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Motion

Y-FED 2024

Proposer: The European Government (decided on: 2024-07-01)

Title: **Governement's proposal for Directive 2024/XX ensuring fair and decent social standards across the Federation**

2024-06-25, 21:09

The European Government’s proposal for

DIRECTIVE 2024/XX/EF OF THE HOUSE OF EUROPEAN CITIZEN AND OF THE SENATE

of xxx July 2024

ensuring fair and decent social standards in the Federation

THE HOUSE OF EUROPEAN CITIZENS AND THE EUROPEAN SENATE,

Remembering the continuum of the European integration project, created on the premise of peace and cooperation in all of Europe, while promoting an ever closer Union between its States and people,

Guided by the European social pillar, set up by the former European Union with the intention to build a social project for the common good,

Further developing Title 9, particularly article 53, of the European Youth Convention, which serves as a founding title to the European Federation and calls for the harmonization of the social standards in the European Federation,

Recognizing the former European Union's need to harmonize the labor market of the European Federation with the principles of flexicurity, ensuring a balance between flexible labor arrangements and social security, this Directive establishes a comprehensive framework for employment conditions, professional life cycle support, and the implementation of labor policies.

Wishing to create a social policy that ensures equality, who builds common values across the Federation and develops a federal policy to implement an integrated approach in solving issues related to the inequalities in access to the labor market, education and performance.

Acting in accordance with the procedure laid down in Article 20 of the Convention and Rule 6.1 of the Rules of procedure,

Whereas,

1. The European Youth Convention takes into account the creation of a united European Federation, who shares common values on equality of chances, respect for human dignity, including the rights of the minorities, and diversity ;

2. Fair working conditions for everyone is a fundamental value for the European Federation, reflecting our commitment to social justice, equality, and the well-being of all workers across Member states ;

3. The present Regulation reaffirms the need to establish social protection and inclusion at a Federal level, strengthening the spirit of integrity and ensuring respect-based interactions and support systems for all individuals, regardless of their background.

HAVE ADOPTED THE FOLLOWING DIRECTIVE:

CHAPTER 1: *GENERAL PROVISIONS*

Article 1 : Object

The present Directive is based on three pillars, each of which following a different objective:

1. Ensuring decent working conditions all across the Federation by giving rights and duties to workers and employers;

2. Successfully accompanying European workers’ entire professional life cycle, i.e.

    1. Integration in the job market;

    2. Unemployment and professional reintegration;

    3. Retirement.

3. Helping Member-States implement the present Directive by providing the necessary resources, indicators and expertise.

Article 2: Definition

For the purposes of this Directive, the following definitions apply:

1. *Federal minimum wage* - Refers to the lowest wage an employer can pay an hourly worker.

2. *Education programs* - Refers to the learning process based on changing needs to acquire knowledge, skills and experience to raise or change persons qualifications in line with their interests, needs and labor market requirements.

3. *Flexicurity* - Refers to an integrated strategy for enhancing, at the same time, flexibility and security in the labor market. It attempts to reconcile employers' need for a flexible workforce with workers' need for security.

CHAPTER 2: *MINIMUM SOCIAL STANDARDS*

Article 3 : Rights and duties of workers

European workers shall enjoy fair and decent working conditions without consideration of the place and country they are working in.

For that purpose, European workers shall:

1. Benefit from minimum protection (Art. 3a);
2. Benefit from additional protection (Art. 3b);
3. Comply with minimum duties on the workplace (Art. 3c).

Article 3a.

European workers shall :

1. Work no longer than 40 hours a week. Exceeding the hourly rate gives entitlement to compensation in the form of money or time off work
2. Benefit minimum wage that shall be explicit in further legislation;
3. Benefit from parental leave, corresponding to:
    1. A period corresponding six weeks to the beginning of the pregnancy and up to 10 weeks after birth for the parent bearing the child;
    2. 15 days for their partner.
4. Benefit from adequate protection against unjustified dismissal;
5. Contribute to collective bargaining and social actions without fear of repercussion.

Article 3b.

In addition to the previously listed unconditional rights, European workers may but are not required to:

1. Benefit from a yearly training paid by their employer;

2. Benefit from a yearly medical check-up;

3. Bring a problem before the relevant jurisdiction if they feel that one of their rights has not been respected or violated.

Article 3c.

In return of the aforementioned right, European workers shall:

1. Adhere to contractual agreements and workplace regulations.

2. Engage in continuous professional development.

3. Participate in professional training, in agreement with their employer.

4. Maintain confidentiality and integrity of the workplace.

If the employee fails to comply with any of these obligations, they may be subject to a penalty proportionate to the seriousness of the misconduct, ranging from a warning to dismissal.

Article 4: Remuneration

In order to ensure fair remuneration, employers shall pay a minimum wage to their employees. It shall be determined based on the gross median hourly wage prevalent in the Member-State where the corporate entity is domiciled:

Monthly gross minimum wage: national gross median hourly wage X number of weeks hour X number of weeks in a month.

Employers shall also pay the mandatory pension contribution, as mentioned in Article 7 of the present Regulation, in the monthly gross wage.

In addition to the minimum wage, Employers shall pay provide additional financial compensation for jobs who present difficult conditions, as listed below:

1. *Marked physical constraint* - This includes manual handling of loads, awkward postures and mechanical vibrations;

2. *Aggressive physical environment* - This includes exposure to dangerous chemical agents, activities in hyperbaric environments, extreme temperatures and noise;

3. *Work patterns* - This includes night work, alternating shifts and repetitive work.

Article 5 : Rights and duties of employers

Considering the previous Articles, employers shall:

1. Ensure protection towards their most vulnerable workers (Art. 5a);

2. Ensure minimum protection towards their workers (Art. 5b);

3. Follow a strict procedure before laying a worker of (Art. 5c).

Article 5a.

Employers must hire at least 30% of worker in a situation of job insecurity, i.e.:

1. Workers under the age of 25 years-old;

2. Workers over the age of 55 years-old;

3. Workers presenting physical or mental health issues;

4. Long-term unemployed worker.

Employers must accept and consider all applications without any form of discrimination.

If an employee proves to have signed two consecutive 3-year contracts within the same company, that company must present them with an indefinite period contract.

Article 5b.

In addition, Employers shall:

1. Provide safe working conditions;

2. Facilitate professional development opportunities, by granting professional training to their employees. Those trainings shall be paid both by the company and the Federation;

3. Respect the rights to privacy and non-discrimination of employees.

Article 5c.

Employer may dismiss one or several employees if one or several of the following conditions are met:

1. Termination on personal grounds - This type of redundancy is linked to the individual employee. It may be due to professional inadequacy, misconduct (simple, serious or gross), or physical unfitness.

    1. Simple misconduct - This is negligence or an error on the part of

the employee that does not jeopardize his or her continued employment with the company;

2. Serious misconduct - This is misconduct that makes it impossible for the employee to remain with the company, such as harassment, theft and insubordination;

3. Gross misconduct - This is characterized by the employee's intention to harm the company;

2. Termination for economic reasons - This type of redundancy is linked to the company's economic difficulties, a technological change, a reorganization necessary to safeguard the company, or the cessation of the company's activity.

Employers must inform the employee of their decision at least three months prior to the termination.

In situations I.A. and II., the two parties must agree on the financial compensation for the terminated employee. Situation I.B. and I.C. do not lead to any form of compensation.

CHAPTER 3: *SOCIAL ASSISTANCE*

Article 6 : Unemployment

European job-seekers:

1. May benefit from social and financial assistance (Art. 6a);

2. Committ to attend activites provided by social services (Art. 6b);

3. May be deprived of their benefits when not complying with the present Article (Art. 6c).

Article 6a.

European job seekers must declare their situation to the competent national

authorities. Those latter are entitled to provide:

1. A personalized support tailored to their needs - They can take stock of their situation and mobilize all the resources they need to successfully complete their career plan;

2. Benefit from social protection - They can continue to benefit from social protection, the amount of which depends on the contributions they paid in their previous gross salaries, for a maximum period of 20 consecutive months. This goes in complement with other social benefits.

Article 6b.

In return of this rights, jobseekers commit to :

1. Declare their professional situation on a monthly basis ;

2. Attend all meetings with their advisor;

3. Actively look for a job or actively strive forward the set up or the development of a company;

4. Define a career plan with their advisor;

5. Accept a reasonable offer of employment.

Article 6c.

The grounds on which non-compliance may result in removal from the list of jobseekers and the withdrawal of their benefits are :

1. failure to take repeated positive action to find a job or to set up or develop a business;

2. refusal on 2 occasions to accept a reasonable job offer;

3. refusal to draw up or update their career plan;

4. failing to attend a training course or abandoning a training course;

5. failure to attend an appointment with an organization approved by the Federal Labor Agency;

6. refusal to follow or abandon an action to help them find a job;

7. making a false declaration in order to be or remain registered as a jobseeker;

8. making a false declaration with a view to improperly receiving unemployment benefit.

Article 7: Retirement

European workers may retire from work at the age of 62.

To that end, pensions systems shall:

1. Be based upon three pillars (Art. 7a);

2. Provide national administrations with implementing measures (Art. 7b);

3. Provide contributors with optional provisions (Art. 7c).

Article 7a.

In order to ensure a fair and decent living for everyone, a Federal Pension Plan is hereby established. It is based on three pillars:

1. The Minimum Pension plan - funded with workers contributions collected from their monthly gross salaries. The amount, collected by Member-States and deposited to the Federal Pension Fund, is redistributed directly by the latter to retired workers;

2. The Complementary Pension plan - funded by Member-States national pensions systems through workers' biannual contributions. Retired workers may enjoy this revenue once they have worked 173 semesters or 43 consecutive years;

3. Optional Pension plans - optional plans paid by workers to public or private national insurers, in addition to the two previous pension plans.

Article 7b.

Member states shall determine a fair minimum pension standard according to their cost of living, revised on an annual basis.

Member-States shall establish an amount corresponding to the employee's salary that Employers are compelled to pay the Complementary Pension plan.

Article 7c.

European workers may at any moment choose to opt out once in their professional life from the Complementary Pension plan and retrieve the contributions they have paid. The retrieval of the contributions shall not end further contributions to this plan.

When working across the territory of the Federation, a European worker may choose to keep their original Complementary Pension plan or to opt for the one of the Member-States they are working in. Employees must make the necessary arrangements to meet the worker's demands.

CHAPTER 4: *IMPLEMENTATION*

Article 8: Establishment of the European Labor Agency

A European Labor Agency is hereby established with the mandate to:

1. Ensure the effective implementation of employment policies, by sending recommendations to Member-States;

2. Provide support to national administrations in their effort to advise workers in job search and career transitions;

3. Oversee the administration and the management of retirement benefits through the Federal Pension Fund. In compliance with Article 51 of the European Youth Convention and Regulation EF/XX laying down the Federal Budget, the Federal Pension Fund cannot run a deficit;

4. Collect and analyze labor market data to inform policy decisions; .

The European Labor Agency shall fall under the responsibility of the Minister of Labor and social affairs.

Article 9: Member-States Compliance

Member States shall:

1. Adopt and enforce this Directive;

2. Collaborate with the European Labor Agency to facilitate policy implementation.

3. Provide regular reports on the status of the national transposition of flexicurity measures.

The Federal Government shall take appropriate measures, including financial sanctions and bringing the case to court, against a national administration that does not comply with the present Directive.

Article 10: Entry into force and application

1. The Present Directive shall enter into force immediately following its publication in the Official Journal of the European Federation;

2. It shall apply from [Day][Month][Year];

3. Member-States shall have until December 31st 2029 to transpose into their national law the elements of the present Directive that involve their participation.

The present Regulation shall be binding in its entirety and directly applicable to the European Government and in all Member States.

For the European Parliament

The President

For the European Senate

The President

Reason

In 2017, the European parliament, the Council and the European Commission proclaimed the creation of the European Pillar of Social Rights at the Gothenburg Summit. Since then, several declarations have been published and made to promote the harmonization of the social standards regarding labor market, social care and healthcare.

The European Social Pillar puts forward 20 important principles to enable such harmonization to take place. The aim was at least to show that the Union was committed towards the creation of a European social policy.
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But since then, the Government has to admit that the standards are still too different in each Member-States. On May 9th 2023, Member-States ratified the European Youth Convention, leading to the emergence of the European Federation as we know it, one of which priorities was to resolve the issue of social inequalities, as called for by the European Youth Convention.

In order to bring more equality among the European citizens, the Federal Government wants to create this

new social policy which introduces true and real social standards among the Member-States.