible change. One thing is certain: the previous stage, described by Richard Hyman in the *Bilan social* as the period of 'austeritarianism' (Hyman 2015), was now over, and discussions began on the nature of this 'beyond-austerity' period (Crespy and Schmidt 2017).

Unlike previous attempts to launch a European social debate, this discussion so far is confused, not clearly structured and, above all, lacking a central overarching concept. The notion of 'social investment' is being pushed in the public debate. This idea was partially adopted by the Commission in 2013, with its Social Investment package. It has been promoted and supported by a series of intellectuals close to centre-left think tanks, such as Anton Hemerijck, Bruno Palier, Frank Vandenbroucke and Gosta Esping-Andersen (for a general overview, see Hemerijck 2017). Nevertheless, reading through all 20 years of the *Bilan social*, there have been only three chapters dealing partially with social investment (Hemerijck 2014; Vandenbroucke *et al.* 2011; Sabato and Corti 2018). One of the key ideas is that social policy is an investment, particularly if its measures seek to prevent problems occurring rather than remedying them. The most typical example is that of early childhood: large-scale investments in this area could increase human capital, as well as reducing inequalities and interpersonal violence.

We are seeing, therefore, political initiatives taking very different approaches. As there is no guiding overarching principle, these are a series of rather inconsistent developments, summarised in the following paragraphs.

The first milestone in this relaunching of the social policy debate was the adoption, in November 2017, of a European Pillar of Social Rights bringing together a series of rights

and principles, grouped into three chapters (Sabato and Corti 2018; Ferrera 2018). In the words of the Commission, ‘the Pillar of Social Rights is about delivering new and more effective rights for citizens’. It is built upon 20 key principles clustered around three main themes: equal opportunities and access to the labour market; fair working conditions; social protection and inclusion. It contains all sorts of ideas, and refers to fifteen or so documents which are not well prioritised and are rather unclear.

There have been some proposals for directives, such as that on work-life balance or on transparent and predictable working conditions, a proposal for a regulation establishing a European Labour Authority, and a proposal for a recommendation on access to social protection; these constitute the outline of a work programme (Clauwaert 2018). The directive on transparent and predictable working conditions and the recommendation on access to social protection could be understood as measures aiming to guarantee certain minimum rights for workers – particularly, but not exclusively – in the digital economy. At any rate, these are initial attempts to consider the situation of work and working contracts in a digital economy which makes frequent use of bogus self-employment.

The Juncker Commission, moreover, decided to present an amended proposal for a directive on posted workers. This proposal generated strong tensions between some Member States who wished to see only minor changes and others more in favour of improvements. Finally, to general surprise, an amended directive responding to most of the criticisms made was adopted in June 2018 (Picard and Pochet 2018).

One second, maybe less positive, aspect of the situation was the position of European social dialogue (see also Tricart, this volume). The Commission and the Council have stated that they wish to relaunch this dialogue. In March 2015, a high-level conference entitled ‘A new start for Social Dialogue’ took place in Brussels, leading, a few months later, to the adoption of a quadripartite relaunch document (from the social partners, Commission and Council). The European social partners were able to sign an autonomous agreement on active ageing and an inter-generational approach, but this has received little public attention.

However, BusinessEurope’s refusal to negotiate in good faith the main Commission proposals (see above) with reference to the European Pillar of Social Rights⁹ brought the negotiations between the social partners to an end. The ETUC then decided to put pressure on the Commission to proceed with as much legislation as possible by the end of the legislature (May 2019). This enabled it to influence several proposals, while the employers’ radical attitude left them completely sidelined in the discussions on implementing the European Pillar of Social Rights.

Sectoral social dialogue, however, has produced ever fewer texts, with even those which it did produce not binding. Moreover, the framework agreement on the protection of occupational health and safety in the hairdressing sector (2012 and 2016) and the

9. BusinessEurope even claimed that the proposal for a parental leave directive could jeopardise national public finances to such an extent as to prevent them from respecting the Stability and Growth Pact.

agreement on information and consultation rights for central government administrations (2015) were not put to the Council for an *erga omnes* extension (i.e. to be converted into directives applicable to all, both employers and employees in the sector). In May 2018, the European Federation of Public Service Unions (EPSU) filed a formal complaint with the EU General Court against the Commission for its refusal to bring forward the sectoral social partners' agreement for implementation as legislation (see Tricart 2019).¹⁰

The issue of free movement, in terms of labour mobility, became highly topical (even before the waves of refugees arriving in summer 2015). In this context, the Commission proposed several directives on seasonal workers, on skilled workers (green card), and on people working in multinational groups. Clearly, labour mobility was regarded as one of the possible solutions to the employment crisis. Highlighting the differences of approach and vision between Member States, the issue that really split Europe, though, was the failure to achieve a European policy for accepting refugees and migrants. Various chapters in the *Bilan social* have addressed the issue of migration (Hassel and Wagner 2017; Ghailani 2017).

Finally, the issue of health and safety seems to have come back in from the cold, as highlighted by Laurent Vogel (2018), as has the issue of equality between men and women, or, rather, persistent disparities in pay and pensions.

One thing is clear: legislative proposals with social content are again being put forward, with most adopted during the first half of 2019. For this reason, the Juncker Commission is claiming that it has been one of the most, if not the most, socially-minded Commissions since the early 1990s.

The other area for action concerns the social issues linked to economic integration, with attempts being made to influence the rules on EMU. This is to be accomplished via a social scoreboard (covering 12 areas and aimed at giving the EMU more of a social aspect). Nevertheless, the social scoreboard proposed is, ultimately, nothing but a fifth set of indicators, following on from the Europe 2020 indicators, the indicators linked to the Macro-economic Imbalance Procedure (MIP), the employment indicators and the social protection indicators (exclusion, pensions, health). It is difficult, in these circumstances, to gain a clear idea of the impact of this new proposal (ETUI 2017). More generally, there has certainly been a 'socialisation' of the European Semester (to use the concept coined by Jonathan Zeitlin and Bart Vanhercke (2015), i.e. the Semester is being given greater social content). As indicated in the introduction, the OSE has always paid close attention to the players involved. Already in 2012, Bart Vanhercke (2013) described, in the *Bilan social*, a certain amount of 'under the radar' social policy activity, i.e. initiatives brought into the institutions, and in particular into the Commission, by European officials. This was the first article highlighting the gradual return of social issues in a period still largely dominated by austerity.

In addition, an intentionally ambitious European investment plan was adopted in 2015 and subsequently extended. Aside from the positive message which the Commission

10. GC, *EPSU and Willem Goudriaan v. Commission*, case T-310/18.

wished to send, it remains unclear *in fine* whether this was ‘real’ new investment; see, for example, point 81 of the special report from the European Court of Auditors (2019). Moreover, the countries which needed it the least are those which have benefited the most (Myant 2015).

Conclusion

This re-read of 20 years of European social policy has highlighted various stages. The current stage (since 2015) is still difficult to interpret: while a series of social policy initiatives have been adopted, there is no overall plan. Maybe the European Pillar of Social Rights could become the intellectual and strategic framework for a new phase of progress in EU social policy (Vanhercke *et al.* 2018). However, it seems a fairly poor candidate for this role, given its complexity and the mix of binding, non-binding, indicative and financial initiatives, as well as the jargon partially linked to the technical nature of the issues addressed and partially to the way in which it was presented by the European ‘bubble’.

The other potential overarching concept could be that of social investment; however, even after ten years of trying it has been difficult to spread this concept beyond the circle of a few convinced supporters.

One idea suggested by the author of this introduction is to adjust and rethink the social dimension, adapting it to the climate and digital transformations. This could become the new dominant paradigm, and the idea of ensuring a fair transition, particularly by reducing inequalities, could perhaps become the overarching idea for future policy. However, all this remains relatively vague, and it is not easy to clearly identify a coalition of players able to bring about such change (Pochet 2019).

We have also shown that European social policy is linked to national political situations and the left-right balance, even if the difference between these two extremes sometimes seems less clear. This basic element of political science has often been forgotten or sidelined in studies of European social policies. The fact that, in 2019, national governments are almost equally split between conservatives, liberals and socialists has clear implications for the allocation of posts (in the Commission, the Parliament, the European Council and the ECB). But it will also have an impact on the nature of any European social policies which may or may not be developed during this new legislature. The most significant conclusion, however, is that the purpose of the *Bilan social* has always been to accurately chart events which took place during the previous year, and thus to create a cumulative record and understanding of the various social and economic dynamics at play. It has succeeded in this. This re-reading of 20 years of the *Bilan social* shows the wealth of the material accumulated and the importance of reading it, or re-reading it, to obtain a historical and dynamic understanding of European social developments.¹¹

11. All the articles in the collection are available on the website of the European Trade Union Institute.

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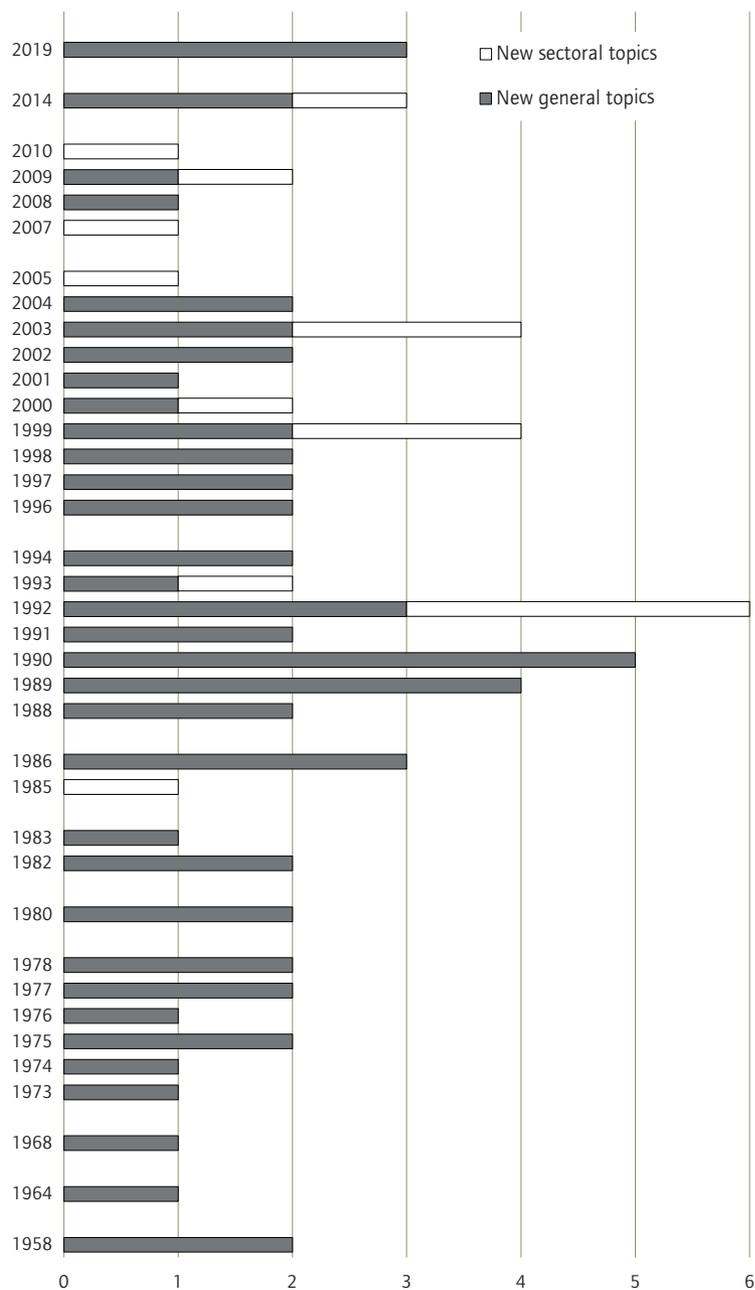
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Annex

Figure 1 Comparison between new general directives and new sectoral directives



Source: Degryse 2020.

Table 1 Number of centre-left governments (in March of each year) between 1994 and 2014, and number of EU Member States

Year	Centre-left governments	Total EU Member States
1995	7	15
1996	7	15
1997	6*	15
1998	8	15
1999	11	15
2000	9	15
2001	9	15
2002	7	15
2003	4	15
2004	9	15
2005	9	25
2006	9	25
2007	10	25
2008	10	27
2009	9	27
2010	9	27
2011	6**	27
2012	4***	27
2013	8	27
2014	11	28

Notes: * The UK and France gained left-leaning governments in April and May; ** Austria, Cyprus, Spain, Greece, Portugal, Slovenia; ***Austria, Belgium, Denmark, Cyprus
 Source: Pochet 2019.