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EU Social Protection: Synthesis report

Briitta van Staaldhuizen, Anna-Lena Nadler, Olaf van Vliet,
Eduard Suari-Andreu, Daniel Fernandes

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1. Introduction

As labor market transformations, including climate change, digitalization, and the internationalization of the workforce, continue to create new social risks across Europe, the European Union has gradually worked to expand its social policy efforts. Over the course of EU history, social policy has largely remained under the discretion of national governments, which prefer to maintain control over this area of policy due to the complex political economies in which they are embedded. As such, EU social policy efforts are often considered forms of ‘soft governance’ and seen as ‘second order’ to the main areas of policy coordination among EU member states (Copeland 2023).

Yet, while early EU social policy efforts were narrowly focused on labor market participation, they have since expanded to include a broader range of initiatives, many of which have helped popularize the social investment paradigm across member states. How has the EU innovated when it comes to social protection? What are its main aims as it attempts to manage the new risks created by technological advancements, climate change, and migration and how has it pursued those aims? To what degree, so far, have its efforts in the area of social policy helped to moderate the effects of labor market transformations on new social risks and inequalities and where are there gaps in social protection?

This report reviews recent social policy initiatives at the EU level and assesses their impact, with an eye to simultaneous trends in social risks and inequalities across Europe. In doing so, the report draws attention to the important agenda-setting role of the EU, as well as the various investments dedicated towards the development of regional and national social programs. The report also considers existing gaps in EU social policy efforts, as well as the potential for a more coordinated scheme at the EU level.

The report begins by detailing the European Pillar of Social Rights (EPSR), which underpins social policy in the EU. It then draws attention to advancements in two major areas of social policy, namely the minimum wage and platform work. Finally, it assesses EU social policy, both in relation to national policy efforts and to trends in social risks and inequalities.

2. The background: European pillar of social rights

Being purely economic in origin upon its foundation, the eventual expansion of the EU activity into social policy making was neither intended nor foreseen by the framers of the Treaty of Rome. Yet, since the adoption of the Lisbon Strategy in 2004 and even its predecessor the European Employment strategy in 1997, the EU has substantially expanded its legislative attention towards social issues, beginning first with policies aiming at supporting labour mobility and eventually moving into other areas such as unemployment, social inclusion, reskilling and vocational training, and even pensions (Anderson, 2015; Caminada et al., 2010; Daly, 2006; Van Vliet and Koster, 2011).

While the economic crisis in 2008 resulted in severe austerity measures, it also pushed the EU's social policy to sharpen existing policy instruments through a coordinated monitoring and surveillance of social protection efforts across the EU. This process was then further reinforced by the Juncker Commission, which took office in 2014 and aimed to “boost the social dimension of Europe” after a period of severe austerity by launching the European Pillar of Social Rights. The EPSR “expresses principles and rights essential for fair and well-functioning labor markets and welfare systems in 21st century Europe” (Article 14) and specifically identifies 20 principles that encompass three areas: access to the labor market, fair working conditions on the labor market, and social protection and inclusion (de la Porte and Palier 2022).

Importantly, social inclusion was as important of an aim of the EPSR as was the aim to boost employment and productivity. The EU recognized that this quasi “union” of social rights was necessary not only in its own right, but as a reinforcement to the existing Economic and Monetary Union, which had endured both economic and political storms in the years before. Thus, the EPSR would not only “deliver a positive impact on people's lives” (Article 7) but also “build a more inclusive and sustainable growth model by improving Europe's competitiveness and making it a better place to invest, create jobs and foster social cohesion” (Article 13). In other words, “the Pillar should be seen as an important tool for ensuring that social objectives counterbalance the essentially macroeconomic objectives in the EU's new social and economic governance tools” (Eurofound 2019).

The EPSR emphasizes the importance of “social dialogue” for its implementation, which has thus far largely involved cross-sectorial trade unions and employer organizations. These dialogues might entail consultations on the part of the EU with respective national bodies that aim to coordinate efforts, as well as collective agreements reached between the respective organizations of each member state (Eurofound 2022b). Recent reports, however, suggest that there are “several hurdles for involvement” for social partners in member states and that negotiations at the EU-level remain subject to the national-level regulation of employment relations (Kiss-Gálfalvi et al. 2022). A report from the Swedish Institute for European Policy detailing interviews with elite policymakers suggests that such limitations are particularly likely in countries where the existing institutional structure is especially strong, such as Sweden and Denmark (de la Porte 2019). Through the interviews, de la Porte (2019) concludes that, although they are enthusiastic about the “symbolic politics” of the EPSR, “key actors in the Nordic countries are thus concerned about whether the EU could [...] potentially undermine the Nordic model of collective bargaining”.

In sum, while the implementation and enforcement of the 20 EPSR principles are far from standardized, the Pillar does serve as an important impetus behind EU-wide dialogue over the aims of social policy. Furthermore, it has boosted the EU's “social credentials” (Garben 2019) and not only revived conversations between EU bodies and social partners, but also between EU policymakers, policy experts and academics, and top-level national policymakers (Hemerijck 2023). Given that European labour markets are currently facing

important challenges due to transnational transformations in the form of climate change, digitalization, and international worker mobility, the EPSR furthermore contributed to an important starting base for the EU to address those structural labour market insecurities. In the following sections, this report further illustrates the role of the EU as an agenda-setter in the realm of social policy by exploring recent efforts targeted specifically at challenges related to the big-three transnational transformations—migration, digitalization, and climate change—including legislation on minimum wages, protection for platform workers, and investments in the skills required to grow digital and green industries.

3. Adequate minimum wages in the EU

One important effect of digitalization and the transition to a green economy is an increase in job polarization and wage inequalities. For instance, studies show that digitalization tends to generate wage premiums for individuals at the upper end of the wage distribution, while it has negative effects for low-income and low-skilled workers (Goos et al.; 2009, Michaels et al., 2014; and Autor, 2015, 2022). One way to address these emerging inequalities is to implement adequate minimum wages across EU member states. To that end, in 2022, the EU adopted a directive on adequate minimum wages in the EU. The aims of the directive are threefold: to establish a framework for the adequacy of statutory minimum wages, to promote collective bargaining on wage-setting, and to enhance the access of workers to their rights to minimum wage protection.¹ The directive must be transposed into national law by November of 2024.

Importantly, the directive is clear in what it does not aim to do: “Minimum wages vary widely across the EU, leaving many workers unprotected. This is an area of national jurisdiction where the EU has a supporting and complementary role. The directive does not aim to harmonise the level of minimum wages across the EU, nor to establish a uniform method for setting them.” Nonetheless, although the directive may have little implications for countries with a longer tradition and practice of industrial relations, for other member states, it requires new criteria to be established and a national advisory body to be set up (Kiss-Gálfalvi et al. 2022). A recent report even suggests that the minimum wage initiatives at the EU level have helped significantly decrease wage inequality in Spain, which increased its minimum wage by 22% in 2019 (Eurofound 2022a).

Meanwhile, although some studies suggest that in symbolic terms, the commitments to expand collective bargaining were “a historic U-turn from the decentralization policies followed by the Commission in the aftermath of the Great Recession” (Kiss-Gálfalvi et al. 2022), other analyses indicate that progress on the Directive’s collective bargaining aims has been more limited (Eurofound 2022). Furthermore, some analyses reveal trends that suggest poverty among low-wage workers has in fact increased (Cantillon 2022)—trends that lead some scholars to conclude that social policy efforts are ultimately a “third order”

¹ The directive can be found [here](#).

priority for the EU (Copeland 2023). Nonetheless, others emphasize that the minimum wage achievements represent a “historic leap” (Kiss-Gálfalvi et al. 2022) and are one of the “main innovative strands” of EU social policy efforts (Crespy and Munta 2023). The recent spikes in inflation and subsequent rise in the cost of living for many families will provide a challenging but useful test of the directive and its role in guiding national responses to the growing risk of poverty among low-wage workers (Eurofound 2022a).

4. The platform work directive and its context

Digitalization has given rise to the so-called gig economy, which is typically characterized by low wages, flexible work arrangements, fixed-term contracts, and a low degree of unionization, all of which exacerbate inequalities in the labor market (De Stefano, 2015; Drahokoupil and Fabo, 2016; OECD, 2019; Oyer, 2020; Ilsøe and Larsen, 2020). Therefore, in 2021, the EU proposed a directive on the working conditions of platform work with three main aims: “to ensure that people working through digital labour platforms are granted the legal employment status that corresponds to their actual work arrangements” and “to ensure that they enjoy fairness, transparency and accountability in the handling of algorithms in their field of work and that they can benefit from labour and social protection rights”. More concretely, the Directive would increase transparency of digital labour platforms by ensuring human monitoring of the working conditions and by providing a list of control criteria to determine whether the platform is an employer and, if so, the rights of the people working for these platforms.²

It has been pointed out that, while the Directive “facilitates the determination of employment status”, it still puts the burden of “proving” the employment status on the employee. That is, a more simple—and arguably more equalizing—scheme would have involved presuming that someone who performs platform work for remuneration for a certain period is an employee, or that “platform workers are entitled to the rights applicable to workers under EU law unless their relationship does not feature essential characteristics of an employment relationship”. Instead, the Directive outlines a process whereby a platform worker needs “to prove that the platform exercises control over the performance of his or her work” (Rosin 2022).

Still, Rosin (2022) argues that the Directive should nonetheless be seen as ambitious “in that it aims to tackle problems connected with platform work before most of the Member States have taken steps to regulate platform work at the national level. Furthermore, based on an analysis of recent case rulings related to platform work in national courts, Aloisi (2022) points to,

“the emergence of a consistent set of patterns that are defining a legal blueprint on how to address a misclassification claim. In this network of inspirations, the

² The proposal for the directive can be found [here](#).

exposure of the ‘autonomous worker’ fiction, confuting the contractual classification, also resonates with the Court of Justice of the European Union’s (CJEU) case law. This use of the comparative method... reinforces the ties of a pan-European ‘community of courts’. It starkly demonstrates the rise of a supranational public sphere where tribunals cooperate in a special adjudication system to establish a promising dialogue both horizontally (among the different Member States) and vertically (between lower and higher courts within a country and—importantly—on the international front).” (14)

In other words, not only does the EU have the potential to significantly influence this emerging issue within social policy debates, but there already seems to be a consensus slowly emerging at the EU level about how to deal with such contractual disputes. At the same time, debates about what constitutes a ‘digital labour platform’ and the contexts in which self-employed is a more advantageous designation are ongoing (Busemeyer and Kemmerling 2020), and some argue these debates—and the influence of the EU in shaping them—would benefit from a greater reliance on existing policy tools addressing ‘casual work’ more broadly, such as the Transparent and Predictable Working Conditions Directive, the Fixed-Term Work Directive, and the Working Time Directive (Durri 2022).

The Transparent and Predictable Working Conditions Directive “introduced a broader definition of the ‘worker’ concept...by making reference to the notion of ‘worker’ developed by Court of Justice in the EU (CJEU) in its case law... As a result of this broader personal scope, the [directive] includes within its scope a variety of workers, e.g. casual workers, domestic workers and platform workers, that were largely neglected in the past”. The directive provides rights for these workers including the right to request transition to more predictable and secure employment, to work for more than one employer, to have a pre-determined set of reference hours and days, and to an advance notice period before starting work. The Fixed-Term Work Directive, meanwhile, aims to both improve the quality of fixed term work and “establish a framework to prevent abuse arising from the use of successive fixed-term employment contracts or relationships”, which could serve as a “crucial blueprint” for reducing insecurity in platform work. Finally, among other aims, the Working Time Directive addresses the insecurity of stand-by time, which is directly relevant for platform workers. This Directive has already proven useful in the CJEU, which has ruled that stand-by time, including travel time, is working time, underlining “how paramount it is to recognize stand-by time and pay workers for it” (Durri 2023).

The European Parliament approved the proposal in February 2023, allowing it to proceed into negotiations with the European Commission and Council (Bérestégui 2023). It may thus take some time before platform workers experience any material benefits as result of the Directive, though the approval, in revealing on which side the EU is leaning even if only slightly, may indirectly affect national-level negotiations among social partners.

5. Other areas of social protection

In addition to these legal measures, the EU makes use of various funding instruments to support regional and national efforts aimed at “investing in people”. The European Social Fund Plus, with a budget of almost 99.3 billion euros, has the explicit aim of putting the principles of the Pillar into practice by funding youth employment programs, entrepreneurs active in the “social economy”, and initiatives designed to create jobs and provide training to the unemployed. Such programs have been identified to play a crucial role in assisting workers and national labour markets in transitioning to a greener, more mobile knowledge economy, as current mismatches between workers’ skills and the skillsets required in a transformed European economy pose important challenges (Bakker and van Vliet, 2022; van Doorn and van Vliet, 2022; Bessen, 2019; Autor, 2019; Kizu et al. 2018; Burger et al., 2019; Bowen et al., 2018; Consoli et al., 2016; Bresnahan et al. 2002).

The Recovery and Resilience Facility (RRF), born in the aftermath of the coronavirus pandemic, provides up to 337 billion euros in grants and 385 billion euros in loans to help economies and societies as they undergo the green and digital transitions—challenges that mirror the pandemic in their scope and character. Among other initiatives to build more sustainable economies, the RRF supports education and training programs that build digital skills, as well as the extension of digital and sustainable business practices to areas especially vulnerable to climate change or isolated from advances or innovations in technology (European Commission 2023b, European Commission 2023c). The aims of the RRF are reinforced by the European Green Deal, which includes in it a “Just Transition Mechanism” that focuses “on the regions, industries and workers who will face the greatest challenges” due to the ongoing transition towards the green economy (European Commission 2020a).

While “inclusive growth” is a core pillar of the RRF, its performance-based nature, “characterized by the rigid ex-ante definition of milestones and targets with low flexibility for ex-post adjustments” has raised questions about its alignment with social rights (Bokhorst & Corti 2023, Vesan et al. 2021). While evaluations of projects thus far suggest a positive impact—with more than 4 million young people receiving support and almost 7 million people in education or training programs, among other achievements—the majority of the fund has yet to be disbursed. Future analyses will thus be required to determine whether the regional focus and coordination of social, digital, and green goals will prove effective despite the rigid funding structure.

When it comes to other inequalities—whether in terms of race, gender, sexuality, or disability—that intersect with the social and economic inequalities that stem from labor market change, the EU remains engaged in these topics, albeit to varying degrees. As part of its Gender Equality Strategy, the Commission has proposed binding pay transparency measures, adopted a Directive on gender balance in corporate boards, and launched a campaign to challenge gender-based stereotypes surrounding career choices and work-life balance (European Commission 2023a).

The EU has also pursued an Anti-Racism Action Plan, in which it promises to assess the implementation of the Racial Equality Directive requiring member states to set up independent equality bodies to monitor and enforce anti-discrimination legislation. The Plan also outlines EU efforts to “ensure a full and correct transposition and implementation of the Framework Decision on racism and xenophobia across the EU”, which provides guidelines for “effective, proportionate and dissuasive criminal penalties” for those who commit hate speech and hate crimes (European Commission 2020b).

In line with these efforts, the EU has also presented a LGBTIQ Equality Strategy, a Strategy on the Rights of Persons with Disabilities 2021-2030, and the EU Roma Strategic Framework for Equality, Inclusion, and Participation 2021-2030 (European Commission 2023b). To some degree, these initiatives could be characterized as ‘soft governance’, in that they have limited legal implications for member states. Still, they make clear the stance that the EU takes on these issues, which, in the cases where this stance is especially far from that of a national government, in the least serves as a source of pressure. Existing research on the consequences of digitalization and climate change on employment insecurities emphasizes that setting such standards is especially necessary in a transformed world of work, as vulnerable groups like immigrants, workers in non-standard employment situations, and women are stronger affected by those labour market risks (Galgóczi, 2023).

6. Assessing European social protection

The primary challenge of assessing EU-level efforts when it comes to social protection stems from the choice of a benchmark. Relative to the national welfare schemes of member states, EU social protection efforts appear as only marginal additions to much more coordinated and legitimated efforts, albeit to varying degrees across member states. However, relative to earlier decades, EU social protection efforts since 2000 serve as landmarks in a new era of EU governance.

Notwithstanding debates over how to assess social policy at the EU, there is a growing consensus that the EU will not achieve its fiscal and economic goals without more attention to social inclusion. This recognition may simply signify that the main priorities of the EU have remained the same, they just require a broader policy scope; de la Porte and Natali (2018) argue that the EU has largely prioritized employment rates and flexibilization due to their importance for the monetary union, and that their framing of social investment remains rooted in its importance for productivity (see also Crespy and Munta 2023).

At the same time, the EU itself has framed social and economic resilience as “crucial to ensure debt sustainability and build fiscal buffers” (European Commission 2022), suggesting that, regardless of the underlying motives, the bundling of welfare with economic growth at the EU level will require policymakers representing a wide range of political, economic, and environmental interests to also account for social outcomes. Indeed, in their analysis of EU social policy efforts, Vesan et al. (2021) find that, since 2011, the composition of social recommendations at the EU-level has shifted away from

“retrenchment” and towards “protection”. Furthermore, as emphasized previously, a more serious social policy agenda may be required for the EU to maintain its political legitimacy in an era of heightened euroskepticism (de la Porte and Palier 2022; de la Porte and Natali 2018).

Another way of assessing EU level social policy is by way of trends in social and economic inequality. A recent analysis of trends in employment and earnings across EU member states since 2008 suggests that countries that previously performed poorly on employment rate, gender employment gap, and early childhood education have made significant improvements and are on the path to converge with member states with stronger trends in these areas (Eurofound 2019). However, when it comes to income inequality and the impact of social transfers, the latter being measured by calculating the percentage reduction in the risk-of-poverty rate due to social transfers, disparities between countries have in fact increased since 2008 (Eurofound 2019).

In taking stock of trends across the various indicators, the authors of the report draw conclusions that emphasize the link between the survival and legitimacy of the EU and social inclusion:

“Among the various policy options to fully implement the Pillar and strengthen the resilience of Member States, the proposal for a European unemployment reinsurance scheme has recently been relaunched under the new political guidelines of Commission President, Ursula von der Leyen. Such a scheme would reduce macroeconomic risk and, at the same time, improve convergence in socioeconomic conditions for the unemployed. It could also help limit the unbalanced impact of periods of economic recession across Member States and reduce the potentially negative economic and social consequences of unemployment for European citizens.

However, moral hazard and distributional effects across countries make the implementation of this scheme difficult. Notwithstanding design complexities, policymakers are increasingly recognising the need for greater coordination of unemployment benefit systems, not only for cycle stabilisation but also to ensure that unemployed EU citizens have access to similar unemployment benefits.” (Eurofound 2019).

In short, relative to the needs of many EU citizens and residents, and to the social protection measures taken by some member states, there is ample room for improvement at the EU-level. The EU has recognized this need and made significant strides towards expanding their role in the realm of social protection. While these strides have not been pathbreaking and may be motivated by a more urgent need to reinforce the economic growth or political legitimacy of the EU, they reveal that social protection has become a mainstay in policy debates (Vesan et al. 2021).

Ultimately, advances in social policy at the EU level will in part depend on the commitment of member states to the value of an EU-wide social policy scheme. That is, the degree to which the EU can have meaningful impact on social outcomes will depend, in part, on the extent to which member states allow it to take the lead on social policy. This is not only a matter of “design complexities” as indicated above, but also of complexities in political economies that prevent some member states from seeing the value of being linked to the future social and economic security of others.

The demand for such an EU-level social policy scheme, then, may need to come from those who need it most: people living and working across the EU. Member states will be more likely to cede power over the area of social policy when workers, voters, and the organizations and institutions that represent make it known that this is in their interest. In an era of heightened Euroskepticism, especially around issues related to the welfare state, there may be little public interest in supporting such a scheme, despite its potential benefits. Yet, as many national welfare states have stumbled in their responses to growing labor market risks, the demand for a better response by the EU may be growing, and simply a question of political mobilization.

Important questions that need to be addressed are: to what degree is public support for an EU social policy scheme responsive to different frames? Can public support for an EU social policy scheme be built by emphasizing its necessity for the resilience of national economies and for the long-term job prospects of people living and working in Europe? While the implementation and design of such a scheme will present significant challenges, the transnational nature of ongoing structural transformations demands at least a consideration of a transnational solution. In exploring the potential for a more expansive role for the EU in the realm of social policy, TransEuroWorkS will take crucial steps towards imagining a 21st-century welfare regime.

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