

## **STRENGTHENING THE IMPLEMENTATION OF SOCIAL RIGHTS IN EUROPE THE ROLE OF THE EUROPEAN SOCIAL CHARTER**

Seminar on the European Social Charter in honour of several outgoing members of the European Committee of Social Rights

**8 December 2022**

### **Conclusions presented by Éliane Chemla Vice-President of the European Committee of Social Rights**

Let me start by joining the previous speakers in thanking and congratulating those who organised and participated in this seminar. It was an exciting and successful afternoon.

To begin with, Ms Abraham put her finger where it could hurt by telling us that if, in Europe, we fall behind with social rights as the current successive crises unfold, and if we do not strengthen our efforts towards equality and a fair distribution of resources, these rights will lose their legitimacy and credibility across the world.

Immediately afterwards, Luis Jimena Quesada brought a positive and even enthusiastic note by telling us how Spain has adopted the revised Charter and the collective complaints procedure as if the two were a whole. However, Ambassador Panayiotis Beglitis, in explaining his views on the work of the ad hoc working group on the Charter (GT-Charte), was quick to bring us down to earth by underlining the lack of enthusiasm of many states in moving forward with the adoption of new rights, the broadening of the scope of the Charter, or any modification of the treaty. But given his very firm position in favour of greater consistency in the way states apply Charter articles, we can be confident that he will do his utmost to bring forward these issues within the working group as well as with states themselves, and we encourage him to do so.

Turning to the current situation and new challenges, Melanie Schmitt and Monika Schlachter, both stressed the need to protect the social rights of "atypical" workers, who are increasingly numerous and diverse. Both encouraged the European Committee of Social Rights to make use of the Charter and its case law to protect all workers, whether or not they are linked to an employer by their status, as ultimately states are bound by the Charter. If the treaty itself does not evolve, it is up to the Committee to extend the existing protection to new risks. On this point, adopting a forward-looking approach, Mr. Clauwaert provided some concrete proposals, such as making more use of Article E to deal with discrimination against "atypical"

workers and relying more extensively on immediate measures. Moreover, the new "ad hoc" reporting procedure should provide an opportunity to address emerging issues, including those related to digital technology.

Finally, on behalf of the European Commission, Mr Engsted informed us about the work in progress to improve the situation of platform workers, who are already estimated to be 28 million in Europe, a figure expected to grow exponentially. A directive already requires that all of them have a status in order to benefit from labour rights, and another directive is to deal with the minimum wage. Of course, such progress in the European Union gives us added strength in our own work.

As for us, members of the European Committee of Social Rights, in the current crisis, we intend to use all the levers that have been mentioned by the speakers to apply social rights to all, by striving to remind states of their commitments under the Charter. But we cannot do it on our own, and we are counting on the support of all: leaders of the Council of Europe, academics and researchers, political leaders, other bodies of the Council, and of course NGOs and trade unions whose work is directly relevant. I would like to thank Ambassador Aloisia Wörgetter for pointing out that the European Social Charter and the European Committee of Social Rights do not have the place they deserve in the minds of governments and people.

This reflects the scale of the difficulty in having social rights considered as fundamental and indispensable, or as our Committee calls them, as "human rights in everyday life". Ms Abraham has made us well aware of this difficulty and other inadequacies. We have at heart to convince everyone, throughout Europe, of their importance. We do this in our work here, and in our respective contexts. But let us not dwell on difficulties but rather act to overcome them together.

And finally, I would like to say to our three friends who are leaving us that naturally we will miss them very much, but at the same time that we will also count on them, wherever they are, to relay our work, to rally around these fundamental rights, without respite, as much as necessary.

And from this point of view, they will not leave us.