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# Motion

Y-FED 2024

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

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

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**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**

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 than 40 hours a week. Exceeding the hourly rate gives  
70 entitlement to compensation in the form of money or time off work
- 71 2. Benefit minimum wage that shall be explicit in further legislation;
- 72 3. Benefit from parental leave, corresponding to:
  - 73 1. A period corresponding six weeks to the beginning of the pregnancy  
74 and up to 10 weeks after birth for the parent bearing the child;
  - 75 2. 15 days for their partner.
- 76 4. Benefit from adequate protection against unjustified dismissal;
- 77 5. Contribute to collective bargaining and social actions without fear of  
78 repercussion.

79 **Article 3b.**

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

- 82 1. Benefit from a yearly training paid by their employer;
- 83 2. Benefit from a yearly medical check-up;
- 84 3. Bring a problem before the relevant jurisdiction if they feel that one of  
85 their rights has not been respected or violated.

86 **Article 3c.**

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

- 88 1. Adhere to contractual agreements and workplace regulations.
- 89 2. Engage in continuous professional development.
- 90 3. Participate in professional training, in agreement with their employer.
- 91 4. Maintain confidentiality and integrity of the workplace.

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

95 **Article 4: Remuneration**

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

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

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

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

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

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

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

## 113 **Article 5 : Rights and duties of employers**

114 Considering the previous Articles, employers shall:

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

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

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

### 118 **Article 5a.**

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

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

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

123 3. Workers presenting physical or mental health issues;

124 4. Long-term unemployed worker.

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

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

129 **Article 5b.**

130 In addition, Employers shall:

131 1. Provide safe working conditions;

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

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

136 **Article 5c.**

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

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

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

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

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

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

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

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

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

## 159 **CHAPTER 3: SOCIAL ASSISTANCE**

### 160 **Article 6 : Unemployment**

161 European job-seekers:

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

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

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

#### 166 **Article 6a.**

167 European job seekers must declare their situation to the competent national

168 authorities. Those latter are entitled to provide:

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

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

176 **Article 6b.**

177 In return of this rights, jobseekers commit to :

178 1. Declare their professional situation on a monthly basis ;

179 2. Attend all meetings with their advisor;

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

182 4. Define a career plan with their advisor;

183 5. Accept a reasonable offer of employment.

184 **Article 6c.**

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

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

- 189 2. refusal on 2 occasions to accept a reasonable job offer;
- 190 3. refusal to draw up or update their career plan;
- 191 4. failing to attend a training course or abandoning a training course;
- 192 5. failure to attend an appointment with an organization approved by the  
193 Federal Labor Agency;
- 194 6. refusal to follow or abandon an action to help them find a job;
- 195 7. making a false declaration in order to be or remain registered as a  
196 jobseeker;
- 197 8. making a false declaration with a view to improperly receiving  
198 unemployment benefit.

## 199 **Article 7: Retirement**

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

201 To that end, pensions systems shall:

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

### 205 **Article 7a.**

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

- 208 1. The Minimum Pension plan - funded with workers contributions collected  
209 from their monthly gross salaries. The amount, collected by Member-States  
210 and deposited to the Federal Pension Fund, is redistributed directly by  
211 the latter to retired workers;
- 212 2. The Complementary Pension plan - funded by Member-States national pensions  
213 systems through workers' biannual contributions. Retired workers may enjoy  
214 this revenue once they have worked 173 semesters or 43 consecutive years;
- 215 3. Optional Pension plans - optional plans paid by workers to public or  
216 private national insurers, in addition to the two previous pension plans.

217 **Article 7b.**

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

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

222 **Article 7c.**

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

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

231 **CHAPTER 4: IMPLEMENTATION**

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

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

- 234 1. Ensure the effective implementation of employment policies, by sending  
235 recommendations to Member-States;
- 236 2. Provide support to national administrations in their effort to advise  
237 workers in job search and career transitions;
- 238 3. Oversee the administration and the management of retirement benefits  
239 through the Federal Pension Fund. In compliance with Article 51 of the  
240 European Youth Convention and Regulation EF/XX laying down the Federal  
241 Budget, the Federal Pension Fund cannot run a deficit;
- 242 4. Collect and analyze labor market data to inform policy decisions; .

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

## 245 **Article 9: Member-States Compliance**

246 Member States shall:

- 247 1. Adopt and enforce this Directive;
- 248 2. Collaborate with the European Labor Agency to facilitate policy  
249 implementation.
- 250 3. Provide regular reports on the status of the national transposition of  
251 flexicurity measures.

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

## 255 **Article 10: Entry into force and application**

- 256 1. The Present Directive shall enter into force immediately following its  
257 publication in the Official Journal of the European Federation;
- 258 2. It shall apply from [Day][Month][Year];
- 259 3. Member-States shall have until December 31st 2029 to transpose into their  
260 national law the elements of the present Directive that involve their  
261 participation.

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

264 For the European Parliament

265 The President

266 For the European Senate

267 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.