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Motion

Y-FED 2024

Proposer: The European Government (decided on: 2024-07-04)

Title: **Gouvernement's proposal for Directive 2024/03
ensuring fair and decent social standards
across the Federation**

2024-07-18, 13:04

The European Government's proposal for

DIRECTIVE 2024/03/EF OF THE HOUSE OF EUROPEAN CITIZEN AND OF THE SENATE

of 4th July 2024

ensuring fair and decent social standards in the Federation

1 THE HOUSE OF EUROPEAN CITIZENS AND THE EUROPEAN SENATE,

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

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

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

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

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

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

21 Whereas,

- 22 1. The European Youth Convention takes into account the creation of a united
23 European Federation, who shares common values on equality of chances,
24 respect for human dignity, including the rights of the minorities, and
25 diversity ;
- 26 2. Fair working conditions for everyone is a fundamental value for the
27 European Federation, reflecting our commitment to social justice,
28 equality, and the well-being of all workers across Member states ;
- 29 3. The present Regulation reaffirms the need to establish social protection
30 and inclusion at a Federal level, strengthening the spirit of integrity
31 and ensuring respect-based interactions and support systems for all
32 individuals, regardless of their background.

33 HAVE ADOPTED THE FOLLOWING DIRECTIVE:

34 **CHAPTER 1: GENERAL PROVISIONS**

35 **Article 1 : Object**

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

- 38 1. Ensuring decent working conditions all across the Federation by giving
39 rights and duties to workers and employers;
- 40 2. Successfully accompanying European workers' entire professional life
41 cycle, i.e.
- 42 1. Integration in the job market;
- 43 2. Unemployment and professional reintegration;
- 44 3. Retirement.
- 45 3. Helping Member-States implement the present Directive by providing the
46 necessary resources, indicators and expertise.

47 **Article 2: Definition**

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

- 49 1. *Federal minimum wage* - Refers to the lowest wage an employer can pay an
50 hourly worker.
- 51 2. *Education programs* - Refers to the learning process based on changing
52 needs to acquire knowledge, skills and experience to raise or change
53 persons qualifications in line with their interests, needs and labor
54 market requirements.
- 55 3. *Flexicurity* - Refers to an integrated strategy for enhancing, at the same
56 time, flexibility and security in the labor market. It attempts to
57 reconcile employers' need for a flexible workforce with workers' need for
58 security.

59 **CHAPTER 2: *MINIMUM SOCIAL STANDARDS***

60 **Article 3 : Rights and duties of workers**

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

63 For that purpose, European workers shall:

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

67 **Article 3a.**

68 European workers shall :

- 69 1. Work no longer then 37.5 hours a week and from 2029 and no longer than 35
70 hours a week from 2034 Exceeding the hourly rate gives entitlement to
71 compensation in the form of money or time off work
- 72 2. Benefit minimum wage that shall be explicit in further legislation;
- 73 3. Benefit from parental leave, corresponding to:
 - 74 1. A period corresponding six weeks to the beginning of the pregnancy
75 and up to 10 weeks after birth for the parent bearing the child;
 - 76 2. 15 days for their partner. Legal guardians may request telework
77 arrangements or reduced working hours for a specified period until
78 the child is two years old, to manage their parental
79 responsibilities.
 - 80 3. Employers may not lower the already agreed on salaries for the
81 employees that went on parental leave.
82

83 4. Benefit from adequate protection against unjustified dismissal;

84 5. Contribute to collective bargaining and social actions without fear of
85 repercussion.

86 **Article 3b.**

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

89 1. Benefit from a yearly training cofinanced by their employer and the
90 Federation for companies up to 250 employees ;

91 2. Benefit from a yearly medical check-up;

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

94 **Article 3c.**

95 In return of the aforementioned right, European workers shall:

96 1. Adhere to contractual agreements and workplace regulations.

97 2. Engage in continuous professional development.

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

99 4. Maintain confidentiality and integrity of the workplace.

100 If the employee fails to comply with any of these obligations, they may be

101 subject to a penalty proportionate to the seriousness of the misconduct, ranging
102 from a warning to dismissal.

103 **Article 4: Remuneration**

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

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

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

111 In addition to the minimum wage, Employers shall pay provide additional
112 financial compensation for jobs who present difficult conditions, once the
113 employee is able to provide medical proof of suffering from physical or
114 psychological chronic or acute stress caused directly by their employment, as
115 listed below:

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

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

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

123 **Article 5 : Rights and duties of employers**

124 Considering the previous Articles, employers shall:

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

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

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

128 **Article 5a.**

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

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

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

133 3. Workers presenting physical or mental health issues;

134 4. Long-term unemployed worker (i.e. more than 6 months of unemployment).

135 5. People who, due to socio-economical, environmental factors and armed
136 conflict, gained a status of refugee.

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

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

141 **Article 5b.**

142 In addition, Employers shall:

143 1. Provide safe working conditions;

144 2. Facilitate professional development opportunities, by granting
145 professional training which is eco-friendly, gendersensitive, and adaptive
146 to the economic sector and activity (whilst being dually financed by the

147 private sector (40%) and by the Federation (60%) to their employees. The
148 Federation shall help the companies with up to 250 employees. Those
149 trainings shall be paid both by the company and the Federation;

150 3. Respect the rights to privacy and non-discrimination of employees, as it
151 is stated in the Charter of Fundamental Rights.

152 **Article 5c.**

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

155 1. Termination on personal grounds - This type of redundancy is linked to the
156 individual employee. It may be due to professional inadequacy, misconduct
157 (simple, serious or gross), or to the impossibility to fulfill the duties
158 that the job requires.

159 1. Simple misconduct - This is negligence or an error on the part of
160 the employee that does not jeopardize his or her continued
161 employment with the company;

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

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

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

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

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

175 any form of compensation.

176 **CHAPTER 3: SOCIAL ASSISTANCE**

177 **Article 6 : Unemployment**

178 European job-seekers:

- 179 1. May benefit from social and financial assistance (Art. 6a);
- 180 2. Committ to attend activites provided by social services (Art. 6b);
- 181 3. May be deprived of their benefits when not complying with the present
182 Article (Art. 6c).

183 **Article 6a.**

184 European job seekers must declare their situation to the competent national
185 authorities. Those latter are entitled to provide:

- 186 1. A personalized support tailored to their needs - They can take stock of
187 their situation and mobilize all the resources they need to successfully
188 complete their career plan;
- 189 2. Benefit from social protection - They can continue to benefit from social
190 protection, the amount of which depends on the contributions they paid in
191 their previous gross salaries, for a maximum period of 20 consecutive
192 months. This goes in complement with other social benefits.

193 **Article 6b.**

194 In return of this rights, jobseekers commit to :

- 195 1. Declare their professional situation on a monthly basis ;
- 196 2. Attend all meetings with their advisor;

197 3. Actively look for a job by applying for at least 5 job openings in the
198 duration of 3 months and utilising job search resources such as career
199 advisors or/and online resources, or actively strive forward the set up or
200 the development of a company, including creating a business plan, seeking
201 funding and networking;

202 4. Define a career plan with their advisor;

203 5. Accept a reasonable offer of employment, defined by criteria such as job
204 suitability, fair compensation, reasonable commuting distance.

205 **Article 6c.**

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

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

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

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

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

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

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

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

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

220 **Article 7: Retirement**

221 European workers may retire from work at the age of 64, excluding those who are
222 under exceptional working contracts, as specified in internal law of each Member
223 State, and those working in especially harsh conditions. The latter may have the
224 right to a lower minimum retirement age.

225 To that end, pensions systems shall:

- 226 1. Be based upon three pillars (Art. 7a);
- 227 2. Provide national administrations with implementing measures (Art. 7b);
- 228 3. Provide contributors with optional provisions (Art. 7c).

229 **Article 7a.**

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

- 232 1. The Minimum Pension plan - The Minimum Pension plan- funded with workers
233 contributions collected from their monthly gross salaries. Retired workers
234 may enjoy this revenue once they have worked for 40 yearsThe amount,
235 collected by Member-States will be deposited in the Federal Pension Fund,
236 and distributed to retired European workers. Workers will have the right
237 to claim the pension under the conditions established by the Member States
238 where the worker has contributed economically.
- 239 2. The Complementary Pension plan - funded by Member-States national pensions
240 systems through workers' biannual contributions. Retired workers may enjoy
241 this revenue once they have worked 173 semesters or 43 consecutive years;
- 242 3. Optional Pension plans - optional plans paid by workers to public or
243 private national insurers, in addition to the two previous pension plans.

244 **Article 7b.**

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

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

249 **Article 7c.**

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

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

258 **Article 7d.**

259 To safeguard and harmonize the pension rights of cross-border and expatriate
260 workers, the following provisions shall be implemented: If the employee is
261 working outside of the European Federation, the amount of pension the employer
262 is obliged to pay is determined by the State the employer is registered in; If
263 the employee is working in a different Member State of the European Federation,
264 the amount of pension the employer is obligated to pay is determined by the
265 State of the employee's residence.

266 **CHAPTER 4: IMPLEMENTATION**

267 **Article 8: Establishment of the European Labor Agency**

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

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

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

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

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

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

280 **Article 9: Member-States Compliance**

281 Member States shall:

282 1. Adopt and enforce this Directive;

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

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

287 The Federal Government shall incentivise national administration to comply with
288 the present Directive through appropriate measures and in accordance with the
289 Constitution.

290 **Article 10: Entry into force and application**

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

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

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

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

299 For the European Parliament

300 The President

301 For the European Senate

302 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.

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.