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# Eu Social Cit

European Social Citizenship

## The State of European Social Rights and European Social Citizenship

*Edited by*

**Maarten Keune**

*Flagship Report 1*

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## 12. Conclusions: The State of European Social Rights and European Social Citizenship

*Maarten Keune*

### 12.1 Introduction

This report has presented the results of the research of the EuSocialCit project about the state of EU social rights and social citizenship. This research took place in the period 2019-2023, a period in which, as argued in the introduction of this report, the European Pillar of Social Rights (EPSR) became the reference point for a whole new series of EU social rights and social policy. At the same time, the introduction raised a series of questions concerning EU social rights and social citizenship, including the extent to which EU social rights do indeed improve the live of citizens, and of which citizens, concerning the balance between the various areas of social rights, or concerning the view of the citizens concerning EU social rights and social citizenship. These conclusions recapitulate the main contributions of EuSocialCit's research concerning the state of EU social rights and social citizenship that emerge from the chapters in this report.

### 12.2 The nature of EU social rights and social citizenship

A first major contribution of EuSocialCit has been a new conceptualization of social rights and EU social citizenship (Chapters 2 and 4). Social rights are conceptualized as bundles of individual power resources that allow an individual to obtain a certain cash or in-kind benefit. Such bundles of power resources are composed of three distinct types of resources (normative, instrumental and enforcement), which enable the right holder to concretely assert his/her right. Normative power resources come in two types: normative deontic power resources (like constitutions, charters) provide moral principles and broad justifications and establish a political obligation on institutions (governments, European Commission) to promote their application; and normative legal power resources, laid down in laws or collective agreements, provide a detailed and operational definition about who holds a certain (social) entitlement - the right-holder -, the content of the (social) entitlement, and the institutional counterpart which has the duty to provide the content of the entitlement.

Enforcement power resources consist in judicial procedures and channels for dispute settlements and the application of rules (courts, inspectorates, arbitration bodies). They allow individuals to obtain compliance from the respective public authority in case it does not deliver on the legal content of rights.

Where the first two types of power resources are traditionally seen as the two main elements of (social) rights, our conception includes also instrumental power resources, i.e. resources which facilitate effective access to benefits. Such resources are meant to assist individuals in overcoming obstacles that can prevent a right-holder from accessing rights. They may include quality information and awareness raising, user-friendly application procedures, practical help in filling out forms and engaging in direct contacts with pertinent administrations, guidance, counselling, mentoring, etc.

This conception of social rights first of all draws the attention to the actual access to social rights, a major problem across the EU as demonstrated by, for example, the high levels of non-take up of social assistance or the problems many migrant workers in low-skilled jobs face in accessing labour rights. Instrumental resources can play a decisive role in improving access to social rights at four critical junctures: awareness about social rights and social benefits, claim making, acquisition of the benefit and problem solving (mediation, legal assistance and advocacy advice).

A second advantage of this conception of social rights is that it helps us to picture and understand how, within the EU's multi-level governance structure, social rights increasingly have multiple institutional anchors, with some resources developed at the EU level and others at the national or local levels, and some provided by social partners and other intermediary associations. This has led to the emergence of a new marble cake pattern of social rights' production (Ferrera et al. 2023).

### 12.3 Instrumental resources, access to social rights and upward convergence

The above-outlined conceptualization of social rights was applied across EuSocialCit's empirical research. This confirmed the importance of due attention to the role of instrumental resources (in particular Chapters 5, 6, 7 and 10). Having a right does not necessarily mean effectively enjoying a right's benefits and instrumental resources indeed substantially influence access to social rights. They are pivotal in shaping the outcomes of social rights in terms of, for example, poverty, employment or work-life balance. Also, instrumental resources matter more for disadvantaged groups who have less capacity to navigate the system of social rights and social benefits, including the elderly, migrants, or the low skilled. In this way they help understanding why access to social rights may be limited, how such access may differ between social groups and how this may lead to inequality.

Similarly, instrumental resources may help to understand differences or inequality in social outcomes between countries. Countries where citizens are offered more instrumental power resources are likely to experience a higher respect for social rights and a higher take up of social benefits. They are therefore likely to see better social outcomes than countries where less instrumental resources are provided. The availability of instrumental resources is also often higher in countries with many and strong civil society organizations and trade unions, which often actively provide instrumental resources to certain weaker groups.

From an EU perspective, instrumental resources then influence the extent to which upwards social convergence within and between countries, one of the key goals of the EU, materializes. The same can be said for more particular goals like those defines in the EPSR Action Plan concerning poverty, employment and training. Still, the EPSR and EU social rights overall give only limited attention to instrumental power resources. To effectively foster and strengthen upward convergence and European social citizenship, instrumental resources should be considered part and parcel of social rights.

## 12.4 The unbalanced implementation of the EPSR

The EPSR consists of a broad range of principles and values related to equal opportunities and access to the labour market, fair working conditions and social protection and inclusion. It does however not create actual social rights, it rather depends on political actors to translate its values into laws and regulations. In this report, it has been shown that the EPSR has indeed become the reference point for the adoption and implementation of an important number of new EU social rights. At the same time, there is a lack of balance in this implementation (chapters 3, 8 and 9).

Of the 20 principles proclaimed in the EPSR, four refer to equal opportunities and access to the labour market, six refer to fair working conditions and 10 refer to social protection and inclusion. However, the accent in the implementation of the EPSR has been on the first two areas, where most new measures have been taken. They focus mainly on social investment and labour market regulation aimed at, among others, providing individuals with the skills in demand in the labour market and for the digital and green transition, increasing gender equality and reducing precariousness in work. Much less attention has been given to measures related to social protection and inclusion and in particular housing has been neglected. Also, most of the social Directives adopted inspired by the EPSR deal with work related issues and a minority with social protection and inclusion.

This lack of balance in the implementation of the EPSR continues the longer-term discrepancy in EU policies between the ample space given to employment and gender issues and the marginal treatment of social protection and minimum income. At the same time, the EPSR's Action Plan has as one of its major goals to lift 15 million people out at risk of poverty or social exclusion. As shown in this report, it is very unlikely that this goal will be reached as long as social protection and inclusion are not given proper attention, also because fostering employment growth and gender equality has proven insufficient to reduce poverty.

The issue of balance is also relevant when considering towards which citizens EU social rights are oriented. On the one hand, the EPSR creates more balance as it overcomes the traditional bias of EU social rights towards cross-border mobile citizens to include the stayers as well. It also continues to foster gender equality. On the other hand, the implementation of the EPSR has largely been directed towards workers' rights, and, through social investment, to workers-to-be, with only minor attention to adults not in work, the excluded, the old, and those lacking appropriate housing or care. As a result, where the EPSR proclaims social rights for all, in its implementation not all benefit equally.

## 12.5 Public opinion and Social Europe: limited awareness, strong support and substantial skepticism

The relationship between the EU and its citizens is a complex one (Chapter 11). On the one hand, EuSocialCit shows that few EU citizens are aware of the social role played by the EU and of the EU social rights and social policies that exist. There is a substantial information gap here obstructing the reliable forming of opinions about the social dimension of the EU. From the perspective of the EU this is also unfortunate since more awareness of EU social policies tends to increase support for the EU integration project (Natili et al. 2023).

However, on the other hand, the abstract notion of Social Europe enjoys high levels of public support across the EU, albeit with substantial differences concerning what Social Europe should be about (e.g. harmonizing standards or promoting cross-border mobility) and who should enjoy benefits (all citizens or only those that have worked and contributed to society). Also, there is more support for EU level social investment policies or minimum income policies than for EU unemployment policy and preferences differ between socio-economic groups.

To complicate things further, in spite of overall support, there is quite some skepticism concerning the further development of Social Europe. On the one hand this is because there are widespread doubts about the feasibility of joint social policies given the large differences between national welfare states. Also, more in general, there is a substantial group of pessimists that doubts the ability of the EU to successfully deal with major crises like the financial crisis, COVID-19 or the Ukraine-Russia war, as well as with basic problems related to distributive justice and solidarity in the EU. Finally, chapter 11 concludes that for all, the future of Social Europe seems to be deeply intertwined with the future of the EU as a whole, which confirms the crucial role of social policy in legitimizing political orders.

## 12.6 The future of the EPSR

As demonstrated by most chapters in this report, the EPSR has played a prominent role in the revival of Social Europe and in putting the strengthening of EU social rights and social citizenship on the political agenda. It has been the starting point of a range of new social rights and forms of financing social policy. At the same time, it remains a non-binding set of principles and the extent to which it will continue to be the inspiration and justification for new social rights, as well as the quality of these rights, is subject to political struggles and therefore uncertain. The recent near-failure to adopt the Platform Work Directive and the watering-down of the Corporate Sustainability Due Diligence Directive are cases in point here. Also, considering that the European Parliament has been a protagonist in translating the EPSR into formal social rights, the upcoming European elections and the predicted shift towards the right may well reduce the support to EU social rights and EU social citizenship in the coming years. Hence, the continuity of the revival of Social Europe is not a given and will depend on the political entrepreneurship and political power that will sustain it.

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