

EHRC Response to the European Commission consultation on the Future 'EU 2020' Strategy

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On 24 November 2009 the European Commission launched a [consultation on the EU's economic and social strategy for the next ten years](#) (the EU2020 Strategy). The strategy will establish how the European Union should address the economic, social, and environmental challenges facing Europe through a partnership between the Member States of the EU.

This position paper from the EHRC sets out our vision for how equality and human rights can be placed at the heart of this new strategy. Much of the thinking within this paper is based upon the ideas set out in our human rights strategy, and our Working Better project, both available on our website:

<http://www.equalityhumanrights.com/human-rights/our-human-rights-strategy/>
<http://www.equalityhumanrights.com/advice-and-guidance/here-for-everyone-here-for-business/working-better/>

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1. A Human Rights-based Perspective

'Human rights principles provide a basis from which to build and maintain a safer, more prosperous, cohesive society, with care and consideration for the dignity and wellbeing of everyone at its heart.'

[EHRC Human Rights Strategy](#)

EHRC believes that equality and human rights should be incorporated into the EU's 2020 strategy, by adopting a human rights-based perspective which places the dignity and wellbeing of everyone at its heart. The Lisbon Treaty specifies that the EU *'is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.'* (Article 1, the Lisbon Treaty). EHRC believes that the EU's strategy for the next 10 years must ensure that these values are at the core of all its policies.

A human rights-based perspective is missing from the Europe 2020 consultation paper, which focuses on bringing together the economic, social, environmental nexus. The social element of the consultation document is predominantly based upon building economic productivity through employment. This risks reducing social policies to purely economic tools, and thus excluding groups of the population who are less likely to be economic drivers, notably children, retired people, people with disabilities and those otherwise excluded from the labour market.

EHRC welcomes the recognition of the overall importance of employment but would like to see further emphasis on the social benefits of employment: the labour market is a key delivery agent in change that can close inequality gaps and tackle poverty. EHRC has argued through its Working Better work that making the workplace more inclusive, through innovative approaches to flexibility and modern job design, will benefit people across all the EU protected grounds. This will open up work choices for those currently marginalised from work or unable to access it. Only by modernising the way we work will we enable as many people as possible to benefit from the global economy.

EHRC proposes that the EU 2020 strategy should therefore include a clear outline of solidarity measures based on human rights. The strategy must provide a vision which incorporates Europe's human rights and social justice values, as derived in particular from the EU Charter of Fundamental Rights (now incorporated into the newly ratified Lisbon Treaty). While the Charter is not referenced at all in the EU2020 strategy consultation paper, EHRC proposes that the Charter be given greater prominence, and that the strategy itself should be rooted in the guiding principles of the Charter.

EHRC notes that alongside human rights, citizenship is also absent from the paper, as is the concept of solidarity between European citizens.

In order to firmly establish the links between the EU2020 Strategy and the human rights basis for the EU, EHRC suggests that:

- The EU2020 strategy should integrate a human rights-based perspective throughout
- The strategy needs to acknowledge the importance of social policy in its own right, including workplace inclusion, non discrimination, flexible working and reconciliation between work and family life
- We welcome the creation of a Commissioner for Justice, Fundamental Rights and Citizenship by President Barroso as a significant step towards placing citizens at the heart of the EU's concerns. We recommend that there should be a role for this new Commissioner within the governance of the EU2020 Strategy, in order to ensure that the areas under her mandate, including equal treatment and fundamental rights, are fully integrated into the strategy

2. The Impact of Recession on Equality

The Commission's consultation paper highlights the current economic crisis across Europe, and emphasises the need for the EU2020 strategy to drive a successful exit from this recession.

EHRC urges the European Commission to take account of how recession impacts upon different groups within society, and therefore upon equality, within the policy responses to the recession.

Based upon our research on the [impact of the recession on equality groups](#) in the UK (carried out with the UK Government Equality Office), we are particularly concerned about the differential labour market impacts of the recession on older and younger workers, the disabled, those from ethnic minorities and men and women. We set out some of our findings below, together with recommendations to ensure equality is prioritised within the EU2020 Strategy.

Men and women

Our research raises the concern that gender equality may suffer during the recession, as work-life balance and flexible working arrangements are given a lower priority by employers, which may impact upon both men and women. Fears of job loss may also lead to a greater reluctance to speak up against sex discrimination and for equal pay.

- EHRC recommends that the EU should pay particular attention to gender equality within the employment action plans in order to ensure that the recession does not lead to a rolling back of equality rights or a downgrading or halting of policies aimed at reconciling work and private life.

Younger and older people

Despite the demographic challenges which lie ahead (see part 3 below), the recession is likely to lead to higher levels of youth unemployment, and may also lead to employers encouraging early retirement. We are concerned that such trends will run counter to our societal needs over the longer-term, and may lead to the longer-term exclusion of young people who are unable to establish themselves within the labour market.

The European Youth Pact incorporates three broad strands which should be priorities in policymaking: education and training; employment and social inclusion; reconciliation of working life and private life. EHRC welcomes the fact that these areas are now part of the Lisbon strategy and Member States have to report in their national reform programmes on how they are implemented.

- We recommend that the EU2020 Strategy incorporates the European Youth Pact in order to maintain progress in this area.
- We also call for more flexibility and portability in pension schemes to help tackle poverty in retirement and allow people to make pension arrangements most suitable to them.

Disabled people

Disabled people already experience low levels of employment and have to overcome barriers to entry into the labour market; the recession will not make this any easier. There will be a need to strengthen the support programmes available to help people with disabilities to get jobs during the recession.

- We recommend that the EU2020 Strategy should make reference to the EU's commitments under the UN Convention on the Rights of Disabled Persons (CRPD) and be closely integrated with the EU Disability Action Plan, which is designed to make equal opportunities for disabled people a reality. Disability issues should be mainstreamed throughout the EU2020 Strategy in order to improve accessibility to the labour market, and to safeguard the human rights of people with disabilities.

People from different ethnic groups

Our research within the UK suggests that ethnic minority groups still experience labour market disadvantage, but the differential between white and ethnic minority groups has been narrowing, probably because a high percentage of ethnic minority groups live in London which has been less impacted by the recession. However, we note that this is unlikely to apply across the EU.

- We recommend the need to ensure that EU equal treatment provisions on race, particularly the Race Directive, are fully applied throughout the EU.

Measuring Equality

EHRC's recently published [Equality Measurement Framework](#) establishes a core set of indicators for measuring equality. The framework is currently being expanded to include good relations and human rights indicators, to give us a more comprehensive picture of the situation of different groups in the UK and to enable us to track progress over time.

EHRC believes that we cannot ensure human rights and equality for all until we have a clear picture of who is being marginalised or denied their rights, and this is particularly important during a recession which may exacerbate inequalities within European societies. We therefore recommend that the EU:

- Continues to measure and target progress in relation to groups of the population who are particularly at risk of experiencing inequalities.
- The EU provides valuable leadership in this area, demonstrating to member states the value of comprehensive data collection and how such data can be used to inform policy making.
- The European Commission should establish headline targets for equality as part of the structural indicators.

3. Demographic Change and Good Relations

As the consultation paper acknowledges, the EU is facing changes in its demography over the years to come, with consequent economic and social implications. While the EU recognises the challenges posed by demographic change, especially with reference to the ageing population, these changes should not be construed in an overly negative manner, it is equally important to recognise the opportunities presented by increasing longevity. To name but two, older people working longer bring valuable skills and experience to bear, and grandparents have become an important resource as carers for younger children.

Intergenerational fairness means giving people of all ages equal opportunities to access work of their choice. While there is a policy agenda to keep people in work longer, there is little evidence of supportive policy developments or enlightened practice by employers to deliver this. Extending working lives has become a key policy objective, but there is as yet insufficient recognition that the foundation for a longer working life is laid down in the early years of working.

The EHRC has recently issued a report entitled [Just Ageing](#) which sets out how social justice and intergenerational solidarity can be promoted within an ageing society.

Demographic changes require adaptation throughout the lifecycle. In particular, we believe that skills, rather than age, are likely to be the key factor in relation to the future economy. As well as enhancing the skills and capabilities of the EU workforce, we need to make optimal use of existing skills. Research shows the extent that

women in particular trade down into low-paid part-time work often not from choice, but because these are the only jobs where they can combine work and care.

Improving the skills levels of women has been a major success story, but evidence of trading down and under-use of skills requires new approaches to flexible working to ensure that people will be able to use their human capital effectively. There is emerging evidence that disabled and older workers and carers are similarly constrained in their use of skills and work choices by the rigidity of work in some sectors of the economy. We estimate that around 6.5 million people in the UK (2007 figures) are working in jobs below their skills levels or outside the labour market because they are unable to find sufficient flexibility in work. Yet, forthcoming research from EHRC shows that twice as many people between the ages of 50 and 75 want promotion as want to trade down.

The EHRC recommends that:

- The EU2020 Strategy should recognise the opportunities presented by increased longevity, rather than focusing only upon the difficulties.
- Policies addressing demographic change should adopt a life-cycle approach.
- Skills acquisition should focus upon a lifecycle approach, rather than being seen as something designated solely for specific age groups. Flexible working should be encouraged as a means for attracting the best skills to where they are needed in the labour market.
- The role of the Equal Treatment Directives, and particularly of the Employment Framework Directive, should be recognised and the EU must ensure that they are fully applied and respected.

4. Migration

EHRC welcomes greater freedom of movement within the EU that has developed in the past decade. This will generate important social and economic benefits for all in the Union, both at an individual and a social level. In particular, it has the capacity to play a key role in generating the flexibility in the European labour market needed if the EU is to meet the new challenges of the globalised world economy and engage in a full recovery from the current recession. However for that flexibility to deliver for individuals, and so secure lasting public support, and to act as a proper foundation for social efficiency, it needs to be rooted in an approach that combines economic efficiency with human rights and equality practices.

In particular, the development of greater freedom of movement within the EU needs to be combined with activities that enable individuals, communities and states to deal with the consequences of that freedom. Parallel to freedom of movement within the EU, migration from outside the Union makes a significant contribution to the EU's labour force. It is also likely that the demographic changes discussed above will lead to an increased reliance upon external migration over the years to come. The

contribution of such migration to economic growth is acknowledged within the Commission's EU2020 Strategy consultation paper. As with internal EU movement, the full economic and social potential of such migration will only be realised if the individuals concerned are valued as people not just economic agents, and their human rights fully respected.

The EHRC recommends that:

- The EU2020 strategy should consider how the EU and member states can co-ordinate policies relating to freedom of movement and integration of migrants in ways that can secure lasting public support for that freedom and can address the social consequences;
- Alongside the proposed measures to increase the employment rates of migrants from outside the EU, the Commission should emphasise the need to eliminate discrimination against such migrants, and to combat their social exclusion and prejudice against them;
- The EU2020 Strategy should be linked with the Stockholm Programme, and a human rights perspective should be integrated into both strategies.

5. Reconciling Work and Family Life

The EHRC believes that reconciliation of work and family life should be a key part of the EU2020 Strategy, and that positive policies in this area create both more equality and an economic benefit for Europe.

EU policies and legislation should provide both parents with the right to take leave around the birth of their child, since a childcare and flexible working strategy is essential for the European economy to truly flourish. In this context, the EHRC welcomes the European Commission's work to support the reconciliation of work and family life, most recently the revised Directives on Parental Leave and Pregnant Workers.

The EHRC is promoting reconciliation through our [Working Better initiative](#), which aims to identify and promote innovative new ways of working which help meet the challenges of the 21st century. The main findings of our Working Better reports are that 'gender-neutral' parental leave, as in some European countries, would enable genuine choices for men to take up caring responsibilities and women to make fuller economic use of their skills. We have also found that flexible working provisions improve job and care choices for working parents and can accommodate different career paths. However, we have some concerns that the recession may lead to a restriction in the availability of flexible working models which promote reconciliation.

We believe that the findings of Working Better make a convincing case for reinforcing policies on work-life balance, and for promoting gender-neutral parental leave. Such provisions are far more effective where the leave is paid.

In order to promote better work-life balance, the EHRC therefore recommends that:

- the EU2020 Strategy should incorporate the objectives for the reconciliation of work and family life, and seek to integrate policies with existing initiatives to promote better work-life balance
- measurable targets should be adopted in order to increase the uptake of gender-neutral parental leave
- the Barcelona targets on the availability of accessible and affordable childcare should be re-emphasised and funds provided to allow Member States to fulfil them
- The EU's Employment Strategy should focus attention on the need to adopt a life-cycle approach to employment, which would encompass encouraging Member States to exchange best practices on innovative and flexible working arrangements
- The European Commission should recognise and address the danger that recession and consequently smaller workforces may lead to a lowered availability of flexible working arrangements

6. Social Inclusion

The EU2020 consultation document stresses the need to create more inclusive societies. While the importance of diverse and inclusive workplaces has a strong economic as well as moral rationale, the strategy focuses almost exclusively on employment as the means to create inclusiveness. Many groups in society are unable to participate in the labour market, whether because of disability, age, caring responsibilities, domestic violence or other factors. It is important that groups who are not in work are not also excluded from society.

Social policies are the responsibility of individual countries who have adopted different approaches to promoting more equal and socially just societies. For example, the UK is the only EU Member State which has adopted binding targets on child poverty. It is essential that European countries continue to learn from one another in order to strengthen social policies, and EHRC believes that the Open Method of Coordination on Social Protection and Social Inclusion can be a useful tool in encouraging the exchange of best practice between Member States.

We would also like to echo the views expressed by Equinet, the European Network of Equality Bodies, in their response to this consultation, which emphasises the principles of equality and non-discrimination across all six of the Lisbon Treaty Article 19 grounds, as core principles for achieving truly inclusive societies. Mainstreaming and positive action are essential tools which can be used to “target women, people with disabilities, black and minority ethnic people, gay and lesbian people, people from religious minorities, older people and young people where there is evidence of under-representation in access to education and training, in access to labour market services and in workplace presence and participation (Equinet).”

EHRC therefore calls upon the European Commission to strengthen measures to fight social exclusion by:

- Ensuring that the EU2020 Strategy addresses equality and inclusion within the labour market, but also recognises the need for strong social protection for those outside of the labour market.
- Building on the awareness-raising of the 2010 Year Against Poverty and Social Exclusion in order to make the eradication of poverty within the EU a key priority of the EU2020 Strategy.
- Reinforcing the EU Strategy for Social Protection and Social Inclusion, and particularly the Open Method of Coordination, to ensure that all Member States exchange best practice and put in place ambitious and measurable plans to combat social exclusion.
- Encouraging equality mainstreaming throughout all aspects of EU policy as per Article 10 of the Lisbon Treaty, and making full use of positive action tools to target underrepresented groups.

7. Engaging Citizens

The EHRC welcomes the recognition within the consultation paper that effective processes are needed if the strategy is to succeed. We also believe that there is a need to engage citizens, civil society organisations and other important actors, like the European Equality Bodies, in the implementation of the strategy. The EU2020 Strategy gives the EU the first opportunity to demonstrate the new commitment to openness and greater democratic participation which is incorporated within the Lisbon Treaty.

The EHRC therefore recommends that:

- The European Commission should take steps to ensure the participation and engagement of citizens within the EU2020 Strategy.
- Civil society organisations should be given a stronger role within the Strategy, particularly in light of the recognition of civil society's contribution to the EU's governance within the Lisbon Treaty (Article 8b).