

Eu Social Cit

European Social Citizenship

The State of European Social Rights and European Social Citizenship

Edited by

Maarten Keune

Flagship Report 1

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Summary

This Flagship report brings together the research of the EuSocialCit project about the State of European Social Rights and European Social Citizenship. It consists of 12 chapters covering all substantive work packages of the project. After the introduction, chapter 2 presents a novel, multi-level, power resource-based conceptualization of EU social rights that considers a social right as a bundle of three types of individual power resources: normative, instrumental and enforcement power resources. These three power resources are needed for the concrete fruition of the content of social rights by individuals. Chapter 3 discusses the extent to which the EU social rights that emerged after the adoption of the EPSR introduce these three types of power resources or fail to do so. Chapter 4 further develops the concept of instrumental power resources, the most innovative aspect of the conceptualization presented in chapter 2 and crucial for making social rights accessible to citizens.

Chapter 5 analyzes the implementation of the EU's Work-Life Balance Directive in five member states, the extent to which this implementation offers instrumental resources to right holders, and how differences between countries concerning the availability of instrumental resources affect the actual take up of parental leave. Chapter 6 discusses the normative (legal) and instrumental power resources available to platform workers in Spain and the Netherlands and how the differences in their availability affect the fairness of working conditions. And Chapter 7 presents a quantitative analysis of the relationship between the three types of power resources and the take up of social rights, social spending and social outcomes, focusing on the social-rights realms of worker unemployment and employment.

Chapter 8 addresses the question if the focus of the current EU social rights and social policy approach on employment and gender equality is instrumental for delivering on the 2030 poverty and social inclusion targets, or if it requires stronger attention to social protection. Chapter 9 discusses the social challenges related to housing in the EU as well as the way in which national and EU policies succeed in strengthening housing rights and ensuring housing availability, affordability and adequacy, in particular for the less well off. Chapter 10 scrutinizes the tangible impact of the evolving EU approach to social investment on the social rights of European citizens and, consequently, their empowerment, focusing in particular on investment in Early Childhood Education and Care.

Chapter 11 studies citizens' views on the European social rights and social citizenship and what role they see for the EU in social policy. Finally, chapter 12 presents conclusions.

The Future of Social Citizenship in the EU.

EUSOCIALCIT Flagship Report 1.

Project name	The Future of European Social Citizenship
Project acronym	EuSocialCit
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Deliverable number	D2.2
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Work package	<p>EuSocialCit is an interdisciplinary research project aiming to support the EU in strengthening social rights and European social citizenship. It evaluates the current state of social rights in Europe and their relationship to social inequalities, gender inequalities, poverty and precariousness, and diagnoses the shortcomings of current policies and institutions at the level of individual countries and the EU.</p> <p>The EuSocialCit project focuses on three domains in which social rights are important: the empowerment of citizens (e.g. education and activation), fair working conditions and social inclusion. Each of these domains is respectively studied as part of WP3, WP4 and WP5.</p> <p>This report is produced as part of WP2, which is entitled “<i>Social Citizenship in Europe and the role of the EU: conceptual framework, state of play and scenarios for improvement</i>”. EuSocialCit starts from the presumption that EU integration has reached a stage whereby social rights, commonly agreed at the EU level, should become part and parcel of European citizenship. This presumption triggers questions on ‘why’, ‘what’, ‘who’, ‘how’ and ‘criteria for priorities’. WP2 first addresses these questions on a conceptual level.</p>
Web address	For more information about the EuSocialCit project, please visit www.eusocialcit.eu . EuSocialCit’s output can also be found in its community on Zenodo: https://zenodo.org/communities/eusocialcit .

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1. Introduction The State of European Social Rights and European Social Citizenship

Maarten Keune

1.1 Introduction

The past half century has brought profound transformations to European societies: the deepening of globalization and greater EU integration, the rise of the service and knowledge-based economy, the fourth technological revolution, growing migration flows and rapid socio-demographic changes including the gender revolution (Wren, 2012; Hemerijck, 2013; Bourguignon, 2015; Mahutga et al., 2017; Diamond, 2019). Against this backdrop of ‘slow moving’ trends, three crises have emerged in the past two decades, posing additional social challenges. The post-2008 crisis and the ensuing Great Recession confronted Europe with declining incomes, rising inequality and poverty, increasing precarious work, the reduced capacity of welfare systems to secure economic and social stability, and divergence rather than convergence in prosperity (Eurofound, 2018; Taylor-Gooby et al., 2017). More recently, the COVID-19 crisis paralyzed large parts of the economy and again strongly affected jobs, incomes and inequality between social groups and between EU countries. And thirdly, the climate change crisis is becoming more and more apparent and poses its own social challenges as to how to assure that economic activity, jobs and welfare are aligned with the need to halt climate change and the exhaustion of natural resources.

All of these developments have affected the welfare and wellbeing of European citizens. Throughout Europe, individuals, families, social groups and territories have been variously exposed to sudden and often unforeseen situations of need and insecurity. While traditional protection systems continue to provide basic essential needs (e.g. protection against illness, injury and disability), many (old and new) risks are not adequately addressed. These developments are generating widespread social problems and political anxieties, including radicalization and skepticism in public opinion towards institutions, politics and the EU (Manow et al., 2018).

Our current predicament shares a number of features with the big Social Question of the late nineteenth century which followed capitalist industrialization. Karl Polanyi (1957) famously dubbed it the ‘Great Transformation’, whose ‘first movement’ – the process of market making – thoroughly disrupted established patterns of work-family-community relations. To withstand disruption, European societies reacted to protect themselves in new forms, eventually establishing the modern welfare state. Our current era is witnessing the emergence of what can be considered a new Social Question in Europe,

reproducing under new guises the double challenge of economic disruption and social/ institutional reconstruction. The Europeanisation of national markets through freedom of movement and competition rules has fostered growth and job creation. But it has also become a source of social disruption. The EU has gradually responded to this social disruption, developing its 'social dimension'. This social dimension and the social rights attached to EU citizenship for a long time remained limited, weak and poorly visible, primarily affecting mobile workers/citizens by granting them access to the domestic labour markets and social security systems of all member states.

The 2017 proclamation of the European Pillar of Social Rights (EPSR) substantially broadened and deepened the EU's ambitions concerning social rights and European social citizenship, signaling the desire to find a new balance between economic objectives and social concerns. At the same time, the EPSR as such does not create new social rights and it raises questions about its status, both conceptually as a foundation of 'European social citizenship' and as an agenda for concrete policy initiatives.

The EuSocialCit project has in the past 4 year done extensive research with the aim of getting a better understanding of the recent developments of European social rights and European social citizenship, the role of the EPSR in this process and the respective impact on the wellbeing of (different groups of) EU citizens. Also, we wanted to increase our comprehension of how EU social rights and social citizenship can be strengthened to effectively improve the lives of EU citizens. To this effect EuSocialCit set out to (i) develop a novel, resource-based, multi-level concept of social rights and empirically verify this concept; (ii) study the current state of social rights in the EU, their relationship to social outcomes (e.g. social inequality, gender inequality, poverty, precariousness) and gaps in their functioning; (iii) diagnose the shortcomings of the existing institutional structure that generates undesirable outcomes in terms of empowerment, fair working conditions, social inclusion and gender equality; and (iv) understand the social and political demand for change among citizens, their attitudes and preferences, and the constraints and opportunities these demands, attitudes and preferences create for advancing the EU social agenda.

In this flagship report we present the main outcomes of this research. It is complemented by two other reports, one presenting an outlook to the future as well as a series of policy recommendations concerning the further development of European social rights and social citizenship (Ferrera 2024) and one presenting the project's finding related to gender and gender inequality (Magda and Chłoń-Domińczak (2024)).¹

To contextualize the chapters of this report, in the next section a brief discussion of the EPSR will be provided, discussing the extent to which it has indeed become a turning point in the social role of the EU

¹ For the complete collection of papers produced by EuSocialCit see <https://www.eusocialcit.eu/results/> and <https://zenodo.org/communities/eusocialcit/records?q=&l=list&p=1&s=10&sort=newest>

and the provision of social rights to EU citizens, as well as the questions it raises concerning the impact on the lives of EU citizens. Section 3 then sets out the structure and the themes of this report.

1.2 The EPSR and the revival of Social Europe

The European Pillar of Social Rights was introduced by Commissioner Juncker and proclaimed in 2017. It presents 20 principles divided into three areas: equal opportunities and access to the labour market; fair working conditions; and social protection and inclusion. The EPSR does not create new social rights nor new competences at the EU level, it rather represents an overview of the social values that are considered important in the EU. In that sense it is more a guide than a rulebook. It therefore runs the danger of being another empty declaration on the importance of social rights without substantial practical implications.

This does however not seem to be the case. The EPSR has become an important signal that Social Europe and social rights are back on the EU agenda and has repoliticized and revitalized the EU social policy arena (Vanhercke et al. 2018; Kilpatrick 2023). In spite of not being legally enforceable, it has become the reference point for a whole new series of EU social rights and social policy (Aranguiz 2022; Keune and Pochet 2023; Dura 2023). The years since the adoption of the EPSR are first of all characterized by a high number of such new initiatives, at a much greater speed than in previous times (Kilpatrick 2023). The social *acquis* has also been expanding in terms of the subject matters it covers, moving far beyond its traditional focus on health and safety, non-discrimination and cross-border mobility to presently include issues like minimum wages, minimum income, food aid and work-life balance (Keune et al. 2023).

In addition, since the adoption of the EPSR there has been a diversification of the types of instruments used in the creation of social rights (Keune et al. 2023). On the one hand we see that after years of mainly soft governance, hard EU social legislation through new social Directives is again amply used. Examples here are the Minimum Wage Directive, the Work Life Balance Directive and the Directive on Transparent and Predictable Working Conditions. On the other hand, a number of new, hybrid forms of multilevel governance have emerged, in which EU funds are offered for national or local social policies, but with important conditionalities attached to it. Examples here are the various guarantees that have emerged (Youth Guarantee, Child Guarantee, Skills Guarantee), the above-mentioned Support to mitigate Unemployment Risks in an Emergency (SURE) programme, or the funds made available for social policy under the Recovery and Resilience Facility (RRF). Altogether, through these new programmes the EU has allowed for massive public investment in social policy in the member states.

Finally, a series of innovations have been made to integrate social rights, social indicators and the EPSR into EU economic governance (Keune and Pochet 2023), including a partial but progressive socialization of the Semester through expansion of the social scope and ambition of the Country Specific Recommendations (CSRs) in 2011–2016 (Zeitlin and Vanhercke 2018) and the tying together of large governance architectures such as the Pillar, the Semester and the RRF (Bekker, 2022; Corti and Vesan,

2023). In this way, the principles and implementation of the EPSR are becoming part of the objectives of the European Semester, the CSRs and the RRF. What is more, during the COVID-19 crisis, the limits on public expenditure of the Stability and Growth Pact were (temporarily) suspended in favour of social spending in the member states, allowing them to finance social and employment policy and creating an interesting precedent for future crises.

From this brief analysis it clearly follows that the EPSR represents a turning point in EU social rights and social policy. In its wake EU social rights and social policy have increased quantitatively, while their substantive coverage was extended and the types of instruments used diversified. Also, the EPSR has to some extent been integrated into the EU economic governance. A series of important questions remain however. One is if EU social rights, pre and post-EPSR, effectively improve the lives of citizens. The existence of a right is in itself not enough in this respect, rights should also be accessible and enforceable. Think for example of the persistent problem of the non-take up of social rights (van Oorschot 1991; Janssen and van Mechelen 2022).

A second question is how balanced EU social rights are across the thematic areas of the EPSR, to what extent they address the most pressing social problems in the EU and what dimensions of the EPSR should get priority for further action. For example, Copeland (2023) shows that it is the area of social inclusion, and in particular that of poverty, that has not received sufficient attention and is treated as a 'third order priority', even though poverty remains high. Similar observations can be made concerning housing, an increasingly important source of poverty and social exclusion (Dewilde 2022). This is much less the case for employment and social investment. The same questions can be asked concerning social groups and member states. Do EU social rights work towards the basic EU goal of upward social convergence within and between member states or do certain groups or member states benefit more than others?

A third question concerns what the citizens think of EU social rights, which ones they find more and which less important, where they see a role for the EU and where not, etc. The debate about the EPSR and related social rights and policies largely takes place among political elites at the EU and national level. Much less is known about the views of the citizens, even though they are both the consumers of social rights and as voters play a key role in the way social rights are developed.

And finally, there is the question if the EPSR will remain as influential in the future as it has been in recent years. It seems to represent a rather robust and well-accepted framework that actors may continue to draw upon to foster EU social rights in the future. At the same time, its non-binding nature makes it dependent on the politics of the moment and vulnerable to being sidelined.

1.3 The structure and themes of this report

To address the questions raised in the previous two sections, the remaining eleven chapters of this report present the research of EuSocialCit. In chapter 2, Maurizio Ferrera, Francesco Corti and Maarten Keune present a novel, multi-level, power resource-based conceptualization of EU social rights that considers a social right as a bundle of three types of individual power resources: normative, instrumental and enforcement power resources. These three power resources are needed for the concrete fruition of the content of social rights by individuals. In chapter 3, Maurizio Ferrera and Federico Bruno discuss the extent to which the EU social rights that emerged after the adoption of the EPSR introduce these three types of power resources or fail to do so. In chapter 4, Federico Bruno and Simon Kuijpers further develop the concept of instrumental power resources, the most innovative aspect of the conceptualization presented in chapter 2 and crucial for making social rights accessible to citizens.

In chapter 5, Caroline de la Porte and Zhen Im analyze the implementation of the EU's Work-Life Balance Directive in five member states, the extent to which this implementation offers instrumental resources to right holders, and how differences between countries concerning the availability of instrumental resources affect the actual take up of parental leave. In chapter 6, Zhen Im, Janine Leschke and Laura Scheele discuss the normative (legal) and instrumental power resources available to platform workers in Spain and the Netherlands and how the differences in their availability affect the fairness of working conditions. And in chapter 7 Brian Burgoon, Marius Busemeyer and Gianna Maria Eick present a quantitative analysis of the relationship between the three types of power resources and the take up of social rights, social spending and social outcomes, focusing on the social-rights realms of worker unemployment and employment.

In chapter 8, Bea Cantillon, Sumeyra Akarçesme and Ane Aranguiz address the question if the focus of the current EU social rights and social policy approach on employment and gender equality is instrumental for delivering on the 2030 poverty and social inclusion targets, or if it requires stronger attention to social protection. In chapter 9, Ruta Ubarevičienė and Jolanta Aidukaitė discuss the social challenges related to housing in the EU as well as the way in which national and EU policies succeed in strengthening housing rights and ensuring housing availability, affordability and adequacy, in particular for the less well off. In chapter 10, Cinzia Alcidi scrutinizes the tangible impact of the evolving EU approach to social investment on the social rights of European citizens and, consequently, their empowerment, focusing in particular on investment in Early Childhood Education and Care.

In chapter 11, Marius Busemeyer, Gianna Maria Eick and Brian Burgoon study citizens' views on the European social rights and social citizenship and what role they see for the EU in social policy. Finally, in chapter 12, Maarten Keune presents conclusions.

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2. How to conceptualise EU social rights and EU social citizenship? A multi-level resource-based framework

Maurizio Ferrera, Francesco Corti and Maarten Keune

2.1 Introduction

Over the last few years, the European Commission has emphasized time and again that, in the face of global uncertainty, the European Union (EU) has to strengthen its social dimension and to foster convergence towards better working and living conditions for its citizens (European Commission, 2018). To achieve this aim, the EU wants to strengthen social citizenship by advancing social rights, implementing the principles in the European Pillar of Social Rights (EPSR) at both the European and national level (European Commission, 2017a; 2017b; 2017c). In order to identify the possible pathways from an analytical point of view - and thus assess the Commission's choices and efforts – a foundational question must be raised: what is the nature of EU social citizenship and the social rights associated with it?

Answering such question requires a 'dissection' of the constitutive elements of social rights and of the various levels (local, national and EU) at which they are provided. To this end, this chapter develops a resource-based and multi-level conception of social rights. The structure of the paper is as follows. Section 1 focuses on the increasingly multi-level character of social rights and social citizenship in the EU. It also proposes a distinction between what we call 'EU social rights', 'Europeanised social rights' and 'EU law observant social rights'. Section 2 develops the concept of social rights as a bundle of three types of individual power resources: normative, instrumental and enforcement power resources. Section 3 discusses each of these types of power resources in more detail. Section 4 combines the multi-level perspective with the resource-based perspective into the entitlement chain of social rights. Section 5 concludes.

2.2 Social citizenship in transition

Social citizenship is a key distinctive feature of European nation-states. It complements freedoms of individuals based on civil and political rights with a social sharing component, i.e. the entitlement to partake in the fruits of social cooperation. In the Polanyian tradition, social entitlements are both a result

and a multiplier of power resources. They were historically obtained through collective mobilization, in response to the Great Transformation and its extensive commodification of labour. Once obtained, social entitlements greatly improved the living conditions of workers and made them less dependent on their market positions and on the unbridled discretion of employers. According to the Marshallian tradition, social citizenship is inextricably linked to and embedded in the cultural, political and institutional framework of the nation state.

This is a historical reality, still largely in place today. In various direct and indirect ways, however, European integration has gradually modified the institutional articulation of social citizenship, reducing its exclusive connection with the nation state. A rich debate, with contrasting positions, has tried to establish the extent to which the EU has weakened or strengthened national welfare states and their evolution over time. However relevant and pertinent, here we will not address this debate. Our aim is to strengthen our analytical understanding of the new institutional articulation of social rights in the EU, including the role and competencies of multilevel institutional actors. The EU intervenes in the domain of social and employment policies by supporting and complementing the activity of member states with a variety of instruments. Among these are: charters and proclamations, directives and regulations, coordination and guidance through recommendations, communications, resolutions, opinions, open methods of coordination, the promotion of dialogue between management and labour and of collective agreements (which may become EU law through Council decisions) and - last but not least – financial support, in particular through the European Social Fund. Thanks to all such instruments, the EU has been able to put in place a significant social *acquis*.

From a Treaty perspective, social cohesion and social progress feature as prominent objectives of the EU. In the preamble to the Treaty on the European Union (TEU), explicit reference is made to the Turin European Social Charter (1961), the Community Charter of the Fundamental Social Rights of Workers (1989) and to the social rights defined in the EU Charter of Fundamental Rights (2000). In Article 3 of the TEU, the Union is conceptualised as a ‘social market economy’, aimed at full employment and social progress, committed to combatting social exclusion and discrimination and promoting social justice and protection. Article 9 in the Treaty on the Functioning of the European Union (TFEU) introduces a so-called social clause in EU policy-making. According to this, ‘in defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health’. Finally, title X (articles 151-161) TFEU defines the competences of the EU vis-à-vis Member States in the domain of social and employment policies. Notably, the EU shall support and complement Member States’ activities in the following areas: worker health and safety; working conditions; social security; protection of workers when their employment contract is terminated; information and consultation of workers; employment conditions for third-country nationals; re-integration of persons excluded from the labour-market; gender equality; combating social exclusion; and modernisation of social protection systems.

Title X TFEU, however, does not exhaust the legal basis for EU interventions in the domain of social and employment policies. For instance, the right to move and reside freely in the territory of the member states is underpinned by the principle of non-discrimination on the basis of nationality (TFEU, art. 18 and 48). Also, the coordination of social security systems, which has conferred a subjective right to all “persons resident in the territory of one of the Member States ...to be subject to the same obligations and enjoy the same benefits under the legislation of any Member State as the nationals of that State” (Regulation (EC) No 883/2004), is based on articles 48 and 352 TFEU. Another example is that apart from articles 151 and 153, also articles 91, 114, 115 and 352 TFEU provide a legal basis for EU intervention in health and safety at work. In addition, in the field of gender equality, the principle that men and women should receive equal pay for equal work has been enshrined in article 157 TFEU. However, also Article 19 TFEU enables legislation to combat all forms of discrimination, including discrimination based on sex. And more examples could be given of social rights outside title X TFEU.

EU interventions in the domain of social policy at large and social rights in particular must be clearly distinguished from each other. A social policy is a course of action aimed at achieving certain goals (mainly to do with risks and needs) through authoritative decisions (regulative, allocative) which may or may not include the creation of individual social rights. Allocating funds for disease prevention or for pharmaceutical research is a social policy which provides a collective good, but it does not create or strengthen social rights. On the other hand, a social policy program for promoting female employment may well, among other things, introduce – under the spur of the EU - a new social entitlement to cash benefits for mothers returning in the labour market.

In order to systematize the role played by the EU in the realm of social rights proper, it is useful to differentiate between three types of interventions, which have generated three “layers” of social rights. As shown by Table 2.1, there is first an EU layer of social rights, which result from EU hard law. Even if the transposition of EU directives allows for a degree of national differentiation, the EU *acquis* in this layer has now become part and parcel of the legal provisions which sustain citizens’ security vis-à-vis risks and needs. The second layer includes Europeanized social rights, shaped by the principles, common objectives and targets set by soft law. Soft law alone cannot create fully-fledged rights; but it can provide important components for their definition and assemblage. In most areas, national social rights have thus acquired a European dimension: they have been linked to the EU’s overall normative vision. The third layer of social rights is the strictly national type of rights. Yet, also on this front, the Union plays a certain role. Given the primacy of supranational law (primary and secondary, both monitored by the CJEU) any national social right (whether Dutch, or German or Italian) must be compatible with the EU legal order. In this third sense, it can be said that the EU has set a legal perimeter of validity that covers also the most “intimate” layer of nation-based social rights. Thus, even the basic national layer of social citizenship has become EU law observant: not only in respect of anti-discrimination and equal treatment, but also – to a large extent – in respect of competition law.

Table 2.1 The layers of social rights

EU LAYER	Regulations and directives: impose binding norms to the MS	E.g.: mobility rights; parental leave rights
EUROPEANISED LAYER	Soft law: inspires/guides/recommends MS action through national legislation	E.g.: right to sufficient resources or to active employment services
NATIONAL LAYER (EU LAW OBSERVANT)	MS norms, under the review of the CJEU	E.g.: national social insurance benefits can be managed by non-public bodies only if there is (i) compulsory participation; (ii) redistribution based on solidarity principle; and (iii) State supervision

Source: own elaboration

With respect to this point, there is an extensive literature highlighting the asymmetry between economic and social rights within the EU, whereby the former have been systematically prioritized over the latter (see for an overview see Barnard 2017). Similarly, after the Great Recession, national social legislation has been put more and more under scrutiny of European economic surveillance, with extensive changes required to individual employment rights, to wage and pension entitlements and to collective bargaining systems (see for an overview Kilpatrick and De Witte 2014).

The multi-level perspective just outlined calls for a new analytical framework suitable for capturing the relationships among the three layers and, more importantly, the possible synergies among them. In order to move in this direction, we draw on the Weberian conception of “rights” as sources of power (*Machtquellen*) (Weber, 1978). In the Weberian tradition, the focus is less on collective groups (as in Polanyi) or on the nation (as in Marshall) than on the empowerment of the individual as such, situated within a stable institutional order, whichever its socio-political origins and nature. In Weber’s perspective, rights confer to individuals the ability to obtain compliance from other individuals (horizontal power) and from public authorities (vertical power). Such ability is effective because (or to the extent that) right holders are provided with a bundle of distinctive power resources. In the Weberian conception, rights (and in particular social rights) coincide with this bundle, they are a set of individual power resources which enable citizens to claim something against someone (typically a public authority).

2.3 Social rights as bundles of power resources

We define a “social right” as a guaranteed subjective power to obtain a certain cash or in-kind benefit (table 2.2). Such power is in turn constituted by three distinct resources (normative, instrumental and enforcement), which enable the right holder to concretely assert his/her right (see section 3 for a more

detailed discussion). As mentioned above, the ‘something’ that can be claimed is the concrete content of a right: the output that is related to the right should match that content. The output is defined by legislation or collective agreement and then must be ‘constructed’ through an administrative and practical process which assembles various elements, especially budgetary funds, physical infrastructures and staff. One might say that these funds, infrastructures and staff are ‘output resources’ that allow the production of the right’s content. But these ‘resources’ are not the ‘power resources’ which we refer above. The difference between power resources and outputs is fundamental in our perspective. Without power resources, one cannot legitimately and validly claim and access outputs. This is what distinguishes a right-based from a market-based output provision (e.g. through private insurance).

Table 2.2. Social rights, individual power resources and outputs

SOCIAL RIGHTS	INDIVIDUAL POWER RESOURCES RELATED TO A SOCIAL RIGHT		
	NORMATIVE	INSTRUMENTAL	ENFORCEMENT
<i>Guaranteed subjective powers to obtain a certain benefit/service</i>	<ul style="list-style-type: none"> ➔ Provide justifications ➔ Specify the content (who, what, how) ➔ Guarantee compliance from others and establish obligations on public authorities to provide the benefit/services 	<ul style="list-style-type: none"> ➔ Secure access to the content/output ➔ Provide informal remedial channels for disputes ➔ Guarantee access 	<ul style="list-style-type: none"> ➔ Guarantee formal justiciability ➔ Guarantee adjudication
↓	MEANS/RESOURCES NEEDED TO TRANSFORM CONTENT INTO OUTPUT		
	FINANCIAL	PHYSICAL	ADMINISTRATIVE/ORGANIZATIONAL, ETC
<i>OUTPUTS</i> <i>Tangible goods assembled into benefits and services ready for delivery to individuals</i>	Fund allocations	Staff and infrastructures	Roles and offices, implementation and delivery rules, standard operating procedures etc.

Source: own elaboration

Before discussing in more detail each type of right-related individual power resources, we need to provide a second clarification about our use of this notion. Power resources play a key role in comparative welfare studies and especially in regime theory (Esping-Andersen, 1990; O’Connor and Olsen, 1998). Our

conception of individual power resources is closely related to regime theory and supplements it. The link becomes clear if we revisit the original micro-foundations of power resource theory (PRT).

In his pioneering article of 1974, Walter Korpi constructed his framework starting from the individual level: he argued that it is the perceived asymmetry in life chances that triggers a “deprivation-frustration-aggressiveness” mechanism in individuals (Korpi, 1974); shared experiences then push individuals to join together and mobilize to redress the asymmetry². In the early industrialization phase, the primary power resource of workers was collective mobilization, made possible by civil rights (freedom of association and demonstration). Mobilization typically started in the industrial relations arena, orchestrated by trade unions. With the formation of socialist parties and the extension of the suffrage (political citizenship), the struggle shifted to the arena of democratic politics. It was in this arena that workers were able to forge the necessary majorities to create the welfare state. The expansion of social policies and in particular the institutionalization of subjective social rights generated an entirely new set of resources, which promoted decommodification. The latter term has a double effect, substantive and relational. On the one hand, the outputs of social rights directly improved the living conditions of working people, redressing pre-existing asymmetries. On the other hand, by guaranteeing access to a number of “worldly goods” (e.g. unemployment benefits) independently from the tyranny of the market, decommodification increased workers’ relational power vis-a-vis employers.

Regime theory has developed several variants of what is essentially a “mobilization” model, centred on organised pressures from below and on collective actors/action (the upward process of Table 2.3). Such model was elaborated with reference to the formative phase of the welfare state, but it has been re-elaborated to account for subsequent developments as well, up to the present day. The theory’s micro-foundations, however, went somewhat lost in the process and PRT is today primarily considered and used as a macro (at most meso) theory. In its macro-formulation, PRT falls short of analysing in depth the mechanism that leads from the formal establishment of social rights through collective mobilization to the betterment of life chances and relational power of each worker (the downward process in Table 2.3), thanks to the individual power resources conferred to her by social rights. Institutionalized social rights (their content, their output) are a necessary but not sufficient condition for the enhancement of people’s life chance: what ultimately matters is the individual encounter with the outputs of rights. Regime theory leaves this last step under-explored.

² PRT’s original focus was on the class struggle between workers and employers. More recently it has however extended its focus on gender, racial and ethnic conflicts (O’Connor, 1996; Korpi, 2018).

Table 2.3 Power resource theory: an extension

<i>Level</i>	<i>Upward Process</i>	<i>Institutional framework</i>	<i>Downward process</i>
<i>Macro</i>	Mobilisation and “democratic struggle” → class	“Welfare state” (social policies and social entitlements) →	Laws aiming at improving living conditions + Collective empowerment ↓
<i>Meso</i>	↑ Organisation and collective voice	Parties and Party systems Interest intermediation and industrial relations Social administrations	Entitlement chain Production of outputs ↓
<i>Micro</i>	↑ Lack of “wordly goods”, chances and relational power	Individual citizenship Rights + informal networks	Individual fruition of “wordly goods” + relational power

Our resource-based conception of social rights fills this theoretical gap. As a matter of fact, it argues that in order to extract both material goods and generalized relational power from social rights, one has to unravel the latter’s inner nature as guaranteed powers and the process which leverages on such powers for obtaining “worldly goods”. Our breakdown of rights-as-powers into their three internal power resources (normative, instrumental and normative) does exactly that. We mentioned above that PRT starts from the existence of asymmetries in individual life chances, which can be redressed via collective power resources. Our conception contributes to this approach by bringing classical PRT full circle, by spelling out the further steps which, once the welfare state is in place, transform collective power resources into those individual power resources which guarantee the right-holder encounter with his/her due outputs, redressing at the micro-level the lack of goods, opportunities and autonomy from the market.

2.4 The resource tripod

Let us now illustrate the building blocks of our conception. In Table 2.2 above, we have distinguished between three types of individual power resources (the ‘resource tripod’): normative, instrumental and enforcement resources. The types form a sequence, which starts with moral principles and justifications.

At an abstract and general level, any “right” needs a constructed normative position, an imagined desirable state of affairs and a legitimate justification for claim making and claim-satisfaction. At this level, a “right” only exists in aspirational terms, as no counterpart is assigned the obligation to satisfy the claim. Normative positions are typically defined in intellectual/technical arenas, in connection with moral principles. Initially they take the form of mere declaratory statements, advancing an epistemic claim to political consideration. When officially formulated in an institutional text – typically resulting from some act of democratic deliberation which legitimizes it from the input side -, a declaratory principle becomes a “programmatic” right (sometimes also called “manifesto” right). At the individual level, such right does not provide immediately actionable public guarantees, but does provide important deontic resources, i.e. legitimate formalized justifications for demanding the transformation of the programmatic right into a fully-fledged legal right. At the institutional level, programmatic rights – such as those enshrined in national constitutions or European charters - establish a political obligation on the institutions to promote their application in accordance with their powers. In addition, programmatic rights create “negative guarantees” (Ferrajoli, 2004). At national level, for instance, no ordinary legislative act can derogate from constitutional rights. If this happens, a case can be brought before the Constitutional Court. Similarly, at the European level, the principles set not only in the Treaties but also in the Charters or other programmatic documents define the perimeters that the EU legislative initiatives cannot violate.

Legislative provisions or collectively bargained agreements at the EU level generate what we call normative legal resources. Legislative (or collectively bargained) acts must be adopted by governments (or the EU) and provide a detailed and operational definition about who holds the (social) entitlement - the right-holder -, the content of the (social) entitlement, and the institutional counterpart which has the duty to provide the content of the entitlement (the responsible provider). In other words, an entitlement confers guaranteed powers to claim and receive certain benefits and at the same time a legal obligation for a given administration to produce and deliver those benefits. Legislative provisions may be accompanied by various legal complements, i.e. implementing acts (creating the operative conditions for making use of an entitlement) or delegated acts (for supplementing or refining of the basic legislative act). Also soft law plays a role, by providing guidelines and non-binding acts which go beyond ‘justification’; they can provide detailed guidance for policymakers and they can also be intended to guide the interpretation of legal resources.

Normative resources per se are not sufficient to guarantee a direct encounter between the holder of an entitlement and the providing administration. Through this encounter, right holders obtain their dues – a cash or in-kind benefit, what we called the “what” of social rights, i.e. the material output. As shown in the literature on take-up, many obstacles can prevent a right-holder from accessing rights (for a more detailed discussion see the chapter by Bruno and Kuijpers). In a report on “Access to Social Rights in Europe” (2002), Mary Daly identified some of these obstacles, such as lack of precision in the specification of the right or entitlement, complexity of the application procedures, insufficient stock and flow of high-quality information or an inappropriate form and nature of information, fragmentation between levels of administration and among services, etc. For example, for a number of reasons, people may not be aware

of the “whats” they can claim and even when there is knowledge about rights in general, obtaining their envisaged outputs (benefits and services) generally requires an explicit action of claim making. Such action implies an investment of time and energy in the application process.

This brings us to a second set of resources which are required for the full actualization of a right: instrumental resources, i.e. resources which facilitate individual access to benefits. Such resources are meant precisely to enable right-holders to overcome such obstacles/costs. Quality information and awareness raising, user-friendly application procedures, practical help in filling out forms and engaging in direct contacts with pertinent administrations, guidance, counselling, mentoring: these are some of the commonest and more effective instrumental resources facilitating access to social rights. Instrumental resources, however, are not limited to supporting individuals in their access to social rights. They also guarantee support to rights-holder in access to justice in case of non-compliance or violation of a certain right from a third party. Indeed, if it is true that the legal right and legal remedy are correlative, very often individuals who are entitled to a certain right, might encounter difficulties in access to justice. In this respect, we identify a second group of instrumental resources, which include also the set of non-traditionally juridical procedures that facilitate the access to court in case of non-compliance such as legal aid, public defenders or epistolary jurisdiction. Such resources are particularly important to guarantee that the most vulnerable groups have equal access to justice and thus fully benefit of their entitlements. Recent legal literature has therefore increasingly focused on the importance of mechanisms to facilitate citizens’ access to justice. For example, legal aids are mechanisms to help the most disadvantaged individuals to afford the high costs associated with legal proceedings, such as court and lawyers’ fees, which may deter individuals from pursuing remedies through the courts.

How are instrumental resources produced and distributed? In part, instrumental resources are defined by the law itself and made concretely available during the last stages of the overall process of output production. In other words, they are endogenously produced. In part, however, instrumental resources result from external initiatives, for example by trade unions, consumer associations, NGOs. In this case, they are derived exogenously through interventions by collective actors. We know little about collective mobilization at the meso-level in support of claim making, the delivery of benefits and services, “political” interactions between claimants and providers, conflict resolution dynamics and so on. There is scattered evidence that in various member states (from Scandinavia to Italy) unions play a key role not only in the adoption of collectively bargained social rights, but also in supporting access to outputs by means of dedicated counselling and help desks, monitoring and complaint structures and so on. Often, non-judicial remedial channels exist at the meso-level for settling disputes with social administrators: users are typically represented here by collective actors. The analysis of instrumental power resources at the meso level would be a particularly interesting topic for a conversation between the classical PRT tradition and our own conception.

The third and final type of individual power resources has to do with enforcement. Legal obligations do not always mean de facto compliance on the side of public authorities. The involved institution may resist

action, fail to deliver outputs (benefits or services) or deliver outputs which do not match the legal content of rights. For this reason, it is important that legal rights are accompanied by a set of additional guarantees, typically consisting in judicial procedures and channels for dispute settlements and the application of rules (courts, inspectorates, arbitration bodies). Such guarantees provide enforcement resources, and may be specified or implicit in the legal act establishing the right, or may be the object of separate acts.

As mentioned above, in the Marshallian perspective, the possibility to access enforcement resources is considered a key and decisive element. Reliability and predictability are key because they stabilize social cooperation and decrease the likelihood of divisive conflicts. This is an important point, not only conceptually, but also practically (Börner, 2020). As mentioned, in social policy a crucial role is played by the implementing organizations, which bear specific obligations. Legal certainty and suability (i.e. legal and enforcement resources) provide right holders with direct guarantees, but they also induce compliance through the mechanism of anticipated reactions. The awareness of possible sanctions spurs providers into carrying out their legal duties.

Yet, what we propose here is that all three types of individual power resources should be in place for a social right to effectively materialize. Decomposing social rights into three types of power resources allows us to evaluate if this is indeed the case. It also helps to identify inequalities in social citizenship, which can arise from differential distributions of power resources: not only legal regulations, but also direct or indirect obstacles in accessing benefits or judicial remedies. For example, complicated procedures and delays in delivery may affect citizens with lower education more than those with higher education, or high costs related to enforcement resources may weigh more on low income groups than on high income groups. By observing each of the three dimensions we can moreover conceptualize social rights as potentially multilevel constructs, as will be discussed in the next section.

2.5 The entitlement chain

Since the EU has come to play a role in the sphere of social rights, according to our conception it also provides power resources. Thus within the EU's multi-level governance structure, rights themselves can today have multiple institutional anchors, with some resources developed at the EU level and others at the national or local levels (Bauböck, 2014). The social partners and other intermediary associations have also become important in the provision of some individual power resources. To illustrate the mix of institutional actors and levels in the construction and implementation of a social right, we introduce the notion of the "entitlement chain" (table 2.4). This unpacks the concept of entitlement into its constitutive components, highlighting the different but complementary roles played by the various institutional actors and levels. The upper rows show the components of rights and the corresponding tripod: normative (deontic and legal), instrumental and enforcement resources. The lower rows exemplify the type of acts or measures that can be taken by the EU, the member states, and the social partners respectively.

The EU plays a clear role in the provision of normative resources. The EU provides deontic resources via the Treaties, inter-institutional proclamations, charters, declarations, soft law recommendations and communications, etc. Such resources can be used by the CJEU as a reference point. An example are the rights enshrined in the European Charter of Fundamental Rights. Formally, the Charter does not introduce any binding obligation to Member States. However, it defines the perimeter of action of the EU institutions, which shall respect the rights, observe the principles and promote the application thereof in accordance with their powers (see Lock, 2019; Frantziou, 2019). The EU also provides legal resources by means of directives and regulations and as other sections of this paper illustrate, today the social acquis is far from negligible. EU regulations are directly applicable, while directives typically require transposition into national legislation. National institutions are of course the main providers of legal resources, while collective agreements often have or acquire the status of laws, at both the EU and the national level.

Table 2.4. The entitlement chain

Level	THE TRIPOD OF POWER RESOURCES						
	Normative				Instrumental		Enforcement
	<i>Deontic</i>	<i>Legal</i>	<i>Legal complements</i>	<i>Soft law</i>	<i>Procedures</i>		<i>Judicial</i>
EU	Treaties Charters Declarations etc	Directives regulations	Delegated and implementing acts Funding allocations	Recommendations, Communications, opinions, resolutions	Programs and initiatives	Extra-judicial remedies	CJEU
MS	Constitutions Charters etc.	Laws regulations	Delegated and implementing acts Funding allocations	Guidelines and plans	organizational designs, operating procedures, routines and practices facilitating access	Inspective authorities Arbitration Informal complaints and appeals channels ombudsman	Courts of justice
Social Partners		Collective agreements transposed into laws			Dedicated structures and services providing information and assistance in claim making	Assistance and representatio n of claimants	Counsel and representatio n of litigants
	1	2	3	4	5	6	7

Source: Own elaboration

The third column of the table includes two other sets of ancillary legal measures: both can be adopted by the EU and national authorities. Implementing and delegating acts have a legal nature, but they are adopted only for the specific purpose of operationalizing the primary prescriptions of a legal right. A key element which is typically defined by legal complements is the allocation of financial resources. This is normally done by legislative provisions (such as the annual budget law) and it is in this sense that funding belongs to legal resources. This holds also for the allocation of European funds. An example in case is the so-called Common Provision Regulation that sets out common provisions for seven shared management funds, included the European Social Fund and the European Regional Development Fund and contains the provisions needed to cater for the particularities of individual funds, in order to take into account their different rationales, target groups and implementation methods.

The last set of normative resources includes soft law (the fourth column): recommendations, communications, opinions, resolutions. Since the early 2000s, the EU has been making an increasing use of such type of instruments, launching a series of dedicated OMC processes, resting on common principles and shared objectives which can be considered as deontic resources. The practical effectiveness of such instruments is debated. Some authors argue however that soft law has indeed played a role in terms of policy adaptations and change at the national level, in line with the goals recommended by the OMCs and country-specific recommendations (Zeitlin et al., 2005; Zeitlin and Vanhercke, 2018).

The fifth column of Table 2.4 includes the instrumental resources. Under the general label of procedures, we include all endogenously produced organizational practices explicitly meant to facilitate access to rights. The latter can be provided by social administrations themselves and/or by the social partners and other intermediary associations. The EU has become increasingly active on this front, placing emphasis on the key role played by individualized forms of awareness raising and practical enablement, specifically addressed to vulnerable and excluded individuals (e.g. those not in employment, education or training, the NEETs). Through the recent introduction of the European Labour Authority, the EU now provides instrumental resources trying to ensure that EU rules on labour mobility and social security coordination are enforced in a fair, simple and effective way. Another example of instrumental resources is the support provided by the Commission to individuals to lodge complaints against a Member State. Based on such a complaint, the Commission can start an infringement procedure which may lead to a case before the CJEU.

Finally, the sixth column focuses on those guarantees that can be activated in case of noncompliance on the side of mandated providers and/or disputes about the process and contents of delivery. The column includes only fully fledged judicial guarantees, which make a subjective right actionable and the social administrations suable. Judicial remedies are provided by courts of law, usually in the exercise of civil law jurisdiction, and enforce rights by imposing sanctions. Often litigants are counselled and represented by the social partners. At the European level, the European Court of Justice can directly provide citizens with enforcement resources. On the one hand, the CJEU can intervene in and deliver judgments on cases between an individual and their national authorities, by allowing the former to hold their national authorities as imputable of noncompliance (Martinsen, 2015). On the other hand, the CJEU can intervene

in/on cases between private partners, such as between an employer and an employee (more specifically in dealing with preliminary questions from national courts).³

By unbundling the notion of social right into its internal components, i.e. the three sets of individual power resources that rights confer to citizens, our conception allows to move beyond the view according to which the litmus test for the existence of a right is its justiciability. We clearly and explicitly recognize that justiciability is indeed key in the overall entitlement chain, for both its direct and indirect implications. And we acknowledge, with Marshall, that in a historical perspective the establishment of legal certainty and suability represented a watershed between a “pre” of local discretion, unsteady forms of mutualism or voluntary insurance, to a “post” of standardized legal entitlements backed by coercive resources of the state. It took a while for public administrations and employers to discharge their new duties (e.g. due process in the delivery of benefits for the former and paying social security contributions for the latter) and the tangible and visible use of coercive law enforcement was the fundamental wedge for institutionalizing the new legal schemes of protection. Individuals have also the possibility to lodge complaints against a Member State with the European Commission, which can, on the basis of this complaint, start an infringement procedure which may lead to a case submitted to the CJEU. No guarantees, no rights.

Today however coercion has receded in the background of administrative law enforcement, which tends to privilege other types of measures, such as orders subject to penalty or the imposition of fines. Full democratization, more transparency and accountability in policy-making and implementation as well as the expansion of the public sphere have in their turn increased the salience and effectiveness of justificatory standards and normative evaluations of outputs and access. It must also be taken into account that Courts (and in particular the CJEU) have become much more active in recent times, occasionally appealing to what we called programmatic rights (e.g. the Charter on Fundamental Rights) in their doctrines and rulings (Martinsen, 2015). Marshall insisted that in order to be secured, social citizenship was to be fully embedded in the national institutional structure, including its sanctioning apparatus. This certainly held for the immediate post-war period, when the disruption of the social and institutional fabric caused by the war needed to be mended and national solidarity be entirely reconstructed. In the new, increasingly “postcoercive” institutional context of contemporary European democracies, we can perhaps be more open and trustful towards a multi-level reconfiguration of the bundle of resources underpinning legal rights. In particular, we should be more proactive in taking advantage of the opportunities offered by the EU and creatively mobilizing supranational resources in order to complement and strengthen the tripod and the entitlement chain and thus augment social protection and the life chances of all citizens.

³ Individuals have also the possibility to lodge complaints against a Member State with the European Commission, which can, on the basis of this complaint, start an infringement procedure which may lead to a case submitted to the CJEU.

The advantage of a multilevel resources approach to social rights, however, is not limited to the possibility to better grasp the opportunities offered by the interaction of multiple levels of institutional actors. It is also useful to understand the possible negative externalities of the European processes on national social rights. For instance, after the Great Recession, via the European Semester ‘soft’ country specific recommendations, in a number of countries extensive changes were required to individual employment rights, wage and pension entitlements and cuts were imposed on public sector employment and the provision of social services, with the aim to stabilize public finances and boost economic recovery and growth (Kilpatrick and De Witte 2014). Similarly, member states in financial difficulties were demanded to reform their labour law, reducing rights related to collective bargaining, pay and other terms and conditions of employment (Achtsioglou and Doherty 2013).

2.6 Conclusion

Traditionally, the development of social rights and social citizenship has been intimately embedded within the process of state- and nation-building. However, and in spite of the predominantly economic character of EU integration, the gradual expansion of the EU’s social acquis has slowly but clearly started to disconnect social rights from their exclusive national foundations. Also, the renewed commitment to a strong social Europe formulated in the European Pillar of Social Rights and the subsequent innovations and advancements in EU social policy indicate a readiness to strengthen EU social citizenship (Corti 2022).

Although the political and institutional space for full-blown EU social rights remains limited, the EU is not without options for proceeding on this path. To shed light on such options, this chapter has departed from the traditional approach and its emphasis on justiciability and has outlined a novel conception of social rights as bundles of power resources, which enable individuals to claim and actually receive material benefits in order to cope with a codified array of risks and needs. We have distinguished between three sets of resources: normative, instrumental and enforcement resources. Normative and enforcement power resources are the ones conventionally considered in formal conceptions of social rights and are of obvious importance. However, as indicated by often substantial levels of non-take-up, instrumental power resources are equally important to overcome various impediments (e.g. information costs and administrative obstacles) and hence to guarantee citizens actual access to their rights.

By shifting the attention from the formal dimension to its concrete practice, our conception connects the concept of social citizenship more directly to what ultimately matters for life chances (individualised material benefits) as well as for the social and political bonds of a community (the right-based claim and experience of social protection). Moreover, and departing from the Marshallian nation-based approach, our conception extends the range of institutional actors and levels which can be involved in the production of the power resources that make up social rights, interacting with each other in various flexible ways. Under this light, the margins of action and influence of the EU become wider. It is

commonly assumed that the Union limits itself to guaranteeing transnational social rights by prohibiting non-discrimination in case of cross-border movements (Bruzelius et al. 2017; Börner 2020) – a guarantee which only affects citizens who are not transnationally active. In our perspective, the role played by the EU is already much more significant today and can be greatly enhanced in the future.

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3. Mapping EU social rights and the EPSR's 'power resources'

Maurizio Ferrera and Federico Bruno

3.1 Introduction

In this chapter, we apply EUSOCIALCIT's theoretical framework to assess the implementation of the European Pillar of Social Rights (EPSR). EUSOCIALCIT's resource-based conception views social rights as bundles of power resources: normative (broken down in deontic and legal), instrumental and enforcement resources. The availability of such power resources is a necessary condition for a concrete fruition of the content of social rights on the side of individuals. In our analysis, we first identify the social rights mentioned in the 20 EPSR principle. Then, we map the initiatives adopted since the proclamation of the EPSR in 2017 and identify the power resources they introduce. Our aim is to provide an overview of the advancement of the implementation of the EPSR principles. The scope of our analysis is limited to the actions undertaken at the European level and connected to the EPSR and EPSR Action Plan. Therefore, we do not consider other constitutive elements of European social policy, such as the social *acquis* prior to the adoption of the EPSR, the social policies at the national level, the country Specific Recommendations in the framework of the European Semester, or the Open Method of Coordination. Moreover, we do not evaluate the substantial impact of the individual measures, but we limit ourselves to taking stock of the adopted initiatives, in order to gauge the degree of implementation for each of the 20 principles in terms of the power resources they provide.

The chapter is structured as follows. In the next section, we present our resource-based approach: we discuss our resource-based approach to the analysis of social rights, the (many) levels where they are produced, the actors involved in their 'production', and the role of the European Union. Based on this, in section 3 we discuss the EPSR and its related initiatives. We could identify 27 social rights proclaimed in the EPSR and 91 initiatives aimed at its implementation. Of these, only 48 establish power resources. We then assess the advancements done for each principle and chapter of the EPSR. The analysis shows that the principles related to the first two chapters of the EPSR – 'Equal opportunities and access to the labor market' and 'Fair working conditions' – are the most developed, whereas there is a gap in the implementation of the policies related to the third chapter – 'Social protection and inclusion'. In the conclusions, we summarize our evaluation of the state of implementation of each of the 20 principles and propose that the EU focus on two issues in the immediate future: on filling the gap in the implementation

of the third chapter of the EPSR; and on fostering the creation of instrumental resources to improve the accessibility of social rights.

3.2 EUSOCIALCIT's resource-based conception of social rights

EUSOCIALCIT has developed a new conceptual framework for the analysis of social rights, drawing on both Weberian theory and the well-known tradition of power resources developed by Walter Korpi (1974) and Gøsta Esping-Andersen (1990) for the comparative study of welfare states (Vandenbroucke et al 2021, Ferrera, Corti, Keune 2023). According to this conception, social rights must be understood as bundles of individual power resources, which enable right-holders to obtain conformity from public authorities or other individuals and access a pre-defined range of benefits. More specifically, the bundle includes a 'tripod' of resources:

- **Normative resources** provide the basis and rationale for claiming benefits. Such resources can be broken down in two categories: 1) deontic resources (DR), that are principles which define a 'normative' situation', i.e. a desirable state of affairs which ought to be established in practice by means of individual enablement and 2) legal resources (LR), which specify who (the personal scope) has the guaranteed power to claim a certain benefit (material scope) supplied directly or indirectly by public authority. The guaranteed power is an entitlement backed by the threat of legal constriction. It must be underlined that deontic resources often already contain a general definition of the desired right and thus the entire resource tripod. In this sense, it can be said that deontic resources are 'meta-resources': they outline a programmatic state of affairs endowed with legal, instrumental and enforcement resources – which must however be enacted/created by the pertinent authorities.
- **Instrumental resources**, which include the means and channels enabling the actual access to benefits. EUSOCIALCIT identifies four junctures where instrumental resources assist right-holders in accessing their rights: 1) becoming aware of the right (here examples of instrumental resources are the provision of personalised and general information or targeted outreach activities); 2) claim making (e.g., simplified application procedures or guidance and counselling services); 3) accession to the right (e.g., cards or digital accounts); 4) dealing problems (e.g., problem-solving or legal assistance services). Other instrumental resources, which are more contextual and are not specific to any of these junctures, can also be identified: for instance, the digital skills and general literacy of right-holders or the availability of networks of civil society organizations.⁴
- **Enforcement resources (ER)**, which provide right holders with the faculty of seeking adjudication in case of dispute, on the side of a public body (typically a Court of justice). Most social rights are accompanied by such 'secondary' guarantees.

⁴ For a more detailed discussion on instrumental resources, see Bruno and Kuijpers (2024).

These three types of power resources are usually created by a public authority by means of deliberation and legislation. Deontic resources typically result from official declarations or proclamations (e.g., the EPSR). A declaratory principle becomes a ‘programmatic’ right (sometimes also called ‘manifesto’ right), which originates a political obligation to promote its enactment. Legal and enforcement resources are created through law-making (in case of the former, sometimes collective bargaining). Legislative provisions may be accompanied by various legal complements, i.e., implementing acts (creating the operative conditions for making use of an entitlement) or delegated acts (for supplementing or refining the basic legislative act). Soft law can also play a role, as it provides guidelines through non-binding acts that can inform the action of policymakers and the interpretation of legal resources. Instrumental resources can in their turn result from legislation, under the guise of subjective procedural rights, but they can also be made available – often informally or on a voluntary basis – by public or non-public bodies or organisations (e.g., NGOs or trade unions). Finally, enforcement resources may be specified or implicit in the act establishing a legal right or may be the object of separate acts which specify the judicial procedures and channels for dispute settlements and the application of rules.

Some social rights (e.g., in the sphere of employment) take up the form of regulations, others provide power resources to claim and enjoy certain benefits. The latter must be however materially produced and distributed. Thus, social rights must be matched by corresponding obligations for a given organisation to produce and deliver those benefits. Cash benefits and services are the typical outputs of rights: they result from a production process on the supply side. Output production is typically ‘mandated’ by a political authority (even though it can also be a voluntary process of a non-public organisation, for instance when civil society organisations provide guidance and assistance). Especially in the case of services, the mandate typically rests on some quality criteria about the output, which can be binding or not. Output production requires the mobilisation of material resources, such as organisational, financial, human, and physical capital. The outputs themselves can be defined as means which the right-holders use to acquire other resources and ultimately reach their final aims. In EUSOCIALCIT’s conception, we keep a distinction between power resources which are inherent in social rights and consist in the ability to claim, obtain, or do something on the one hand, and the material resources which make up the outputs accruing to right-holders on the other. Such material resources can be labelled as ‘output support’.

Different actors are involved in the establishment and in the provision of power resources. As we have seen, public authorities play a major role: they are the only actors entitled to enact laws. The role of non-state actors, however, should not be overlooked. They can play a role in the provision of instrumental resources, for instance by supplying information and guidance to beneficiaries. In some countries, trade unions play a central role in the provision of social benefits: an example is the so-called Ghent system, adopted by Denmark, Finland, and Sweden (and, to a certain extent, by Belgium), where trade unions are involved in the administration of (state-subsidised) unemployment benefits. Crucially, different actors can contribute to the establishment and provision of power resources which relate to the same social right.

In the case of the right to work-life balance,⁵ for instance, a European directive sets a series of standards (which are legal resources) that Member States must respect in their national legislation on parental and carers' leaves (again, legal resources); Member States, together with trade unions, disseminate information related to parental and carers' leaves (instrumental resources); finally, Member States must ensure legal protection to workers who apply for leaves (enforcement resources). The production of social rights, then, involves a variety of actors (public and non-public) at various levels (European, national, regional, local, etc.).

The European Union has become increasingly involved in the creation of social rights. We can distinguish three distinct layers of involvement. There is first a layer of EU social rights *stricto sensu*, which results from EU hard law. Even if the transposition of EU directives allows for a degree of national differentiation, the EU *acquis* in this layer has now become part and parcel of the legal provisions which sustain citizens' security vis-à-vis risks and needs. The second layer includes Europeanized social rights, shaped by the principles, common objectives and targets set by EU soft law. Soft law alone cannot create legal resources; but it can provide deontic resources and thus important components for the definition and assemblage of social rights. In most areas, national social rights have thus acquired a European dimension: they have been linked to the EU's overall normative vision. The third layer of social rights is the strictly national type of rights. Yet, also on this front, the Union plays a certain role. Given the primacy of supranational law (primary and secondary, both monitored by the CJEU), any national social right (whether Dutch, or German or Italian) must be compatible with the EU legal order. In this third sense, it can be said that the EU has set 'negative guarantees', a legal perimeter which constrains also the most 'intimate' layer of nation-based social rights. Thus, even the basic national layer of social citizenship has become EU law observant.

3.3 A resource-based reading of the EPSR

3.3.1 The contents of the EPSR

EUSOCIALCIT's resource-based conception can be used as a tool for analysing the internal structure of social rights. In this section, we apply it to analyse the European Pillar of Social Rights (EPSR) and to assess its implementation. The EPSR contains 20 principles, organized in three chapters:

1. Equal opportunities and access to the labour market (principles 1-4);
2. Fair working conditions (principles 5-10);
3. Social protection and inclusion (principles 11-20).

⁵ For a thorough discussion of EU's work-balance directive, see de la Porte and Im (2024).

The 20 principles of the EPSR can be regarded as a set of deontic resources. Each of them establishes one or more (programmatic) social right, identifies a domain, the personal and material scopes of the rights, and sometimes also includes some general prescriptions defining the criteria that should inform the creation of legal resources. Some principles include more than one right, thus 27 rights can be identified overall.⁶ Table 3.1 reports the 20 principles and the number of rights they establish.

Table 3.1. EPSR 20 principles

Chapter	Principle	Number of rights
Chapter I Equal opportunities and access to the labour market	1) Education, training and life-long learning	1
	2) Gender equality	1
	3) Equal opportunities	1
	4) Active support to employment	3
Chapter II Fair working conditions	5) Secure and adaptable employment	1
	6) Wages	1
	7) Information about employment conditions and protection in case of dismissals	2
	8) Social dialogue and involvement of workers	1
	9) Work-life balance	1
	10) Healthy, safe and well-adapted work environment and data protection	3
Chapter III Social protection and inclusion	11) Childcare and support to children	2
	12) Social protection	1
	13) Unemployment benefits	1
	14) Minimum income	1
	15) Old age income and pensions	2
	16) Health care	1
	17) Inclusion of people with disabilities	1
	18) Long-term care	1
	19) Housing and assistance for the homeless	1
	20) Access to essential services	1
Total		27

Source: own elaboration

We identify as rights the statements where it is explicitly stated that some categories of people are entitled to a right (e.g., ‘everyone has the right’, ‘workers have the right’). We identify as general prescriptions the statements that specify the rationale of a right or express a general encouragement

⁶ A list of the 27 principles declared in the EPSR can be found in Table A3.1 at the end of this chapter.

towards certain goals (e.g., ‘The transition towards open-ended forms of employment shall be fostered’, ‘Adequate shelter and services shall be provided to the homeless in order to promote their social inclusion’), but do not establish a right in the strict sense.⁷

For the most part, the principles serve as foundation for legal resources and specify certain categories of people (personal scope) to whom certain benefits should be conferred (material scope). Table 3.2 presents the personal scope of the rights declared in the EPSR. A relative majority (12) of these rights are addressed to the workers; the rest is either addressed at the general public (6) or at some specific categories. Some principles also refer explicitly to the instrumental and enforcement resources. Principle 7 declares the right of workers to be informed of their rights and obligations in the workplace, principle 14 states that recipients of minimum income schemes must have effective access to enabling goods and services, and principle 16 recognizes the right to *timely* access to healthcare – all of which relate to instrumental resources. Principle 7 also recognizes to workers the right to access to effective and impartial dispute resolution, to redress, and to compensation, which relates to enforcement resources. In general, it is interesting to observe how the EPSR follows a life-course approach, providing support to citizens in different stages of life, with a particular emphasis on youth, education, training, and employment.

Table 3.2. Personal scope of the rights established by the EPSR

Category	Number
Children and young people	3
Elderly	1
People with disability	1
Poor or vulnerable people/groups	2
Unemployed	2
Workers	12
Everyone	6

Source: own élaboration

3.3.2 The implementation of the EPSR

According to our resource-based conception, implementing the principles of the EPSR means to shift from the deontic level to the practical level. The programmatic rights contained in each principle should be enacted through some form of legislation, indicating how the EU and especially the Member States intend to bring the 20 principles to actual fruition, ideally through the production of individualised legal, instrumental and enforcement resources. In 2021, the Commission adopted the EPSR Action Plan, a document that took stock of the state of the art in relation to the 20 principles and outlined a series of

⁷ For a detailed breakdown of the rights established by the EPSR detailing the domain the personal and material scopes, the power resources mentioned, and the general prescriptions attached, see Ferrera and Bruno (2023, Appendix A).

concrete actions to proceed with the implementation of the Pillar. The Action Plan also defines headline targets for the EU to reach by 2030:

- 78% of employment rate of the population between 20 and 64;
- 60% of adult population participating in training every year;
- a reduction of 15 million in the number of people at risk of poverty or social exclusion.

In the following, we analyse the actions and measures adopted to implement the EPSR from 2017. We based our assessment on two documents: the EPSR Action Plan, whose Annex I lists the key actions of the Commissions to implement the EPSR from 2020 onwards; and the [Staff Working Document](#)⁸ accompanying the Action Plan, which reports the actions from 2017 to the first months of 2021.⁹ Overall, we have identified 91 EPSR-related initiatives. Not all of these measures, however, establish power resources. Some of them take the form of generic plans that do not indicate specific measures, as is the case of the Lisbon Declaration on the European Platform on Combatting Homelessness. Others relate to the areas covered by the EPSR but elaborate more on the output than on the power resources, as in the case of Europe's Beating Cancer Plan. Some others consist of very specific measures (e.g., the Wi-Fi4EU initiative, related to Principle 20 'Access to essential services', for the installation of Wi-Fi hotspots in public spaces). In the case of some other measures the social component seems rather marginal; for instance, among the initiatives related to principle 4 ('Active support to employment'), the New Industrial Strategy for Europe is mentioned, generally aimed at the creation of new quality jobs. If we only consider those measures that include the introduction of some power resources, the number decreases from 91 to 48. Of these, 4 are still under discussion.¹⁰

Table 3.3 breaks down the measures by principle and reports how many of them establish power resources; the table also reports again the number of rights established by each principle. We attributed each action to a single EPSR principle. Consider that sometimes the Staff Working Document relates the same initiatives to more than one principle; in these cases, to avoid duplication, we attributed the measure to only one principle, based on which we judged the most appropriate. In some cases, the number of measures is higher than the number of rights: this means that the various measures develop different aspects of the same right. When the number of rights and measures is the same, it can either

⁸ SWD/2021/46 final.

⁹ Some of the measures mentioned in the documents that we used as sources predate the proclamation of the EPSR. Given their relevance to the Pillar, we included in our count. They are: the Recommendation on 'Upskilling Pathways: New Opportunities for Adults' (2016, principle 1); the Recommendation on the integration of the long-term unemployed into the labour market (2016, principle 4); the European Accessibility Act (2015, principle 17); the Web Accessibility Directive (2016, principle 17); the Marrakech Directive (2017, principle 17).

¹⁰ They are the Equal treatment directive; the Directive on improving working conditions in platform work; the revision of the regulation on social security coordination rules; the Framework for social services of excellence for people with disabilities.

mean that each measure is devoted to each right (as in the case of principle 4), or that some rights have more related measures and others do not have any (as in the case of principle 10).

Table 3.3. Breakdown of EPSR-related measures by EPSR principle

Principle	Measures	Measures introducing power resources	Rights established by the EPSR
1. Education, training and life-long learning	23	11	1
2. Gender equality	6	2	1
3. Equal opportunities	9	3	1
4. Active support to employment	7	3	3
5. Secure and adaptable employment	7	5	1
6. Wages	1	1	1
7. Information about employment conditions and protection in case of dismissals	1	1	2
8. Social dialogue and involvement of workers	2	1	1
9. Work-life balance	1	1	1
10. Healthy, safe and well-adapted work environment and data protection	3	3	3
11. Childcare and support to children	2	2	2
12. Social protection	3	3	1
13. Unemployment benefits	2	0	1
14. Minimum income	1	1	1
15. Old age income and pensions	2	1	2
16. Health care	7	1	1
17. Inclusion of people with disabilities	8	7	1
18. Long-term care	1	1	1
19. Housing and assistance for the homeless	2	0	1
20. Access to essential services	3	1	1
Total	91	48	27

Source: own elaboration

- Principle 1 ‘Education, training and lifelong learning’, counts the most initiatives. This reflects the effort of the EU in this field in the light of the green and digital transitions: the EU has in fact adopted a series of measures aimed at increasing the skills of European workers, fostering lifelong learning, and facilitating the access to training and education opportunities.
- There are two measures devoted to principle 2 ‘Gender equality’: the EU Action Plan on tackling the gender pay gap and the proposal for a Directive on pay transparency.
- As regards principle 3 ‘Equal opportunities’, the measures establishing power resources are three: the proposal for a Directive on equal treatment irrespective of religion or belief, disability, age or sexual orientation, aimed at fighting discrimination and fostering access to social protection, education, housing, and goods and services; the EU Roma Strategic Framework, a recommendation aimed at fostering the access of Roma people to education, employment,

healthcare and social services, and housing and essential services; and a recommendation that establishes some common standards for the national equality bodies, whose task is to fight discrimination.

- Principle 4 ‘Active support to employment’ counts three dedicated measures. An interesting one is the Recommendation ‘A Bridge to Jobs’, which builds on and reinforces the Youth Guarantee; the other two are a Recommendation on the integration of the long-term unemployed into the labour market and a measure to support workers who lost their jobs via career advice, education and training, and mentoring and coaching, contained in the European Globalisation Adjustment Fund.
- Principle 5 ‘Secure and adaptable employment’ includes 4 measures aimed at safeguarding the rights of various categories of seasonal, platform, transport, and posted workers, and the establishment of the European Labour Authority (ELA), a European agency which brings together a series of European bodies (EURES, the technical committee on the Free Movement of workers, the Committee of Experts on the Posting of Workers, and the European Platform tackling undeclared work) and has a series of tasks related to cross-border work-related.
- Principle 6 ‘Wages’ counts only one measure, but very significant: a Directive on minimum wages.
- Principle 7 ‘Information about employment condition and protection in case of dismissal’ enunciates two distinct rights – the right to be informed about rights and obligations resulting from the employment relationship, and to be informed of the reasons and to be granted a reasonable period of notice in case of dismissal; these two rights are both served by a single measure, the Directive on transparent and predictable working conditions. While the right to information about working conditions seems to be fulfilled by this measure, no new instruments for the protection in case of dismissal were established.
- Principle 8 ‘Social dialogue and involvement of workers’ counts only one non-binding measure: the Guidelines on collective agreements by solo self-employed people, which deal with the rights of solo self-employed who work in similar conditions as employees and which reflects the willingness of expanding social rights to atypical workers (like platform workers, the main subjects of the guidelines) regardless of their formal employment status.
- Also principle 9 ‘Work-life balance’ counts only one measure, but a very relevant one: the Directive on work-life balance.
- Principle 10 ‘Healthy, safe and well-adapted work environment and data protection’ includes three rights: one related to safety and health protection, one about a fitting working environment, and one about personal data protection. The three measures related to this principle (the EU strategic framework on health and safety at work, the revision of the carcinogens and mutagens directive, and the revision of the biological agents directive) all focus on the first one, leaving out the other two.
- Principle 11 ‘Childcare and support to children’ counts two recommendations: the Quality framework for early education and care, and the European Child Guarantee, which prompts Member States to ensure free access to education, healthy nutrition, and adequate housing to children at risk of poverty or social exclusion.

- Principle 12 ‘Social protection’ counts three dedicated measures: the proposal for a revision of the social security coordination rules; a Recommendation on the access to social protection for workers and the self-employed; and the European Social Security Pass (ESSPASS), a pilot project aimed at ensuring the portability of social entitlements for cross-border workers.
- Principle 13 ‘Unemployment benefits’ counts three measures. The first is the Recommendation on Access to Social Protection – which covers unemployment benefits, but which we counted as part of principle 12 ‘Social protection’. The remaining two are the development of a methodology for benchmarking unemployment benefit systems and active labour market policies, which has been used as part of the European Semester since 2018, and a recommendation on the enhanced cooperation between Public Employment Services. Both initiatives are related to unemployment benefits, but do not establish power resources.
- The only measure devoted to principle 14 ‘Minimum income’ is the Recommendation on adequate minimum income ensuring active inclusion.
- Principle 15 ‘Old age income and pensions’ declares two rights: the right to fair pensions and to resources that ensure living in dignity. The Staff Working Document mentions two measures related to this principle. The first is a series of initiatives on demographic change, which hardly establish any power resource. The second is the technical assistance to the Member States for the creation of web portals and pension tracking systems provided by the Commission; this contributes to the establishment of instrumental resources but falls short of giving substance to the right to fair pension enunciated by the principle. Moreover, the second right proclaimed by the principle – the right to resources that ensure living in dignity – seems to be left out. This is especially problematic, considering that pension adequacy is a particularly pressing issue, especially for non-standard workers and the self-employed (see De Becker et al 2023).
- The measures relating to principle 16 ‘Access to healthcare’ focus primarily on the pandemic and on extremely specific issues like the strategies on pharmaceuticals or cancer treatment but seem not to establish power resources. The EU also financed some projects to study gaps in access to healthcare and to improve access to healthcare in medical deserts, but these do not establish power resources either. The only measure that (vaguely) relates to instrumental resources is the Communication on the digital transformation of health and care, which mentions the use of digital platform to improve health services. Again, this seems too little for such a fundamental social right as healthcare.
- The 7 measures related to principle 17 ‘Inclusion of people with disabilities’ that establish power resources are all focused on the access to goods and services in the market. The other aspects of the right established by the principle – income support, services to participate in the labour market and society, a work environment adapted to the needs of people with disabilities – seem overlooked.
- To implement principle 18 ‘Long-term care’, the Recommendation on access to affordable high-quality long-term care was adopted in 2022.
- As mentioned above, the main initiative of principle 19 ‘Housing and assistance for the homeless’ is the Lisbon declaration: it launched the European Platform on Combatting Homelessness, which

involves EU institutions, governments, municipalities, and civil society organisations with the aim of fighting homelessness, but which establishes no power resources. The Staff Working Document also mentions the Renovation Wave initiative, which aims at making European buildings environmentally sustainable, but it refers to anti-homelessness policies only marginally.

- As regards principle 20 ‘Access to essential services’, the Recommendation on energy poverty conceives the liberalisation of energy markets and the competition among energy providers as the main tools to tackle energy poverty; the Drinking Water Directive does mandate Member States to ‘take the necessary measures to improve or maintain access to water intended for human consumption for all, in particular for vulnerable and marginalised groups’, but overall the directive stresses more the quality of the water than the access to it.

Table 3.4. Personal scope of the 48 measures

Category	Number
Children and young people	5
Elderly	1
People with disability	7
Poor or vulnerable people/groups	4
Unemployed	1
Workers	22
Everyone	9

Source: own elaboration

Table 3.4 reports the personal scope of the identified measures. The measures reflect the life-course approach of the EPSR, with a relative majority of measures addressed at workers. It should also be noted that 4 of the 47 measures are explicitly addressed to gender issues; besides the two measures related to principle 2 Gender equality (namely, the Directive on pay transparency and the EU Action Plan on tackling the gender pay gap), we can also mention the Recommendation on the standards for the national equality bodies, and the Work-life balance Directive.

Table 3.5 reports the type of resources established by the various initiatives. The majority of them (39) establish legal resources. These are usually standards that Member States must (in the case of binding measures) or are invited to (in the case of non-binding measures) respect when legislating in the relative areas. Several measures (29) contain some reference to instrumental resources, which include the provision of information to (potential) right-holders and the simplification of application and access procedures of the social benefits. Finally, 12 measures include a reference to enforcement resources – legal protection, right to complaint and compensation, and controls and surveillance. The measures that include enforcement resources are those relating to the workplace, where workers must need protection from possible retaliation for asking compliance to their rights.

Table 3.5. Power resources established by the EPSR-related measures (by principle)

Principle	Legal	Instrumental	Enforcement
1. Education, training and life-long learning	9	6	0
2. Gender equality	2	1	2
3. Equal opportunities	2	3	1
4. Active support to employment	3	2	0
5. Secure and adaptable employment	4	3	4
6. Wages	1	0	1
7. Information about employment conditions and protection in case of dismissals	1	1	1
8. Social dialogue and involvement of workers	1	0	0
9. Work-life balance	1	1	1
10. Healthy, safe and well-adapted work environment and data protection	3	2	2
11. Childcare and support to children	2	2	0
12. Social protection	2	2	0
13. Unemployment benefits	0	0	0
14. Minimum income	1	1	0
15. Old age income and pensions	0	1	0
16. Health care	0	1	0
17. Inclusion of people with disabilities	5	1	0
18. Long-term care	1	1	0
19. Housing and assistance for the homeless	0	0	0
20. Access to essential services	1	1	0
Total	39	29	12

Source: own elaboration

Table 3.6. Types of acts

Type of act	Number
Recommendation	18
Directive	16
Communication	4
Regulation	4
Other	6
Total	48

Source: own elaboration

Table 3.6 reports the types of acts through which measures have been enacted. The relative majority (18) consists in (non-binding) recommendations, 9 of which cover principle 1 'Education, training and life-long

learning’;¹¹ 2 measures cover principles 3 ‘Equal opportunities’,¹² 4 ‘Active support to employment’,¹³ and 11 ‘Childcare and support to children’;¹⁴ and 1 measure cover principles 12 ‘Social protection’,¹⁵ 14 ‘Minimum income’,¹⁶ and 18 ‘Long-term care’.¹⁷

Of the 16 directives, 10 regard work-related issues,¹⁸ whereas the other 6 regard the accessibility of goods and services for people with disabilities.¹⁹ As regards the 4 communications, 2 of them consist in general plans related to, respectively, the digital transformation of healthcare²⁰ and the gender pay gap;²¹ the other 2 refer to the protection of seasonal²² and platform workers.²³ The 4 regulations include the regulation of the European Globalisation Adjustment Fund (aimed at displaced workers), the establishment of the European Labour Authority, the proposed revision of the social security coordination rules, and a regulation establishing new social rules governing the internal road transport market of the European Union.

Finally, the 6 measures labelled as ‘Other’ in Table 3.6 include two web portals for finding job and training offers (Europass and the Digital Skills and Jobs Platform), the support to Member States for the creation of pension tracking systems provided by the Commission through the Technical Support Instrument, and two pilot projects – ESSPASS and the EU Disability Card – aimed at assessing the feasibility of EU-wide

¹¹ They are: the Initiative on individual learning accounts; Upskilling Pathways; the Approach to micro credentials; European Framework for Quality and Effective Apprenticeships; the Recommendation on Vocational Education and Training; Key competences for lifelong learning; the Recommendation on promoting automatic mutual recognition of higher education and upper secondary education and training qualifications and the outcomes of learning periods abroad; the Recommendation on comprehensive approach to the teaching and learning of languages; Pathways to School Success.

¹² They are the Recommendation on standards for equality bodies, and the EU Roma Strategic Framework.

¹³ They are the Recommendation on integration of the long-term unemployed in the labour market and the Recommendation A bridge to Jobs – Reinforcing the Youth Guarantee.

¹⁴ They are the European Child Guarantee and the Quality framework for early childhood education and care.

¹⁵ Recommendation on access to social protection for workers and the self-employed.

¹⁶ The proposed Recommendation on adequate minimum income ensuring active inclusion.

¹⁷ The Recommendation on the access to affordable high-quality long-term care.

¹⁸ They are: the EU Strategic Framework on Health and Safety at Work; the revised Carcinogens and Mutagens Directive; the revised Biological Agents Directive; the proposed Directive on pay transparency; the proposed Equal treatment directive; the Directive on the posting of workers; the Directive on adequate minimum wages in the European Union; the proposed directive on improving working conditions in platform work; the Directive on Transparent and Predictable Working Conditions; the Directive on Work-Life Balance.

¹⁹ They are: the European Accessibility Act; the European Electronic Communications Code; the Web Accessibility Directive; the Audiovisual Media Services Directive; the Marrakesh Directive.

²⁰ [Communication on enabling the digital transformation of health and care in the Digital Single Market.](#)

²¹ EU Action Plan on tackling the gender pay gap.

²² [Guidelines on seasonal workers in the EU in the context of the COVID-19 outbreak.](#)

²³ [Guidelines on collective agreements by solo self-employed people.](#)

tools to access social benefits. ESSPASS is a pilot project aimed at ensuring the portability of social protection entitlements for workers who work in another EU country. EU Disability Card is a pilot project that allowed people with disability visiting another EU country to access the same benefits as nationals. The sixth measure is the announced Framework for social services of excellence for people with disabilities – which has not been presented yet.

3.3.3 An evaluation of the implementation of the EPSR

Based on the assessment above, we try now to evaluate the degree of implementation of the EPSR principles. Our judgement is based on three criteria: 1) on whether all of the rights declared in each principle are covered at least by one measure establishing power resources; 2) on the relevance of the measures to the objectives of the right (i.e., whether the measures address a central or marginal aspect of the right); 3) on the existing *acquis* (i.e., the set of measures adopted before the EPSR)²⁴. If all rights are covered by at least a measure and the measure addresses central aspects of the right, we argue that the principle has been adequately implemented. If not all rights are covered by a measure, or if the measures address marginal aspects of the rights, but a set of relevant measures existed prior to the adoption of the EPSR, we argue that the implementation was limited. If we could not find measures establishing power resources for all rights, or the measures addressed only marginal aspects of the right, and the *acquis* for that policy domain is poor, we argue that the implementation is insufficient. The aim of this assessment is to give an overview of the advancements and the weaknesses in the implementation of the EPSR so far and to point out possible developments in the future. Table 3.7 summarizes our conclusions on the implementation of the EPSR.

Our analysis gives a mixed picture of the implementation of the EPSR. In the case of principles 1, 2, 3, 4, 5, 6, 9, 11, and 18, the measures adopted (and those that have been proposed) seem congruent with the rights and general prescriptions stated in the EPSR. The same cannot be said for the other principles. In the case of principles 7, 8, 10, 12, 14, and 17, we observe a limited implementation of the EPSR: the measures implement only partially the EPSR rights and general prescriptions. In the case of the remaining principles – 13, 15, 16, 19, 20 – there has been barely any advancement. Due to space constraints, it would be impossible to provide a detailed rationale for our assessment of each principle.²⁵ Here, we will only present the justification for our judgment on the 5 principles that are insufficiently implemented. As mentioned above, for principles 13 (Unemployment benefits) and 19 (Housing and assistance for the homeless), we could not find any measures establishing the necessary resources to support them. In the case of principle 15, the existing social framework includes measures aimed at promoting equal treatment

²⁴ For a detailed account of the social *acquis* prior to the EPSR, see the Commission Staff Working Document accompanying the EPSR (SWD(2017) 201 final).

²⁵ For a detailed account of the implementation of the single EPSR principles including the measures related to each right, the Union *acquis*, and a synthetic motivation for each judgment, see Ferrera and Bruno (2023, Appendix B).

between men and women, facilitating the portability of pensions to other Member States, and addressing cross-border situations. The EPSR introduces the right to an adequate old-age income, regardless of the type of pension system; we could identify only one measure establishing the necessary resources, but it only marginally addresses the content of this right and does not seem sufficient to achieve its objective. Principle 16 enshrines the right to 'timely access to affordable, preventive, and curative health care of good quality,' but the identified measure does not seem adequate for achieving this goal, and the same can be said for the social framework preceding the EPSR. Concerning principle 20 (Access to essential services), the existing framework includes measures that regulate the provision of essential services such as telecommunications, rail transport, energy, water, and financial services. The cornerstone of European policy in this field is competition: accessibility is primarily ensured through market mechanisms. As mentioned earlier, the only measure establishing the necessary resources that we could identify is related to the quality of water and is not sufficient to effectively implement the objectives of principle 20.

Table 3.7. Advancement of the implementation of the EPSR

Judgment	Principles
Adequate implementation	<ul style="list-style-type: none"> 1) Education, training and life-long learning 2) Gender equality 3) Equal opportunities 4) Active support to employment 5) Secure and adaptable employment 6) Wages 9) Work-life balance 11) Childcare and support to children 18) Long-term care
Limited implementation	<ul style="list-style-type: none"> 7) Information about employment conditions and protection in case of dismissals 8) Social dialogue and involvement of workers 10) Healthy, safe and well-adapted work environment and data protection 12) Social protection 14) Minimum income 17) Inclusion of people with disabilities
Insufficient implementation	<ul style="list-style-type: none"> 13) Unemployment benefits 15) Old age income and pensions 16) Health care 19) Housing and assistance for the homeless 20) Access to essential services

Source: own elaboration

The picture of the implementation of the EPSR becomes clearer if we consider the principles not by themselves but grouped in the three chapters. In the case of the first chapter, ‘Equal opportunities and access to the labour market’, all 4 principles (1-4) have been adequately implemented. In the case of the second chapter, ‘Fair working conditions’, half (5, 6, 9) have been implemented adequately and half (7, 8, 10) limitedly. These two chapters deal with policy areas – employment, vocational education and training, and equal opportunities – which have long been the subject of EU action and for which a strong *acquis* exists. The same cannot be said about the third chapter, ‘Social protection and inclusion’. Here, only two principles (11 and 8) have been adequately implemented and three (12, 14, 17) have been limitedly implemented; the other five (13, 15, 16, 19, 20), instead, have been insufficiently implemented. This chapter includes policy areas where the previous *acquis* is poorer and the limits to EU law are stronger. The measures adopted for the principles of this chapter are less numerous and tend to be of non-binding nature. Against this backdrop, it is possible to argue that the chapter ‘Social protection and inclusion’ represents the weak spot of the EPSR and must be strengthened.

3.4 Conclusions

In this chapter, we used EUSOCIALCIT’s resource-based approach to social rights to analyse the EPSR and the actions, measures, and initiatives adopted to implement it. Our aim was to illustrate how our conception can be useful for capturing the multidimensional nature of social rights, identify existing gaps and thus priorities for improvement and development.

The 20 principles of the EPSR establish 27 social rights. The principles serve mainly as bases for legal resources: they identify a series of benefits (material scope) that must be granted to certain categories of people (personal scope). Less space is given to instrumental and enforcement resources. While it is understandable that a document such as the EPSR focuses more on legal than on instrumental and enforcement resources, it must be highlighted that the EU could play a crucial role in promoting instrumental resources to make social rights accessible. This could be done through different channels: by directly providing them (as in the case of the European Ombudsman or of web portals such as EURES) or funding Member States for their creation; by nudging Member States into creating them through binding or non-binding acts; by spreading good practices.

We mapped the initiatives related to the EPSR since 2017 and to offer an overview of the advancements made for each of the principles. We have identified 91 measures, only 48 of which have established power resources. The most developed principles are those contained in chapter 1 ‘Equal opportunities and access to the labor market’ and chapter 2 ‘Fair working conditions’. While our analysis shows the advancements in these areas, however, the *lack* of advancement in other areas is just as important. The lack of advancements in many principles of the third chapter of the EPSR – ‘Social protection and inclusion’ – may be problematic for the achievement of the goals set out in the EPSR Action Plan. As stressed by

Akarçesme et al (2023), empirical evidence suggests that employment and equal opportunities policies (covered by chapters 1 and 2 of the EPSR) may not be sufficient to foster progresses on poverty reduction and social inclusion which, rather, need stronger social protection policies – that is, the policy areas where the EPSR seems weaker.

We did not assess the substantial impact of the single initiatives: the fact that a series of actions have been undertaken to implement a certain principle does not entail that they achieved their objective. A perfect example is the Recommendation on the access to social protection: the recommendation is at the forefront of the debate of the accessibility of social rights, but its nature of non-binding act might limit its impact. Nonetheless, our resource-based mapping of the initiatives related to the EPSR remains a useful exercise because it provides a snapshot of the progress in the implementation of the EPSR and allows for the identification of areas on which the EU could focus its intervention. Firstly, the gap in implementation represents a potential obstacle to achieving the goals of the EPSR Action Plan; therefore, the EU should concentrate on developing these policy areas. Second, the theme of accessibility to social rights remains relatively underdeveloped. The most frequently mentioned type of instrumental resource is information; it is advisable to take further action to promote other types of instrumental resources, such as those related to procedures. In this sense, the idea of dedicating a recommendation or a directive to transparency, which is currently being debated (see De Becker et al 2023), is to be positively evaluated.

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Appendix

Table A3.1. The 27 social rights of the EPSR

Principle	Rights
1. Education, training and life-long learning	1. Everyone has the right to quality and inclusive education, training and life-long learning in order to maintain and acquire skills that enable them to participate fully in society and manage successfully transitions in the labour market.
2. Gender equality	1. Women and men have the right to equal pay for work of equal value.
3. Equal opportunities	1. Regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, everyone has the right to equal treatment and opportunities regarding employment, social protection, education, and access to goods and services available to the public.
4. Active support to employment	<ol style="list-style-type: none"> 1. Everyone has the right to timely and tailor-made assistance to improve employment or self-employment prospects. This includes the right to receive support for job search, training and re-qualification. Everyone has the right to transfer social protection and training entitlements during professional transitions. 2. Young people have the right to continued education, apprenticeship, traineeship or a job offer of good standing 3. People unemployed have the right to personalised, continuous and consistent support. The long-term unemployed have the right to an in-depth individual assessment at the latest at 18 months of unemployment.
5. Secure and adaptable employment	1. Regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training.
6. Wages	1. Workers have the right to fair wages that provide for a decent standard of living.
7. Information about employment conditions and protection in case of dismissals	<ol style="list-style-type: none"> 1. Workers have the right to be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship, including on probation period. 2. Prior to any dismissal, workers have the right to be informed of the reasons and be granted a reasonable period of notice. They have the right to access to effective and impartial dispute resolution and, in case of unjustified dismissal, a right to redress, including adequate compensation.

8. Social dialogue and involvement of workers	1. Workers or their representatives have the right to be informed and consulted in good time on matters relevant to them, in particular on the transfer, restructuring and merger of undertakings and on collective redundancies.
9. Work-life balance	1. Parents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to care services.
10. Healthy, safe and well-adapted work environment and data protection	<ol style="list-style-type: none"> 1. Workers have the right to a high level of protection of their health and safety at work. 2. Workers have the right to a working environment adapted to their professional needs and which enables them to prolong their participation in the labour market. 3. Workers have the right to have their personal data protected in the employment context.
11. Childcare and support to children	<ol style="list-style-type: none"> 1. Children have the right to affordable early childhood education and care of good quality. 2. Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities.
12. Social protection	1. Regardless of the type and duration of their employment relationship, workers, and, under comparable conditions, the self-employed, have the right to adequate social protection.
13. Unemployment benefits	1. The unemployed have the right to adequate activation support from public employment services to (re)integrate in the labour market and adequate unemployment benefits of reasonable duration, in line with their contributions and national eligibility rules.
14. Minimum income	1. Everyone lacking sufficient resources has the right to adequate minimum income benefits ensuring a life in dignity at all stages of life, and effective access to enabling goods and services.
15. Old age income and pensions	<ol style="list-style-type: none"> 1. Workers and the self-employed in retirement have the right to a pension commensurate to their contributions and ensuring an adequate income. 2. Everyone in old age has the right to resources that ensure living in dignity
16. Health care	1. Everyone has the right to timely access to affordable, preventive and curative health care of good quality.
17. Inclusion of people with disabilities	1. People with disabilities have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs.

18. Long-term care	1. Everyone has the right to affordable long-term care services of good quality, in particular home-care and community-based services.
19. Housing and assistance for the homeless	1. Vulnerable people have the right to appropriate assistance and protection against forced eviction.
20. Access to essential services	1. Everyone has the right to access essential services of good quality, including water, sanitation, energy, transport, financial services and digital communications.
Total	27 rights

Source: own elaboration

4. Making social rights accessible: The role of instrumental resources

Federico Bruno and Simon Kuijpers

4.1 Introduction

This chapter provides an analytical discussion and illustrative overview of instrumental resources in the EU. Instrumental resources, one of the three power resources identified by EUSOCIALCIT's theoretical framework, consist of diverse means and channels devoted to making social rights accessible to right-holders. The chapter offers a conceptualisation of instrumental resources useful for welfare research and policy making. On the one hand, instrumental resources represent an analytical tool that social researchers can use to analyse social policies. On the other, they point to the need to integrate social protection schemes with instruments to make them accessible to potential beneficiaries.

In recent decades, social rights have lost their exclusive anchorage to the nation-state. Increasingly, they are products of the interactions between actors at different levels (European, national, regional, and local). Social citizenship increasingly resembles a marble cake where all these levels are enmeshed together (Ferrera et al., 2023). The project EUSOCIALCIT has developed a novel conceptual framework to dissect social rights in their constitutive elements to capture the most recent developments of European social citizenship. According to this framework, social rights are bundles of individual power resources that allow citizens to benefit from the rights they are entitled to. In particular, EUSOCIALCIT distinguishes three types of power resources: normative resources, which provide for the political and legal rationale for social rights; instrumental resources, which include all means and channels through which right-holders can effectively access the rights; and enforcement resources, which foster the ability of right-holders to seek justice from a court in case their rights are violated (Ferrera et al., 2023).

In a nutshell, the point of EUSOCIALCIT's resource tripod is that the mere existence of legal acts establishing certain rights is insufficient to ensure that citizens can benefit from them. A series of instrumental resources are needed to make social rights and schemes effectively accessible to citizens. Although welfare research has traditionally focused on policy design features primarily related to normative resources (e.g., universal vs means-tested schemes, eligibility criteria, generosity of the provision), the literature is increasingly pointing out the necessity of integrating social protection schemes with instruments that make them accessible to increase their effectiveness and ensure their success (see,

for instance, Eurofound 2015; Spasova et al. 2023). These instrumental resources consist of the diverse means and channels that make social rights accessible to citizens, including information channels to make citizens aware of their rights, (simplified) procedures to apply for and access social rights or to deal with public administration, problem-solving and advocacy advice, counselling and assistance. They may be guaranteed individual powers (e.g., the right to receive information from public administration) or collective instruments available to all (e.g., a website or a counselling service). While the general policy design features of social protection schemes are central in determining their outcomes, instrumental resources should not be overlooked: social researchers should investigate their role in the functioning of welfare systems, whereas policy-makers should consider supplementing social policies with adequate instrumental resources to make them accessible and effective.

Various actors can produce instrumental resources. Public actors play a crucial role: given their nature, public bodies must necessarily produce instrumental resources related to administrative procedures. However, non-public actors can also play a role in producing instrumental resources by providing information, assistance or counselling. Instrumental resources can be produced at different levels. At the European level, the EU can provide instrumental resources directly – as is the case of the European Ombudsman or the EURES job mobility portal – or prompt Member States to create them (see, for instance, the Recommendation on the access to social protection, discussed below). At the national, regional, and local levels, different public and non-public bodies produce different instrumental resources depending on the structure of each Member State’s welfare system. At the regional and local levels, non-public bodies such as civil society organisations (CSOs) and trade unions (TUs) can also play a crucial role in promoting the accessibility of social rights by producing different kinds of instrumental resources. They can provide information, reach out to potential beneficiaries, and provide guidance and counselling. A particularly interesting case is the so-called ‘Ghent system’, adopted by Denmark, Sweden, Finland, and (limitedly) Belgium, where TUs are directly involved in managing unemployment insurance benefits (see Van Rie et al. 2011).

Based on a review of the literature on the accessibility of social rights, this chapter proposes a conceptualisation of instrumental resources and an empirical illustration of the shape instrumental resources can take. This chapter aims to bring the various streams of research about the accessibility of social policies under a common theoretical framework that can lend itself to different research designs – from quantitative approaches to single-case studies. In general, we intend to draw attention to the issue of the accessibility of social rights.

The chapter is structured as follows. In the next section, we discuss the academic literature and the policy debate about the accessibility of social rights. We consider EUSOCIALCIT’s works and the literature on non-take-up, social innovation, and the role of street-level bureaucrats and social workers in promoting accessibility. Based on this, in section 3, we present our conceptualisation of instrumental resources: we identify the various steps of the path that bring social rights to fruition and discuss the instrumental

resources operating at each step. In section 4, we bring empirical examples, drawn from the literature, of the instrumental resources we identified. Section 5 concludes.

4.2 The accessibility of social rights

Accessibility is a crucial issue for the success of social protection schemes. Yet, the literature on access to social rights is scattered over a series of streams (Fargion et al., 2018). As regards the European policy debate, effective access to social schemes has recently received attention following legislative initiatives connected to the EPSR. This section aims to review some strands of literature that deal with the accessibility of social rights; this will serve as the basis for conceptualising instrumental resources in the next section.

Our review starts from the work of EUSOCIALCIT on this issue. EUSOCIALCIT has identified and analysed various types of instrumental resources. One kind relates to the provision of information about social protection schemes or policies (Westhoff et al. 2022, Aranguiz 2022) or workers' rights (Ramos Martin et al. 2023, Scheele et al. 2023, de la Porte et al. 2022), and awareness-raising campaigns (Westhoff et al. 2022, Burgoon et al. 2023). Other instrumental resources are the channels through which right-holders can apply for (Westhoff et al. 2022) or access their rights (for instance, the accompanying measures of the FEAD, which consist of the redirecting of food assistance recipients towards competent services, see Greiss et al. 2023). Other instrumental resources are offered by the institutions which provide services like problem-solving and legal advice, such as SOLVIT or Your Europe Advice (Aranguiz 2022, Alcidi and Corti 2022). Several studies have considered the role of TUs as instrumental resources for workers to exercise their rights (Burgoon et al., 2023, Ramos Martin et al., 2023). Finally, other studies have focused on broader contextual factors which may promote access to social rights, including institutional arrangements like democracy and transparency in policy-making (Burgoon 2022), the level of (digital) literacy of the citizens (Burgoon et al. 2023), and the availability of strong networks of social organisations like CSOs and TUs (Burgoon 2022; Van Mechelen, Janssens 2017). This summary shows the diversity of instrumental resources: they serve different purposes (e.g., informing right-holders, facilitating application for and access to the rights, assisting the beneficiaries), operate at different moments (before accessing the right, during the usage of the right, in case problems arise), and are produced by different actors (public and non-public) at different levels (e.g., European, national, local).

Moving to the wider social policy research, one stream of literature strictly related to instrumental resources concerns the non-take up of social benefits. The underconsumption of social rights is recognised as a major weakness of the welfare systems of high-income countries and severely impairs the effectiveness of social policies. Non-take-up rates vary greatly across Member States and social schemes; gauging the impact of non-take-up is particularly difficult as data is hard to gather and is not always collected systematically or in a way that allows cross-national comparison (Eurofound 2015). In their

review of the different conceptions of non-take-up, Goedemé and Janssens (2020) identify three main categorisations of non-take-up in the literature.

1. **Types of non-take-up in relation to coverage** include situations where someone is eligible for the benefit but does not receive it; someone is eligible to the benefit but fails (voluntarily or not) to enrol (*non-enrolment*); someone is in a vulnerable position but is not entitled to the benefit because of eligibility criteria (*tertiary non-take up*, introduced by Van Mechelen and Janssens 2017).
2. **Types of non-take-up based on (alleged) reasons for not receiving benefits**, discussed below.
3. **Types of non-take-up based on the extent and duration**, which include total and partial non-take up (respectively, where the beneficiary does not receive the benefit at all or only part of it), permanent and temporary non-take up (where the beneficiary never manages to access the benefit or manages to do so only after some time), and frictional non-take up (the lag period between the start of the application and the actual receipt of the benefit).

As regards the causes of non-take-up, the vast literature drawing from the seminal works of Van Oorschot (1991, 1994, 1998) generally identifies four main, interlinked factors that affect non-take-up (see Lucas, Bonvin, Hümbelin 2021; Janssens and Van Machelen 2022, Goedemé and Janssens 2020, Ko and Moffit 2022, Holler and Benish 2022).

1. **Factors at the individual level.** These may include a lack of information about the scheme (e.g., potential beneficiaries may not be aware that they are entitled to a certain benefit), lack of resources to claim the benefit (e.g., potential beneficiaries may lack the digital skills needed to access online application procedures); social and psychological factors (e.g., fear of stigmatisation).
2. **Factors related to policy design.** These factors relate to the scheme's features, including the scheme's nature (e.g., universal or mean-tested), the complexity of the procedures to apply and access the scheme, the type and amount of the benefit, and the attached conditionalities.
3. **Factors related to the administration.** These include, for instance, the accessibility of information on public programmes and the organisation of the bodies responsible for policy delivery (e.g., interconnected databases that exempt applicants from providing their data again every time they apply for another benefit).
4. **Broader societal and contextual factors.** These factors, whose relevance was highlighted by Eurofound (2015) and Janssens and Van Mechelen (2022), include the public perception of the scheme (e.g., the possible stigma attached to receiving the benefit); the existence of non-governmental organisations (trade unions, civil society organisation) which assist at various degrees in the implementation of social policies; the degree of (general and digital) literacy.

The non-take-up literature addresses themes relevant to normative and instrumental resources. More informative for normative resources are the discussed issues about accession criteria (which regard the

personal scope of social policy) and policy design (e.g., universal vs. selective design, type and amount of the benefit). The other themes provide valuable insights for articulating a conceptualisation of instrumental resources as they address factors and problems related to the accessibility of social rights.

Another relevant stream of literature deals with social innovation. The transition of Western countries from industrialised into post-industrial societies has led to the emergence of New Social Risks that contribute to shaping the condition of social vulnerability (see Moulaert et al. 2014, Satalkina, Steiner 2022, Ranci, Maestriperi 2022). Unlike the Old Social Risks, which primarily concerned health, old age, and the inability (permanent or temporary) to work, New Social Risks emerge from the 'the gap between the labour market, family, and the welfare state' (Ranci 2010, 15). They interact in a complex and multidimensional way, which makes them difficult to intercept and address for traditional welfare systems (pp. 4-15). New Social Risks include but are not limited to single parenthood, having caring responsibilities towards relatives and children, difficulties in balancing work and life, low or obsolete work skills, and poor access to social security mechanisms (Bonoli 2006, 6-8), but also precarious working conditions, and weak social relationships. Against this backdrop, traditional welfare systems must be accompanied by socially innovative policies that meet the new social needs more effectively than existing alternatives (BEPA 2010). A relevant aspect of social innovation is what Madama et al. (2019) call *process innovation*: the elaboration of organisational methods that contribute to socially innovative policies' effectiveness. This concept includes actions aimed at making social schemes accessible for potential beneficiaries – which is crucial in a situation where the lack of resources to access welfare schemes is a source of social vulnerability.

A third stream of research akin to instrumental resources focuses on the encounter between citizens and the public bodies responsible for policy delivery. The literature on street-level bureaucracy investigates how the practices of administrative personnel can affect the outcomes of social policies (see, for instance, Brodtkin 2012, 2021). The 'last mile' of policy delivery is especially relevant, as social workers and street-level bureaucrats can play the role of take-up agents, thus making social policies accessible for the most vulnerable citizens (Fargion et al. 2018, Dewanckel et al. 2022); the conception of outreach social work as a 'practice of accessibility' (Grymonprez, Roose, Roets 2016) seems particularly relevant for our reflection on instrumental resources.

The concern with the accessibility of social rights is not limited to welfare research but is increasingly finding space in the European policy debate. Eurofound devoted a study on non-take-up in Europe, including initiatives aimed at reducing non-take-up at three levels: administrative, individual, and societal (Eurofound 2015, 27-37). At the administrative level, the report observes that automatic granting of benefits reduces the risk of non-take-up. When this is not possible, measures should be proactive (e.g., public administrations should reach out to potential beneficiaries in crucial moments of their lives, for instance, job loss or childbirth). Application procedures should be kept as simple as possible. Information on the schemes should be easily accessible, and procedures causing stigma should be limited. At the individual level, the report suggests using social networks, providing detailed information not limited to

entitlement criteria but also on the relevant procedures for application, and assisting potential beneficiaries during the application. The report also highlights the role of social organisations in reaching out to potential beneficiaries (Janssen and Van Mechelen, 2022, also stresses this point). At the societal level, the report suggests improving access to the Internet and e-government services.

The renewed interest in the accessibility of social rights at the European level is epitomised in the 2019 Recommendation on access to social protection, which deals with the access to social protection of all workers, regardless of their employment status, in six policy areas. The Recommendation identifies four relevant criteria for ensuring effective access to the protection schemes:

- **formal coverage**, which consists of the formal recognition of workers' social entitlements;
- **effective coverage**, which relates to the rules and the criteria that determine the ability of formally entitled right-holders to accrue and access the benefits;
- **adequacy**, which relates to the ability of the benefit to provide adequate income support;
- **transparency**, which includes two dimensions: 1) access to information – i.e., the provision of information and guidance to right-holders and the implementation of awareness-raising activities; 2) simplification – i.e., the simplification of the procedures to apply for the benefit, to access it, and to deal with the public administration.

The first three dimensions relate to the field of normative, legal resources, as they detail the personal scope (in the case of formal and effective coverage) and the material scope (in the case of adequacy). Transparency, instead, falls squarely in the field of instrumental resources since it focuses on the means and channels that ensure the accessibility of social schemes. The European Social Policy Network further developed the concept of transparency in a series of reports commissioned by the European Commission to analyse measures aimed at simplifying access to social protection in 35 European countries (Spasova et al., 2023). The reports provide a detailed account of measures related to providing general and personal information, organising awareness-raising campaigns, and simplifying application procedures for social protection schemes, and the administration of social protection.

4.3 Instrumental resources: a conceptualisation

Based on the insights of the review above, we can now sketch a conceptualisation of the various instrumental resources that can support right-holders in accessing social protection. Since our perspective is that of the right-holders, the first phase of our conceptualisation involves identifying the various steps that constitute the path leading to the encounter between the right-holder and the social benefit. We can identify four logically consequential junctures:

1. **becoming aware of the right**: At this juncture, the right-holder becomes aware of the existence of a right and their entitlement;

2. **claim-making:** At this juncture, the right-holder applies for accessing the right;
3. **accessing the right:** At this juncture, after being declared eligible, the right-holder accesses the right;
4. **dealing with (eventual) problems:** This juncture relates to possible problems of various natures which could arise in the claim-making or the accession phase and prevent right-holders from accessing rights to which they are entitled.

Our conceptualisation also considers instrumental resources that are not attributable to any particular one of the four junctures but rather operate transversely to the process of accessing social rights. In addition to not being related to a specific juncture, these resources have two additional characteristics. On the one hand, they are not necessarily related to a specific social policy. On the other hand, they contribute to the accessibility of social rights indirectly. In other words, the accessibility of social rights is not their primary objective but an (un)intended consequence. The literature recognises the role this broad range of resources plays in facilitating the accessibility of social rights. These include, for example, the availability of networks of social organisations and initiatives aimed at increasing the literacy of right-holders.

The breakdown we propose above is purely logical and serves a theoretical purpose. Several junctures may overlap in specific circumstances. For instance, in countries where the health system automatically covers the spending for medicines at the pharmacy, the claim-making and the accession phases overlap. Similarly, some junctures might not be relevant for some rights. To illustrate, in the case of social rights such as safe working conditions or equal treatment, where the content of the right is not a cash or in-kind benefit, and the right-holder is automatically eligible, claim-making is irrelevant. In these cases, the fourth juncture – where the right-holder needs assistance in case of non-compliance – becomes crucial.

The second step of our conceptualisation involves identifying the various instrumental resources that operate at each juncture (and at the contextual level). Some instrumental resources operate only in a single juncture, such as channels providing personal information to right-holders. Others relate to different junctures; guidance and counselling, for instance, can operate both at the claim-making phase (by assisting citizens in the application procedure) and at the accession phase (for example, unemployment offices assist right-holders in finding training opportunities they are entitled to).

At this point, it is worth recalling that power resources empower right-holders to claim, access, and use their rights. Instrumental resources, in particular, are those power resources which allow them to access their rights. What matters here is the ability to do something: for instance, becoming aware of a right or applying for it. The ability to do this should be conceptually distinguished from the concrete channels through which the ability is made possible. The same instrumental resource could rely on different channels: for instance, general information on a right could be provided via websites, social media, or printed material. Conversely, a single channel can serve different instrumental resources: web portals can provide general and personalised information and offer channels to apply for a benefit.

Table 4.1 gives an overview of the junctures and the related instrumental resources. Inside the cells, instrumental resources are written in bold; examples of channels for each instrumental resource are provided in plain text. The remainder of the section discusses the instrumental resources operating at each juncture.

Table 4.1. Instrumental resources

Juncture 1 <i>Awareness of social right</i>	Juncture 2 <i>Claim-making</i>	Juncture 3 <i>Accessing the right</i>	Juncture 4 <i>Problems</i>
General information Websites Print publications Face-to-face info Personalised Information Digital accounts Pension tracking systems Awareness-raising Generalised or targeted information campaigns Outreach activities Targeted communication in key moments of life	Application procedures Automatic granting of benefits Online application procedures Front offices	Accessibility of rights Portability of social entitlements Personal accounts Cards	Problem solving Mediation in case of conflicts of competences between public authorities Legal assistance and advocacy advice Mediation in case of non-compliance Acting on behalf of right-holders Legal assistance
Contextual factors Availability of networks of social organisations Civil society organisations Trade unions Activities to improve citizens' skills Improving digital skills Language courses for foreigner workers			

Source: own elaboration

Juncture 1: Becoming aware of the right

The first juncture is becoming aware of the right. Knowledge is the key here: clear, updated, and user-friendly information about rights and obligations must be available to the right-holders. We can find four instrumental resources at this juncture. In the case of the first two resources, the right-holders activate themselves and look for information; in the case of the latter two, information is brought to the (potential) right-holders.

The first one is the provision of clear, updated, and user-friendly **general information** about the right and how to access the related benefit – which includes information on the type of benefit or right, application procedures, and eligibility criteria. This can be achieved in several ways: through a website, by phone, via (e-)mail, at a contact point, or through printed publications. Both public and non-public actors can produce these instrumental resources: many social benefit providers make information available on their websites or other channels. CSOs and TUs can also use these channels to inform their audiences.

The second instrumental resource is the provision of **personalised information** regarding one's situation regarding a certain right – including information on the possession of eligibility criteria or the extent to which a certain benefit has been used. Examples of these types of instrumental resources are digital accounts that track the usage of benefits, pension tracking tools that give an overview of one's future retirement situation, and tools that inform about available and adequate vocational training offers. These resources are provided mainly by public actors with access to relevant personal information. In some cases, they can (also) be provided for by non-public actors, which can assist citizens in accessing such information. Italian *patronati* (see *infra*; Jessoula et al. 2022), for example, are entitled to access the data of right-holders held by the social security administration and provide them with information on their situation (e.g., regarding pensions).

The third instrumental resource is the organisation of **awareness-raising initiatives** (i.e., campaign information), targeted at the general public or specific groups, to make potential right-holders aware of a certain right or scheme. Public and non-public actors can undertake initiatives via various channels (e.g., television, press, mail, social media).

The fourth instrumental resource is provided by **outreach activities** aimed at contacting potential beneficiaries; this includes, for instance, targeted personal communication to right-holders in key moments of life (e.g., workers when they reach retirement age or parents when their children are born) to inform them of their entitlements. These activities, which the literature on non-take-up deems as especially effective in promoting the take-up of social rights, are the link between the first and the second juncture since they aim to nudge right-holders into initiating the application process.

Juncture 2: Claim-making

The second critical juncture is claim-making. Here, obstacles may be related both to the supply side – e.g., cumbersome procedures, paperwork burdens, demeaning practices (especially for means-tested benefits), absence of online channels – or to the demand side – e.g., low skills for completing applications, difficulty in physically reaching service facilities or in making appointments. We can find three relevant instrumental resources at this juncture.

The first relates to **application procedures**. Ideally, the most effective would be the automatic granting of the benefit; this happens, for instance, in countries with far-reaching public healthcare, where the healthcare system directly pays health providers or automatically reimburses the right-holders. Automatic

granting, however, is not always possible; therefore, simplified procedures to apply for the benefit (e.g., online procedures, availability of front offices) represent valuable resources to facilitate access to social benefits.

The **accessibility of public administration** represents a second instrumental resource – in other words, (the simplification of) the organisational framework and administrative management of social benefits. This includes, for instance, the streamlining of public institutions’ databases to allow them to operate according to the ‘once only’ principle, whereby citizens are not required to submit personal information they have already submitted previously (for instance, when applying for another benefit). Another instance of this resource is the organisation of front offices into one-stop shops, where citizens can easily access various services and schemes.

Finally, the third kind of instrumental resources regards the means and channels through which right-holders can receive personalised **guidance or counselling** when applying to or accessing social benefits or schemes. This includes, for instance, assistance in the application for social benefits or assistance in finding vocational training or job opportunities.

The first two types of instrumental resources can only be provided by public actors, considering their role in providing social benefits and, therefore, their responsibility in offering accessible application procedures and channels to interact with the offices responsible for the benefit. The third type can be provided by both public and non-public actors. Public institutions can be equipped with front offices, telephone hotlines, or even online tools where it is possible to receive assistance when applying for a benefit. However, non-public actors can do the same: for instance, in Italy, the trade unions have established a network of *patronati*, bodies that guide citizens when applying for certain benefits.

Juncture 3: Acquisition of the benefit

The third critical juncture is acquiring the benefit in line with legal prescriptions. Several instrumental resources are identified at this stage. The first regards the **accessibility of the right** itself: it relates to all tools and channels that allow or simplify the fruition of a right. Drawing a comprehensive list of this type of instrumental resources is challenging, as they largely depend on the social rights they refer to. Instances of these instrumental resources are represented by measures that ensure the portability of social entitlements, for instance when changing employment status (e.g., when an employee becomes self-employed) or country (as in the case of ESSPASS); portals where individuals assisted by employment services can find internships or training courses; individual accounts (as in the case of the Initiative on individual learning accounts) or cards (for instance, the EU Disability Card) that facilitate the fruition of rights.

Other instrumental resources that may help at this stage were discussed at the previous juncture. First, those related to the **accessibility of the public administration** of social benefits. Second, the availability of channels to receive personalised **guidance or counselling**.

Juncture 4: Dealing with (eventual) problems

The last juncture is represented by the possible emergence of problems in accessing social rights, for instance, administrative problems, rules violations, or non-compliance by service providers. Here, we can distinguish two types of instrumental resources.

One kind of instrumental resource takes the form of **problem-solving** and mediation, needed in case the non-compliance derives from administrative misunderstandings, like conflicts of competencies between public authorities. Another instrumental resource is the provision of **legal assistance and advocacy advice**, needed when non-compliance has more serious reasons and an appeal to justice is warranted. This instrumental resource is a bridge towards enforcement resources, while, as we argued, most social legislation recognises the right to access adjudication via a court. Access to justice, however, may be troublesome, especially for vulnerable people who require social protection. Therefore, instrumental resources are needed to assist them in accessing justice. These instrumental resources can be supplied both by public institutions and by non-public bodies, like TUs and CSOs.

Contextual factors

The literature suggests that broader social and contextual factors can impact the take-up of social rights. Here, without pretending to be exhaustive, we mention two types of instrumental resources that are not specific to a single juncture but operate at a contextual level. First, the **availability of networks of social organisations**, including CSOs and TUs, can facilitate access to social rights through social network effects (Janssens and Van Mechelen 2022, 101). Non-public actors perform various actions to make social rights accessible. They inform right-holders of their entitlements, assist them in applying for the benefits and solving problems, and cooperate in providing the benefits (as in the case of the civil society organisations that deliver food assistance in the context of the FEAD). In this sense, they can represent instrumental resources to access social rights. While all these actions are individually conceptualised as instrumental resources, the availability of networks of social partners can be considered an instrumental resource *per se* that cuts across all junctures. When CSOs and TUs act as means for collective bargaining and channelling social (or political) demands, they throw a bridge towards normative resources: they become instrumental in the recognition of rights.

A second type of instrumental resource that operates at a contextual level is represented by the initiatives aimed at improving citizens' skills, which increase their ability to orient themselves in the supply of social rights and reduce the costs of accessing them (see Burgoon et al. 2023). This is particularly evident in the case of digital literacy: as public administration increasingly moves on digital platforms, citizens with lower digital skills risk being left behind. Another example is language skills, which are especially relevant for persons with a migrant background. Language courses can be provided by public bodies or by CSOs and TUs. Against this backdrop, initiatives aimed at increasing citizens' skills, despite not being relatable to any precise juncture of our breakdown, represent valuable instrumental resources for accessing social rights.

4.4 Instrumental resources in the EU: a comparative illustration

This section presents some empirical illustrations of instrumental resources provided (mainly) at the national level of the individual EU member states. We have gathered examples of such resources from other works in the EuSocialCit project, as well as the national reports on the 27 EU Member States of the investigation carried out by the European Social Policy Network (ESPN) into the implementation of the 2019 Recommendation on access to social protection for workers and the self-employed.²⁶ This section does not offer an exhaustive mapping or systematic cross-case comparison. Rather, we offer concrete examples of instrumental resources based on the above conceptualisation.

4.4.1 Juncture 1: Awareness of social rights

General and personalised information

The main channels through which citizens can acquire information on their social rights are front offices, websites, and web portals, available in all EU countries. Governments in almost all Member States use web portals to enhance the interconnectedness of their digital information infrastructure and/or to enable the delivery of more personalised information through digital channels. The ESPN study resulted in the identification of three types of web portals (Spasova et al., 2023; 11): *one-stop government portals* offering comprehensive information and personalised services, *one-stop social security portals* providing information on various social protection branches, and *single portals* specific to certain policy branches or benefits, often interconnected for user convenience. While *single portals* exist in all Member States, *one-stop general government or social security portals* are relatively rare (ibid., 19). The analysis provided by Burgoon et al. (2023) in this volume shows that web portals may improve people's capacity to claim their social rights, although more research is needed.

An important tool in accessing personalised information via web portals is using personal accounts through digital identification tools. These are ways to establish someone's identity online, for example, through biometric identification or via an electronic signature. Varied practices exist concerning digital identification. For example, the Dutch government uses a tool called 'Digid', which allows citizens to create an online identity using their passport and social security number. Citizens can log into government web portals using a mobile app and password combination or an SMS-verification code if a mobile app is not preferred. This single identification tool is used to access the portals of various public authorities, including social security agencies, municipalities and tax authorities (Gorter and Oostveen 2023).

²⁶ Accessible here:

https://ec.europa.eu/social/main.jsp?pager.offset=0&advSearchKey=ESPN_SimplifyingAccess2022&mode=advancedSubmit&catId=22&doc_submit=&policyArea=0&policyAreaSub=0&country=0&year=0.

Front offices represent crucial sources of general and personalised information for people with low digital means and skills or those with particular disabilities (Spasova et al., 2023, 12). Yet, their accessibility varies greatly depending on factors such as opening hours, ease of making an appointment, location and the quality of local infrastructure and/or public transport (ibid.; 22). To illustrate, in response to the challenge of digital inequity, the Bulgarian social protection agency has expanded its service offices and opened a telephone hotline for consultations in 2020.

While public bodies remain the main providers of general and personalised information, non-public actors like TUs or CSOs play a relevant role in many countries. An elucidative case is Belgium, as Belgian social security institutions have severely restricted options for face-to-face information following the COVID-19 crisis and the 'rationalisation' of services. While CSOs working with vulnerable groups insist on restoring these opportunities, they fill the resulting informational gaps.

Awareness-raising campaigns

Awareness-raising campaigns are organised in almost all Member States. Of all the national reports, only Austria and Slovakia reported not having found any awareness-raising campaigns in the study period of the ESPN (2017-2022). Public administration typically plays a leading role in these campaigns, although collaboration with international organisations, CSOs or social partners is often sought (Spasova et al., 2023, 13). An example is the campaign 'Think it through!' (*Mõtle läbi!*) organised in 2021 in Estonia, aimed at raising awareness of recent pension reforms and the newly developed pension calculator. This campaign was mainly composed of videos on social media, organised in collaboration with the Tallinn Technological University - which devised the pension calculator - and the Office of Gender Equality and Equal Treatment Commissioner (Lehari and Melesk 2023).

In more exceptional cases, CSOs or TUs initiated and organised awareness campaigns independently. A notable example is the 'Who, What, Wajong' (*Wiewatwajong*) campaign initiated in 2020 by Leder(in), a Dutch network organisation for people with disabilities and/or chronic diseases. This campaign anticipated a reform to Dutch invalidity benefits for young people (Wajong) and involved the establishment of an online Wajong information point (Gorter and Oostveen 2023).

Typically, awareness campaigns use varied means of communication - often combining online tools and traditional media. Websites are the most commonly used online tools. A unique online tool was the digital training program used in the campaign 'Financial literacy. My money today and tomorrow', undertaken by Latvian social security agencies and co-funded by the European Social Fund in 2018. This online five-hour course aims to educate people on personal financial management and budgeting, as well as the workings of the Latvian social security system. Although this campaign was aimed at the general public, no less than 12,665 registered job-seekers participated in the course in the first eight months of 2018 - representing roughly 22% of the registered unemployed (Kļāve et al 2023).

Outreach activities

National reports refer to several examples of targeted outreach activities by service providers to reach prospective beneficiaries at key moments in their lives. In the fields of parental benefits, old-age benefits and pensions, social security administrations of many EU Member States reach out to potential beneficiaries. In Germany, the Statutory Pension Insurance sends an application form to all citizens eligible for old-age pensions and whose pension is below the marginal amount (Hanesch et al 2023). In the healthcare field, Belgium conducted an interesting experiment: prospective beneficiaries of the increased reimbursement benefit were contacted via letters and flyers, leading to a 10-15% increase in benefit uptake. Given the experiment's success, this policy will become a permanent part of the system. Another interesting instance of this kind of instrumental resource are the accompanying measures of the FEAD: partner organisations that deliver FEAD aids to recipients should reorient them towards competent social services (Greiss et al 2023).

4.4.2 Juncture 2: Claim-making

Application procedures

Even when citizens are aware of their rights, they still need to be able to claim them. Digitalised or automated application procedures can enhance access in this regard. In general, the ESPN reports point to widespread digitalisation - noting the creation of web portals and websites where people can apply online for benefits, electronic registration capabilities or the online submission of documents. Nevertheless, the extent to which application procedures have been digitalised varies greatly by sector. The main digital innovation concerning sickness & healthcare benefits is the introduction of *E-sick leave* in multiple countries - allowing employees to register for sick leave online. Meanwhile, the ability to claim or apply for one's benefits online has been introduced in many countries. Still, such measures have been implemented mostly within the realm of unemployment benefits and old-age pensions, and seldom when it comes to benefits regarding accidents at work and occupational diseases or disability benefits. The synthesis report concludes that digitalising application procedures concerning such benefits is especially challenging, as the oft-required medical evaluations are typically in-person events (Spasova et al., 2023; 66, 68).

Automation measures are recognized by the literature as particularly effective, but are relatively rare (Spasova et al., 2023). Examples include the automatic reimbursement of healthcare in France (Legros 2023) and Bulgaria (Zahariev 2023) or the automatic granting of family support benefits in Hungary (Albert et al 2023) and Finland (Lehari and Melesk 2023).

Regarding non-digital means to apply for benefits, in all countries, there are physical offices of relevant public institutions where right-holders can claim most benefits without digital means or skills (Spasova et al., 2023; 18). An exceptionally innovative practice for enhancing the accessibility of physical application channels is the mobile application offices used in Hungary, called 'Government Window Bus'. These buses are equipped for administrative services and handling applications for various benefits. These allow

people who live in remote locations or with limited mobility to submit their claims (as well as receive the required information and assistance) in person (Albert et al 2023).

Accessibility of public administration

Improving the administrative processing of applications can enhance right-holders' ability to make their claims. This is the case in the countries that have adopted the 'only once' principle for data collection, ensuring that right-holders do not have to resubmit the same information whenever a new person or agency is referred to their case. The ESPN notes that measures to simplify access to the organisation of social protection administration, including 'only once' principles, are rare (Spasova et al., 2023; 69). An example is Lithuania, where integrated communications and data sharing between the Social Insurance Fund Board of the Republic of Lithuania (Sodra), healthcare agencies and insurers makes it so that people only have to fill in a general form once when applying for sickness benefits for the first time. This information is stored and automatically updated upon future claims and consultations. In addition, the various kinds of 'one-stop portals' where people can inquire into multiple benefits mentioned in section 4.2 almost always allow people to apply for various benefits in a single, digital place.

Finally, improving the ability of front desk workers to deal with vulnerable groups is another way to improve the accessibility of public administration for claim-making. This is only mentioned in the case of Greece, where citizens' service centres provide information and assistance in applying for various benefits. Front-office workers in these offices have completed special training to provide better services to people with disabilities. In addition, interpretation services are also available on-site.

Guidance and counselling

In all countries, front office workers of organisations where people can apply for benefits often act as 'navigators': people who help others understand the social protection system and help them claim the benefits that they are entitled to (Spasova et al., 2023, 22). These are most often the front offices of relevant public agencies, although social partners/trade unions or CSOs may provide similar services in some countries. The *patronati* in Italy are a famous example: a dense network of CSOs and trade unions which provide extensive in-person guidance on claiming benefits and navigating the social security system (Jessoula et al., 2023).

In addition, online consultation services are rather limited. Several countries have implemented online frequently asked questions available via websites or mobile apps. An exceptional case is the 'Aurora' programme in Finland, which uses A.I. to answer citizens' questions. It is based on open, cross-sectoral information networks so people can get guidance on the welfare services they need.

4.4.3 Juncture 3: Accessing the right

Accessibility of rights

The transferability of social rights has been enhanced in a few countries. An example concerning pensions is Germany. Since 2019, employers are required to apply online for A1 certificates - leading to a tenfold increase in applications. This certificate proves that the employee pays contributions to social security in their EU home country, relieving them of the duty to pay for compulsory insurance (Hanesch et al., 2023). Regarding maternity/paternity benefits, Denmark has introduced the option for parents to share parental leave (Kvist, 2023).

Accessibility of public administration

More efficient processing of applications may enhance the speed with which applicants receive their benefits and reduce frictional non-take-up. Governments in several countries have taken measures to increase digital data access and exchange between relevant stakeholders, particularly when it comes to sickness & healthcare benefits and disability benefits (i.e. public administration, healthcare providers, insurers, etc.), pensions (i.e. pension providers/insurers) and benefits in respect of accidents at work or occupational diseases (i.e. health administrator and/or employers). An illustrative case is Sweden. The Swedish social insurance agency, pension authority, public employment service and the Healthcare Guide 1177 have all created a joint platform for digital cooperation: 'eSam'. The key aim of this platform is to avoid situations where applicants are sent from one public agency to the next. In addition, the Swedish social insurance agency has intensified its cooperation with regional governments through a joint health-related IT system enabling the secure transmission of medical documents (Nelson et al 2023).

Guidance and Counselling

The physical offices discussed in section 4.2 offer advice on where to claim what and how to complete application procedures successfully. For example, the Spanish mutual societies for professional illness and workplace accidents manage and administer benefits related to temporary incapacity due to common illnesses and accidents. Companies, employees, and the self-employed can consult these societies in person, by telephone or through their websites and web portals from the start of the application, resolving in-between steps and understanding and accepting the resolved paperwork.

4.4.4 Juncture 4: Dealing with problems

Two types of instrumental resources are of note at this juncture. The first one is problem-solving services, i.e. assistance in case of administrative problems, such as competence conflicts between public institutions. An example of this kind of resource is SOLVIT, a network of national offices where EU citizens working in another Member State can submit their case if a conflict of competencies between the two countries arises and obtain assistance without the need to address a court (Aranguiz 2022, Alcidi and Corti 2022). Another example is the European Ombudsman, who can be appealed to seek assistance in case of maladministration.

The other resource is legal and advocacy advice. At the European level, among the public institutions that supply this kind of instrumental resources, we can find YourEurope Advice, which provides European citizens with information on EU law and on how to exercise their rights; at the national level, we can mention the equality bodies, which assist in case of unfair discrimination also related to social policies (Aranguiz, 2022; Alcidi and Corti, 2022). Trade unions and civil society organisations may also supply this kind of resource.

4.4.5 Contextual factors: CSOs, trade unions, and improving citizens' skills

The first type of instrumental resources we identified is the availability of networks of social organisations such as TUs and CSOs, which can assist citizens in accessing their rights. Ramos Martin et al. (2023) stress the role of social participation and workers' representatives in ensuring that workers enjoy their rights in the field of occupational safety and health. Burgoon et al. (2023), instead, include labour strength among the instrumental resources that affect the take-up and the generosity of unemployment insurance, parental leave, and ECEC.

The second type of instrumental resources are activities organised to improve the skills of citizens, making it easier to access social rights. Language courses for foreigners or courses to improve digital skills represent examples of this kind of instrumental resources. These initiatives are not necessarily aimed at improving the accessibility of social rights, nor are they necessarily linked to a specific social policy. However, by increasing the ability of the citizens to orient themselves, they have the indirect consequence of increasing the accessibility of social rights. The ESPN reports mention initiatives to improve citizens' digital literacy in Belgium and Estonia (Spasova et al., 2023, 49). Burgoon et al. (2023) include, among the individual-level instrumental resources, the education level and the daily use of the internet (as a proxy for digital literacy).

4.5 Conclusions

In this paper, we proposed conceptualising the instrumental resources that make social rights accessible to right-holders. In EUSOCIALCIT's theoretical framework, social rights are bundles of power resources that enable individuals to claim compliance from public authorities or other individuals. In this sense, legal acts (normative resources) and the possibility of appealing to a court if the rights are violated (enforcement resources) are insufficient to ensure citizens can effectively access their rights. Instrumental resources assist right holders in each step of the path that leads to the effective fruition of social rights: becoming aware of rights and entitlements, claiming the benefit, accessing the right, and dealing with eventual problems.

We identified a series of instrumental resources: the provision of general and personal information; awareness-raising campaigns; outreach activities to contact potential beneficiaries; (simplified and, if possible, automatic) application procedures; accessible public administration; instruments to access rights easily; guidance and counselling services; problem-solving services; legal assistance and advocacy advice to access justice; finally, we also identified the existence of networks of social organisations as an instrumental resource *per se*.

Different actors can produce these resources at different levels (European, national, regional, and local). Public actors play a key role, especially in producing instrumental resources related to procedures (e.g., application, accessibility of the right and public administration). However, the role of non-public actors (e.g., TUs, CSOs) should be addressed, especially in providing information and assistance to right-holders.

We then discussed concrete instances of instrumental resources operating in the 27 EU Member States, to show the forms instrumental reforms can assume. Existing studies on instrumental resources show that the implementation of virtuous models and best practices varies considerably in the EU (see Spasova et al. 2023). This opens the door for a potential intervention by the European Union aimed at disseminating these best practices and promoting instrumental resources in the Member States or creating them at the EU level.

With our conceptualisation of instrumental resources, we aimed at reuniting various strands of the literature dealing with the accessibility of social rights under a common concept and providing a novel theoretical tool to study social policy. Moreover, we aimed to contribute to policy debate by stressing the importance of including instrumental resources in social policies to ensure the accessibility of social rights.

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5. Understanding linkages between normative and instrumental resources: the case of the EU's work-life balance directive²⁷

Caroline de la Porte and Zhen Im

5.1 Introduction

Given the (re-) regulatory turn in EU social policy via the European pillar of social rights (EPSR), it is crucial to understand how EU legislation targeting social rights are transposed to national law (*normative resources*), and ultimately, how rights prompted by the legislation are made accessible to EU citizens (via *instrumental resources*). The Work-life Life Balance Directive (WLBD), transposed in August 2022, presents a litmus test for examining how EU social rights are transposed and made available to citizens. The novelty of the directive is to introduce the requirement of *financial compensation* for earmarked parental leave. In other words, leave must be reserved for each parent (2 months per parent, following a use-it or lose-it logic) and it must be compensated. The intention is that it should be remunerated a level which precludes a loss in standard of living for the family (see de la Porte et al., 2023a). The purpose of this is to prompt a behavioral change - encouraging fathers/second carers to be involved in caring for their small children, and at the same time, decreasing the labour market penalty for women (OJEU, 2019). Implementation of parental leave is complex as it involves a social right to leave and a labour market component, as eligibility is typically incurred through a period of work. In many countries parental leave rights and compensation for leave are administered separately, often creating opaque and complicated systems for parents to access and use their rights. With the EU level legislating a requirement for new social rights, it is potentially even more complex. It can challenge pre-existing systems, unless member states devote sufficient resources to ensure that citizens can access rights. It is therefore interesting to focus on the extent to

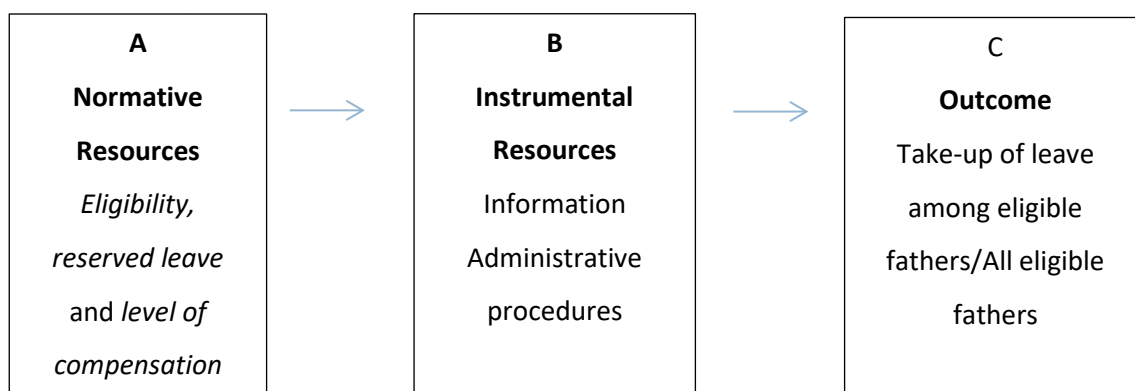
²⁷ This chapter reproduces much of the research that has been published in de la Porte, C., Im, Z., Pircher, B., Ramos Martin, N., & Szelewa, D. (2023). An examination of 'instrumental resources' in earmarked parental leave: The case of the work-life balance directive. *Journal of European Social Policy*, 0(0). <https://doi.org/10.1177/09589287231207557>. There are some aspects from the article we have omitted – i.e. we do not have the overview of take-up of leave among fathers, reflecting normative resources prior to the WLBD. There are also some changes: we have removed the Swedish case and included the French case. There are, of course, other editorial changes, to make a coherent text. This has been carried out by Caroline de la Porte and Zhen Im.

which EU derived social rights for working parents are enabled through the ‘entitlement chain of social rights’ (Ferrera et al., 2023) across member states. This chapter proceeds as follows: firstly, we depict the entitlement chain to parental leave rights, combining the theorization by Ferrera et al. (2023) with insights from the care literature. Secondly, we briefly present the normative rights following the implementation of the WLBD in 6 countries that provide a relatively generous remuneration for earmarked leave. Thirdly, we present exploratory data on instrumental resources in those countries, suggesting that there are significant differences. By commitment, we mean the degree to which relevant actors intend to reduce barriers and obstacles to citizens’ using their de jure parental leave rights (normative resources). The actors relevant to reducing these obstacles in parental leave rights include but are not limited to governments, unions, workplace HR offices. To explore these actors’ intentions (i.e. commitment to reducing obstacles to de jure parental leave rights), we examine intentions behind current or future policies to improve relevant instrumental resources. Fourth, we conclude and draw policy implications of our study.

5.2 The entitlement chain applied to parental leave

The entitlement chain to social rights focuses not only on formal rights, but on the whole process of access to rights, with the citizen in mind (Ferrera et al., 2023). The care literature highlights that *high compensation* and *non-transferability* increase the likelihood for take-up among fathers (for example, Duvander et al., 2019; Eydal and Rostgaard, 2022; Dobrotić and Blum, 2019; Geisler and Kreyenfeld, 2018; Daly, 2022). Yet, the care literature does not consider issues related to the actual access to rights, such as targeted and general information or administrative procedures. Figure 5.1 below applies the notion of the entitlement chain to parental leave rights with these considerations in mind.

Figure 5.1: Theorization of access to parental leave for eligible fathers



Box A in Figure 5.1 indicates that normative resources (eligibility, reserved leave, and level of compensation) are the starting point for the access to parental leave rights. To begin, eligibility determines whether citizens have normative resources (rights to parental leave or not).

Therefore, eligibility is a priori to the types of parental leave benefits that citizens may accrue. Eligibility to parental leave compensation often requires a contribution period. Strict and demanding length-of-service requirements (allowed up to one year following the WLBD, OJEU, 2019) on regular labour market contracts, excludes some fathers with atypical contracts (Moss et al., 2019).

The WLBD sets common legislative requirements for all member states concerning the normative resources of parental leave rights (**Box A**, Figure 5.1). Specifically, the text of the WLBD notes ‘As most fathers do not avail themselves of their right to parental leave (...) this Directive extends from one to two months the minimum period of parental leave which cannot be transferred from one parent to the other in order to encourage fathers to take parental leave’ (OJEU, [2019](#), §20). And, since the intention is to encourage fathers to take leave, the WLBD stipulates that ‘Member States should set the payment or allowance for the minimum nontransferable period of parental leave guaranteed under this Directive at an adequate level (...) Member States should take into account that the take-up of parental leave often results in a loss of income for the family and that first earners in a family are able to make use of their right to parental leave only if it is sufficiently well remunerated, with a view to allowing for a decent living standard.’ While member states have the discretion to decide on the level of payment, the WLBD underscores that the level of compensation should be set at a relatively high level, to encourage take-up of leave (see de la Porte et al., 2023). This is because if income loss for families is significant, then the likelihood of take-up of leave – especially among fathers – decreases.

Instrumental resources (**Box C**, Figure 5.1) are centred on the measures which support the actual use of formal rights by citizens. Ferrera et al. (2023) highlight various types of actors – such as civil society organizations or unions – that may be involved in making social rights *de facto* accessible to all citizens. In this light, the WLBD highlights that: ‘Member states shall ensure that the national measures transposing this Directive [...] are brought to the attention of workers and employers, including employers that are SMEs, by all appropriate means throughout their territory’ (OJEU, §18). Yet, it is not entirely clear what such ‘measures’ include. Nevertheless, this statement in the WLBD underscores the importance of improving information about parental leave rights to increase their take-up. Concurrently, a Eurofound (2018) report underscores that complex administrative procedures can hinder the take-up of parental leave, especially among socio-economic groups that are already less likely to use them (see Duvander and Cedestrand 2022). Thus, building on Ferrera et al. (2023) we apply instrumental resources to the case of earmarked parental leave. More specifically, we identify two aspects of instrumental resources to analyse in more detail. The first is *information*, which can be general or targeted to specific groups. The second consists of *administrative application procedures*, which is particularly

complicated in parental leave, which is at the intersection of social policy (based on which a social right is granted) and labour market policy (through which compensation is derived).

5.3 Normative and instrumental resources following the implementation of the WLBD in 5 countries

We have selected 5 countries that comply with formal implementation of earmarking. In all countries but France, there is a relatively high level of compensation, providing a comparable baseline to examine the role of *instrumental resources* in access to social rights.

Table 5.1: Earmarking and compensation for parental leave following implementation of WLBD

Country	Parental leave	
	Earmarking	Compensation
Denmark	2 months	Unemployment benefit level; topped up to full wages in many collective agreements
The Netherlands	9 weeks	70% of previous wages
Germany	2 months	Remuneration at least at the level of sick pay (65% of precedent year’s net wage).
Poland	9 weeks	70% of the previous wages.
France	12 months	428.71€ per month for full-time parental leave (24.53% of gross statutory minimum monthly income)

Source: own compilation, based on implementation of WLBD

To tap into instrumental resources, we draw on original data collected during the implementation process of the WLBD. Our data includes formal documents developed by government, unions, employer organizations and civil society during the implementation process of the WLBD. We also carried out 15 elite interviews – interviews with actors in the policy process – and four expert interviews – with parental leave specialists – to understand whether and if so, how and the extent to which instrumental resources are addressed and developed. Through these interviews, we can triangulate and validate findings based on the earlier analysis of formal documents. In short, if relevant actors are committed to reducing these barriers, there should be some evidence of policies and plans to address them.

The first type of instrumental resource we explore is *information* to render (new) parental leave rights visible to fathers prior to and during the implementation of the WLBD. The second type of instrumental resource consists of the actual *administrative application procedure*, which is complex in all countries, as there is an interaction between the social policy right to leave and the labour market entitlement concerning the compensation for leave. We assess these in turn, for the 5 countries selected above, considering the degree of commitment among actors involved to reducing these two obstacles to facilitate greater take-up of parental leave.

5.3.1 Instrumental resource 1: Information

In Denmark, statutory earmarking of paid leave for fathers was introduced with the WLBD, prompting extensive general and targeted information. Information is provided mainly by trade unions and employer organizations. Regarding general information, employers are required to communicate the new rights to their workers (Elite Interview Denmark 3, 2022). Regarding the unions, the trade union training entity (FiO) has planned a range of training seminars on administering paid parental leave at the workplace (Elite Interview Denmark 2, 2022). Fagbevægelsens Hovedorganisation (FH), the largest trade union federation, highlights that union representatives and work environment representatives are well informed about the new earmarked parental leave rights, enabling them to liaise with workers at the workplace. Unions are strong and very proactive, so it is expected that they mobilize themselves to communicate new rights (FH, 2022; Elite Interview Denmark 2, 2022). HR departments also have information about the new rights, and Dansk Arbejdsgiver foreningen (DA), the largest employers' federation, hopes that the media attention to earmarked leave has raised awareness about the possibility to take leave among workers (Elite Interview Denmark 3, 2022). Yet, FH and DA have not planned a comprehensive information strategy for members – leaving it to the unions and employers themselves to follow up with information provision (Elite Interviews Denmark 1 and 2, 2022).

Unions and employers both highlight that earmarked leave entails a change of culture, especially in some sectors, which may require targeted information (Elite Interview Denmark 1, 2, 4, 2022). *Information campaigns* are particularly relevant in sectors which are highly gendered (for instance, construction where there is an over-representation of men, or administrative jobs, where there is an over-representation of women). The union federation 3F, representing blue-collar workers, where fathers have the lowest take-up rates of parental leave, has actively planned various activities targeted at fathers, including a role-playing game, a social media campaign, videos and flyers (Elite Interview Denmark 1 and 4, 2022). The federations in these sectors are pro-active, as they are aware of lower take-up of leave among fathers (Elite Interviews

Denmark 1 and 4, 2022). On the employers' side, the largest employer organization, Dansk Industri (DI), has publicly promoted de-genderization in care roles, arguing that fathers should even use more than the two months of earmarked leave (see also de la Porte et al., 2020).

An issue highlighted by multiple organizations during the hearing process on the WLBD is the need to be clear and consistent on various terms related to leave, including maternity, paternity and parental leave (Beskæftigelsesministeriet, 2022). The Ministry of Employment has taken account of these views, and in addition to information developed by unions and employments, various types of information – including a pictogram with gender-neutral terminology on parental leave – is developed on the digital platform used for applying for leave. The WLBD has prompted a new consensus, whereby the intention of actors – government, union federations and employer organizations – is to incentivize fathers to take leave (Elite Interview Denmark 5, 2022).

The Netherlands, like Denmark, did not have earmarked paid parental leave prior to the WLBD. As in Denmark, many actors were involved in the consultation process leading to the Act on Parental Leave, which implements earmarked paid leave. Many organizations emphasized the need to promote the awareness about new paid parental leave to encourage its use by both parents, via information campaigns. Similar to the Danish case, they highlighted that it is important to prompt a cultural change, making it normal for men to take parental leave and to participate more in the day-to-day care of their children. In addition, a number of civil society organizations have united under the alliance *Werk&Gezin* (Work and Family) to develop various tools for awareness about the use of leave, with a subsidy from the Ministry of Education, Culture and Science. Employers' organizations are also organizing specific information campaigns for their members. For instance, the employers' organization (AWVN) is actively promoting the dissemination of information on the new regulation in the Netherlands regarding the various forms of parental leave in connection with birth. This employers' federation provides online information on the terminology of leave in the new regulation.

Trade unions are also organizing information campaigns. For instance, the main trade union federation (FNV) is displaying online information on the new paid parental leave on their website, and an information brochure is available online, as well as several model letters for applying for different types of leave. Thus, many of the practical aspects of applying for leave have been disseminated, and there have been efforts to clarify terminology regarding leave, especially leave entitlements for the father (or second carer). Governmental and other actors thus pro-actively communicate information about the new rights, reflecting an intention to enhance use of parental leave among fathers.

In Germany, it is primarily the government departments and municipalities that provide the necessary information to the citizens, while trade unions provide information material in different languages (Elite Interview Germany 1). While parental leave legislation is federal, there are two federal states (Bavaria and Saxony) that pay a means-tested parental benefit (Blum et al., 2022: 251), making the system more fragmented. There are various services and businesses (such as PME familienservice) which assist employees in finding the best solutions for their leave (Elite Interview Germany 3). Yet, the system is rather opaque and information is not systematically provided in the work place (Expert Interview Germany 1 and 2). One expert argues that 'More information and encouragement by workplaces may help reduce the stigma for fathers taking leave especially in workplaces with a rather stereotypically masculine work culture' (Expert Interview Germany 1). There are no new information campaigns planned.

In Poland, there are currently no plans to conduct information campaigns to raise awareness about the new leave rights, and the government has not initiated public awareness raising initiatives (Elite Interviews Poland 1 and 2, 2022), while the issue does not seem to be salient among the social partners (Elite Interview Poland 3, 2022). Partially, this was the consequence of the government's lack of interest in the WLBD (Elite Interview Poland 2, 2022). Following the transposition of the WLBD, the NGO Foundation 'Share the Care' organized webinars to provide information about the changed leave scheme. Share for Care also collected questions and answers to clarify terminology pertaining to leave rights, which is available on their website (Share the Care, 2023a). The foundation also provides information and links to application forms for (re-)calculating benefit levels (as the WLBD is binding from 1 August 2022) (Share the Care, 2023b). To our knowledge, it is the only organization that pro-actively disseminates information about the new parental leave reform. The government and other organizations simply place information about the new law implementing parental leave on their website. Thus, overall, information on leave rights for fathers in Poland is low, despite the efforts of Share for Care. This is partly due to the underlying intentions of the current government, to maintain traditional gender roles, and the centralized decision-making process, driven mainly by the government (Pircher et al., 2023).

In France, there is no known plan to conduct information campaigns to raise awareness about parental leave or to encourage take-up. One reason for it relates to the role that parental leave plays in relation to other early childhood education and care (ECEC) instruments and arrangements, most notably crèche collectives, écoles maternelles, and jardins d'enfants. Fagnani (2001) described how public policy followed the development of societal views on the French family model which moved from the stay-at-homemother (la mère au foyer) to the working mother (la mère qui travaille). Relatedly, Maurot (2014) underscored that the French

society continues to have a negative view of mothers on parental leave – considering them to be stay-home-mothers that do not fit the working mother model. Brachet et al. (2010) therefore highlighted how French mothers who work do not suffer social stigmatization, unlike their counterparts in Germany. If French public policy favours ECEC over parental leave (Elite Interview France 1; 2; Maurot 2014), there is little incentive for the government to raise awareness about parental leave, especially since there has not been any major reform on parental leave since 2015. Thus, the WLBD appears to have had limited impact, if any, on parental leave in France. However, it is worth pointing out that there were information campaigns by the government focused when some aspects of parental leave were last reformed in January 2015. Among the most notable ones were revisions in the remuneration and changes to its name. Childcare allowance (remuneration) was renamed from Complément de libre choix d'activité (CLCA) to PrePARE. Périvier and Verdugo (2023) noted that family benefit administration - Caisse d'allocations familiales (CAF) – had communicated these reforms to the press and sent letters explaining the change to parents as part of a large communication campaign. In this campaign, CAF also publicized that the name of the childcare allowance programme (i.e. right to remuneration) had changed from CLCA to PrePARE. According to the authors, this signalled a new parental leave approach that seeks to encourage parents to share parental leave. Thus, information campaigns by the government are likely to take place, if and when they reform the parental leave system again.

5.3.3 Instrumental resource 2: Administrative procedures

In Denmark, the right to parental leave not only involves the social right to leave (administered in Denmark by the municipalities), and the right to a statutory flat-rate compensation, but also top-ups from employers for those covered by collective bargaining. In Denmark, the administrative complexity is ironed out by the implementing administrative units and municipalities, so citizens do not have to navigate intricate systems themselves. Yet, FH and other organizations, expressed concern in the official hearing process about the WLBD, that the new legal framework could become more complex, potentially jeopardizing access to paid parental leave for fathers (Beskæftigelsesministeriet, 2022). Thus, they supported the development of a digital planning instrument for parents, with many components to ease planning of leave (FH, 2022; Elite Interview Denmark 2, 2022). The digital planning instrument takes account of parents with different employment statuses (for example, self-employed or employed part-time as an employee), so parents with different employment statuses can see what their rights are, including levels of compensation. It also involves a pictogram, with gender-neutral pictures illustrating the right to an equal share of leave for both parents, including nine weeks of

earmarked leave per parent. It is *Udbetaling Danmark*, the public administration unit which handles delivery of rights online, that has developed the user-friendly digital planning tool for parents, which is directly linked to the digital application procedure (Elite Interviews Denmark 2 and 5, 2022). This signifies that there is awareness among the actors involved regarding the complexity of schemes and they have worked together to ensure easy and uniform access to the scheme for mothers and fathers.

In the Netherlands, there are various leave schemes around the birth of children, with different levels of payment. Leave is paid out by the social security office (UWV), while accumulation of the rights to leave schemes is through employment. Yet, it is complex, because the labour market is characterized by a high proportion of men and women working part-time, making entitlement more demanding, but also difficult to grasp administratively for citizens, especially those of lower socio-economic status. Employers hoped that, following the WLBD, it would have been possible to have one simple scheme, in contrast to the current highly fragmented plethora of schemes (Elite Interviews Netherlands, 1 and 2, 2021). Yet, eligibility between sectors varies, schemes have different purposes, and many parents (especially mothers) use leave part-time since childcare is costly (Elite Interviews Netherlands 3 and 4, 2022). The system is somewhat fragmented and difficult to navigate for citizens. There has not been the same degree of efforts to ensure administrative ease as in the Nordics.

The parental leave system in Germany is also complex, due to the separation of parental leave time (Elternzeit) and parental leave benefit (Elterngeld). There are two types of leave benefit payments, where the income replacement rate can vary between 65% and 67%, depending on the preceding year's net earnings, with additional top-ups for low incomes and decreases for higher ones. Moreover, Bavaria and Saxony pay means-tested allowances (Blum et al., 2022: 251–2). As a result, 'filling in and working out the best combinations of various options of parental leave and parental leave benefits for the father and the mother is rather complex' (Expert Interview Germany 2). Eurofound (2018) specifically highlighted Germany as a case where the procedures are complicated and opaque to the user, possibly dissuading those fathers that are not ex-ante highly motivated to take leave. There is no application for parental leave time in Germany, instead parents need to fill in a form for notification of parental leave and submit it to their employer. In contrast, the parental leave benefit needs to be applied for at a parental allowance office (Elterngeldstelle) where the child is registered. Alternatively, the parents can apply for parental leave allowance digitally in their federal state. Yet, this is only currently possible in 11 out of 16 federal states (Familienportal, 2023). Since the change of government in 2021, there has been more focus on rendering the system uniform and administratively easier to navigate for the user. The intention of the present coalition government in Germany is to 'simplify

and digitize the parental allowance and strengthen shared parental responsibility' (Die Bundesregierung, 2021: 79; Elite Interview Germany 2).

Poland, like Germany, has an intricate and complex administrative application procedure, which individuals must navigate. However, in contrast to the German parental leave system, which is gender equalizing, the pre-WLBD system in Poland explicitly discouraged fathers from taking leave, because their replacement rate was set at 60% of previous wages. Mothers were incentivized economically to take leave: they could receive an 80% replacement rate for the overall duration of maternity *and* parental leave. HR departments or employers encouraged the mothers to take leave, as this was the norm. This practical reaction to complexities of the systems was in line with how the new scheme was referred to in the public debate, that is, as 'one year of maternity leave' as maternity and parental leave scheme combined gave the mother an opportunity to take 52 weeks of break from employment (Szelewa, 2017). The new system introduced with the WLBD is a break from the past, as it offers 70% wage replacement rate for both parents, thus getting rid of the previous in-built bias favouring mothers. The system is highly centralized and there are not many actors mobilizing for enabling easier access to social rights (see de la Porte et al., 2023). The decision on the new law was adopted after the transposition deadline, and thus, new forms and administrative procedures for application have not been adopted yet. A draft of new implementing regulations is ready, but they have not yet entered into force. Employers are not sure whether persons who now apply for (new) parental leave are to use the application templates developed on the basis of the previous regulation or new forms (Guza, 2023). Finally, the government does not emphasize the gender equalizing function of the new leave scheme (Elite Interview Poland 2, 2022).

In France, access to parental leave is complex in the sense that the right to parental leave is distinct from eligibility to be remunerated for taking this leave (Boyer and Fagnani 2019; Périer and Verdugo 2023). Hence, the application for parental leave does not automatically grant remuneration. Parental leave is applied for with respective employers, whereas remuneration for parental leave is applied for with the social security agency, specifically the CAF. If parents are aware that they need to apply for remuneration from CAF, CAF's website does offer a brief explanation of the conditions of the remuneration. For CAF to process the application, parents apply online, complete the forms and sign them. They must also provide relevant requested supporting documents. In short, although parts of the application procedure have been digitized, they are still complex to navigate especially for parents who lack knowledge or skills in navigating public services. There is no known commitment by the government to streamline these complexities in administrative procedures at the point of this study.

Our examination of instrumental resources has shown high variation among countries regarding their commitment to prompt the take-up of new leave rights among mothers and fathers. The findings, looking into the degree commitment among actors, are summarized in Table 5.2 below.

Table 5.2: Degree of commitment to instrumental resources in countries under examination

Country/Commitment to Instrumental Resource	Information	Administrative procedures
Denmark	High	High
The Netherlands	High	Medium
Germany	Medium	Medium
Poland	Low	Low
France	Low	Low

Source: own creation based on findings

We identify three categories of commitment to instrumental resources by the relevant actors:

Low: little or no commitment, and not uniform;

Medium: some commitment, but fragmented and/or complex;

High: Extensive and uniform commitment

5.4 Discussion and policy implications

In our empirical analysis, we selected countries that have implemented the WLBD’s formal requirements of earmarked paid leave similarly – at a relatively high level. Our embedded-case analysis shows that there is variation between countries in the commitment to two ‘instrumental resources’ for earmarked parental leave: information and administrative procedures. Generous formal rights (earmarking with high compensation) are a first necessary but not sufficient condition to enhance fathers’ take-up of leave. The novel insight from our study is that, alongside formal rights, instrumental resources are crucial to enhance easy and equitable access to parental leave. These two instrumental resources – additional conditions for enhancing take-up of leave - are information provision (general and targeted), as well as easily accessible administrative procedures, with a simple user-friendly online application. The commitment to these should be thorough and at the same time wide-reaching, to avoid fragmentation.

There are several implications from our study for the actual process of enactment of parental leave rights. Regarding *information* on new parental leave rights, it should be thorough and detailed, yet simple and easily understandable. This includes leave terminology, such as parental

leave (reserved or shared), but also maternity and paternity leave, as well as other types of paid and unpaid leave schemes. It also comprises leave rights and compensation for different categories of workers (self-employed, part-time employed) across sectors. Second, there are various tools through which to provide such information, including pictograms alongside the formal (digital) application procedure. Such pictograms can present the rights in line with the intention of the policy, that is, whether it intends to equalize participation in parental leave, as in Denmark. Third, actors who provide information to citizens or workers should be considered the most important information agents. As leave rights are accrued through the workplace, information is channelled by shop-stewards and HR-personnel to their staff. It is thus essential that fathers – who are targeted through reserved leave – receive information about compensation and rights for various types of workers, which can be communicated to staff, especially on new gender equalizing aspects of parental leave. Fourth, targeted information campaigns can be organized, through various tools, like role-playing, social media campaigns and pamphlets. They can be particularly effective and useful in highly gendered sectors, with low take-up rates of father-specific leave.

Regarding *administrative procedures*, they are another crucial key to facilitate access to parental leave. First, application procedures should preferably be set up so that individuals do not have to navigate multiple systems to access their parental leave rights and benefits. Where the formal right to leave and access to compensation is separate, application for leave and for remuneration, should be simplified and joined, or, once an application for leave is submitted, the applicant could automatically be directed towards the system of application for remuneration. Countries with a high degree of digitalization, especially in public administration, have the best features ex-ante to integrate such rights and to ensure that they are used by citizens. Thus, the focus on enhancing digitalization of public administration through NGEU funding could facilitate access to parental leave and other social rights. Second, planning instruments can be integrated alongside the formal application procedure, whereby fathers and mothers can plan their leave, including part-time leave, joint leave, or successive leave periods between mothers and fathers. Such instruments should preferably also include information about remuneration during different periods of leave. Finally, the intention of policy-makers – from a gender role perspective – should be considered in examining the implementation of the WLBD. Now that the EU has successfully regulated parental leave, which could prompt a change of behaviour among fathers, attention should be devoted to the actual successful implementation of those rights across EU countries and covering a variety of different sectors. This could, in turn, contribute to a legitimization of the EU in the social policy area.

Lastly, to be clear, we do not suggest that instrumental resources is the determining factor in improving parents' take-up of parental leave. As shown in the care literature, other factors like the level of remuneration, earmarking as well as gendered-care norms are all important factors to facilitate use of leave among fathers. However, instrumental resources are relevant in improving take-up especially among those who would otherwise like to, but lack information about it or are discouraged by administrative complexities. We would argue that instrumental resources are especially essential in raising the take-up group among this group of parents - especially fathers – and will go a step further in closing the gender care gap.

Interviews

Elite Interview Denmark 1, 3F, 21.01.2022.

Elite Interview Denmark 2, Fagbevægelsens Hovedorganisation, FH, 30.04.2022.

(Fagbevægelsens Hovedorganisation is the largest Danish trade union umbrella organisation, covering various smaller unions. Total number of workers represented is 1.4 million).

Elite Interview Denmark 3, Dansk Arbejdsgiver Organisation (DA), 12.04.2022.

Elite Interview Denmark 4, HK, 15.08.2022.

Elite Interview Denmark 5, Ministry of Employment, 16.08.2022.

Elite Interview Germany 1, DGB Bundesvorstand official, 21.5.2021.

Elite Interview Germany 2, Federal Ministry for Family Affairs SC, Women and Youth official, 03.09.2021, with additional information provided informal in autumn 2022.

Elite Interview Germany 3, Official pme Familienservice, 10.05.2021.

Expert Interview Germany 1, 15.5.2021.

Expert Interview Germany 2, 10.6.2021.

Elite Interview Netherlands 1, FNV, 09.09.2021.

Elite Interview Netherlands 2, Employers' representative 2 SMEs, 22.10.2021.

Elite Interviews Netherlands 3 and 4, SER advisors, 2022

Elite Interview Poland 1, Trade Union expert 1, 17.05.2022.

Elite Interview Poland 2, NGO representative 1, PL, 2022, 10.05.2022.

Elite Interview Poland 3, representative of Employers' Organization 1, 16.05.2022.

Elite Interview Sweden 1, 29.10.2021

Expert Interview Sweden 1, 29.06.2021

Elite Interview France 1, Union Nationale des Associations Familiales (UNAF), 03.09.2021

Elite Interview France 2, Confédération Générale du Travail (CGT), 11.10.2021.

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6. Unpredictable and non-transparent working conditions? Normative and instrumental resources for riders in the food-delivery sector

Zhen Im, Janine Leschke and Laura Scheele

6.1 Introduction

Fair working conditions are reflected in 5 principles of the European Pillar of Social Rights (EPSR). These principles are the right to secure and adaptable employment; the right to fair wages that provide for a decent standard of living; the right to be informed about employment conditions and protection in case of dismissals; the right to work-life balance; and the right to healthy, safe, and well-adapted work environment and data protection. By laying out these principles, the Juncker Commission as well as the subsequent Von der Leyen Commission have underscored their policy ambitions on pursuing social convergence across EU Member States through Social Europe (Copeland 2022; Mailand 2021; Vesan and Corti 2021). This policy ambition led to a raft of EU social legislations – to a considerably greater extent than during the Barroso Commission.

One such example is the Transparent and Predictable Working Conditions Directive (TPWC) (EU Directive 2019/1152). It came into force in June 2019 with an implementation deadline on 1 August 2022. It aims to ensure that all workers receive information about their working conditions in writing at an early stage and benefit from minimum rights to prevent precariousness (Piasna 2019). The European Commission (EC) summarised that the TPWC aimed to “provide more extensive and modernised rights for all workers in the EU, particularly addressing insufficient protection for workers in more precarious jobs, while limiting the burden on employers and maintaining flexibility to adapt to a changing labour market” (European Commission n.d., para. 1). In this regard, the EC argued that this directive engaged Principle 7 of the EPSR which relates to information about employment conditions (European Commission n.d., para. 2).

The scope of the TPWC Directive is exceptionally broad targeting workers on standard contracts and those on the most flexible contracts. Platform workers are explicitly mentioned as a target group. Amongst others, the directive sought to provide workers with more complete information on essential aspects of their work and ensure that workers are reasonably informed in advance about the schedule of their work. These two aims of the directive are particularly relevant for platform work given the unpredictable nature

of this form of labour. We did not pursue an implementation analysis, rather the stipulations in this Directive informed the choice of the areas we scrutinised in view of de jure (normative) and instrumental rights (see below).²⁸ We looked, in particular, at terms of employment, rights at work, work hours and schedule and earnings.

More often than not, EU legislation and Member States' transposition of this legislation focus on improving the de jure rights of workers to uplift their working conditions. Ferrera et al. (2023) termed these de jure rights as normative resources. Yet, having better de jure rights does not guarantee better working conditions, especially among the most socioeconomically disadvantaged groups in society. These groups may not be cognizant of their rights, struggle to use them, or be prevented from exercising them. Hence, there is a gap between better de jure rights and better de facto outcomes as clearly evidenced in the street-level bureaucracy literature (Keulemans and Van de Walle 2020; Lipsky 1980) and studies on policy access biases (Bonoli and Liechti 2019; Im and Shin 2021). Ferrera et al. (2023) underscore that the capacity to communicate and support workers' use of their de jure rights (instrumental resources) and the infrastructure to enforce these rights (enforcement resources) are critical to ensure that de jure rights are translated to de facto rights. Put differently, better de jure rights (normative resources) are a necessary but not sufficient condition to ensure that workers have better working conditions. Conversely, having de jure rights does not necessarily entail workers using those rights if they lack information or capacity to use those rights.

In this chapter, we consider the linkages between better work-related rights as well as robust communication channels and clear information as a theoretical pre-requisite of fairer working conditions as hypothesised by Ferrera et al. (2023). We describe normative and their corresponding instrumental resources in the domain of transparent and predictable work conditions in this specific policy domain. Our findings are two-fold. First, platform workers have varying de jure work-related rights (normative rights). Second, even in Member States with broadly similar de jure rights, workers' de facto work-related rights may still vary across and within these Member States due to the ambiguity in instrumental resources. As an illustration, we use four company cases from two countries – the Netherlands and Spain. In some instances, we refer to food delivery platforms located in four additional countries (Denmark, France, Germany and Poland) (for a detailed analysis which also addresses enforcement resources, refer to Scheele et al. 2023). The key policy takeaway is that policymakers should pay attention to both improving de jure rights as well as enhancing access to information on these rights as clear, predictable and transparent information is a pre-condition for being able to take up these rights.

²⁸ When fieldwork was carried out for this study, the Directive was not fully implemented in all member states. Thus, national implementation plans were only available for a limited number of Member States. Consequently, it was not possible to carry out an implementation analysis that would attempt to link the prerogatives of the directive to changes in a particular sector over time.

6.2 Transparent and predictable work in the platform-based food delivery sector

As regards fair working conditions, the terms of employment (e.g. employment status, contract form) often determine the type of working conditions that workers have. Platform work in the food delivery sector accumulates many features of non-standard employment and has often been portrayed as having very poor working conditions (Heiland 2022; Larsen and Ilsøe 2021; Piasna 2019; Spasova et al. 2021). In addition, riders often suffer from a lack of transparency regarding their terms of employment and thereby rights and work as well as a lack of predictability of working-time, work schedules and earnings. Although these poor working conditions – including the lack of comprehensive information about them - are already a concern by themselves, they often intersect with the socioeconomic disadvantage that many food delivery platform riders (henceforth riders) have. These riders are often migrants (Gilmartin 2022; van Doorn and Vijay 2021) or individuals with weaker labour market attachment. Platform work in the food delivery sector commonly has low barriers to entry which draws these social groups into this work. Thus, the poor working conditions and lack of information exacerbate the socioeconomic disadvantage of these riders.

As we will highlight below, platform work in the food delivery sector is very heterogeneous and fluid (for a review on working conditions in platform work see Gundert and Leschke 2023). De jure work-related rights (normative rights) of riders differ not only across Member States but also across platforms within Member States. Additionally, the extent and transparency of the information about these working conditions (instrumental resources) provided to workers also differ across Member States and platforms. The terms of employment (e.g. employment status, contract form) on a given platform seem to determine the instrumental resources of riders to a high degree with riders on non-standard contracts such as mini-jobs and temp agency work, and particularly riders working as independent contractors having fewer access to information on essential aspects when beginning their job than riders whose contracts are closer to standard employment.

6.2.1 Normative resources

The main determinant of a rider's working conditions is a rider's terms of employment which consists both of the employment status and the contract form. In fact, a plethora of employment statuses are applied by platforms across different Member States. National subsidiaries of JustEat, which has one of the largest market shares in 5 of the 6 Member States which we studied (biggest in Denmark, Germany, Spain, Poland, Netherlands, but not France), apply four types of employment statuses. They include dependent 'regular' employment (Denmark, Germany, Spain), mini-jobs (Germany)²⁹, civil law contracts

²⁹ In Germany, mini-jobs are a regulated category of marginal part-time employment with an earnings

(Poland), and temporary agency workers (the Netherlands). Some of this variation can be explained by national differences in labour laws and employment relations. However, part of this variation also relates to platform strategy. For instance, JustEat utilises both riders employed on dependent ‘regular’ employment and riders employed on mini-jobs in Germany. Concurrently, there is also a sizable group of riders who are solo self-employed in most of these Member States. For instance, riders who work for Wolt in Denmark and Uber Eats in France and the Netherlands do not have employment contracts with these platforms, but are instead ‘contractors’ who are (solo) self-employed.

The proliferation of different employment statuses matters because there are knock-on consequences on riders’ rights at work, work hours and work schedules, and earnings. These are essential aspects of transparent and predictable work that make working conditions fair. To illustrate this point, Table 6.1 summarises for the Netherlands how riders have different working conditions on two platforms – Thuisbezorgd (JustEat Netherlands) and Uber Eats. Riders for Thuisbezorgd are not employees of the platform itself but are often hired by way of temporary employment agencies such as Randstad. They are hired on agency work employment contract with an ‘ABU phase system’ (explained in Table 6.1). By contrast, riders for Uber Eats are solo self-employed. These differences in terms of employment have implications for their rights at work as the applicable labour law provisions will differ according to the employment status, generally giving fewer protections to Uber Eats riders compared to Thuisbezorgd riders. Regarding work schedules, there is more predictability for riders for Thuisbezorgd since they can choose contracts with specified work hours and work based on a shift-system. By contrast, riders for Uber Eats have very unpredictable working conditions since there is no shift or regular work schedule with agreed minimum hours due to self-employment. In terms of earnings, riders from Thuisbezorgd are paid at least at the statutory minimum wage (collective agreement for temporary agency workers), whereas riders from Uber Eats are paid by a piece-rate pay system since they are excluded from labour laws which cover the statutory minimum wage. Thus, riders of Thuisbezorgd have arguably more predictable earnings than those from Uber Eats.

Table 6.1. Summary of normative resources on the Netherlands

FIRM	NORMATIVE RESOURCE
<i>Terms of employment</i>	
Thuisbezorgd	<ul style="list-style-type: none"> • Employed by temporary employment agency Randstad (not directly hired by Thuisbezorgd itself) • Hired on a temp agency contract, part of the 'ABU phase system' with different contractual rights depending on the length of employment

limit or time limit. The main difference to other forms of employment are the deductions and the limited access to social security benefits. For more information see: https://www.minijob-zentrale.de/EN/Home/home_node.html#doccea21796-66a2-4e9e-8554-5d6502fc08fbbodyText1

Uber Eats	<ul style="list-style-type: none"> • Solo self-employed (referred to as "zzp'ers" in the Dutch context)
Rights at work	
Thuisbezorgd	<ul style="list-style-type: none"> • Labour law also applicable for temporary agency workers with some exceptions • Special rules of dismissal during 'phase A' contract: employment can be terminated from either side at any time with short or no notice; illness can lead to direct termination in case of agency clause • Rights increase in proportion to the length of employment with the temp agency (Phase B or C). • Collective agreement coverage: ABU collective agreement (for temporary agency work) applies instead of (better) regulations set out in the TLN Collective Agreement for Professional Goods Transport by Road
Uber Eats	<ul style="list-style-type: none"> • Excluded from labour law (or any collective agreement) due to self-employed status: no statutory minimum wage, no holidaysick or parental leave, etc. • Automatically part of Uber Partner Protection which covers work-related medical expenses and the like
Work schedule and work hours	
Thuisbezorgd	<ul style="list-style-type: none"> • Riders can opt for 16, 24, 32, or 40h contracts (since Dec 2021). • Shift system
Uber Eats	<ul style="list-style-type: none"> • No shifts or regular work schedule with agreed minimum hours due to self-employment
Earnings	
Thuisbezorgd	<ul style="list-style-type: none"> • Statutory minimum wage: lays down a minimum monthly wage for everyone, including temp agency workers (hourly wages depend whether business assumes a full-time work week to be 36, 38, or 40 hours) • The ABU collective agreement for temp workers, unlike the TLN Collective Agreement, includes no collectively agreed minimum wage beyond the statutory minimum wage • Kilometre allowance: €0.10 for a normal bike and €0.19 for an electric bike
Uber Eats	<ul style="list-style-type: none"> • Excluded from all relevant labour laws, including statutory minimum wage, due to self-employment status • Piece-rate pay system • Unpaid waiting times & equipment

These differences between major platforms in normative resources are replicated in other Members States as well (see Scheele et al. 2003 for tables and detailed information on all six countries). Table 6.2 presents the same information for Spain for two platforms – JustEat and Glovo. Once again, there are differences in terms of employment for riders of these two major platforms. Riders of JustEat have regular employment contracts, whereas riders of Glovo are mostly solo self-employed despite the Spanish so-called ‘Rider Law’ which prohibits bogus self-employment on food delivery platforms. In terms of rights at work, riders at JustEat are covered by a collective bargaining agreement which further improves the statutory work-related rights derived from Spanish labour laws. By contrast, Glovo riders are not covered by Spanish labour laws (let alone a collective agreement) due to their solo self-employed status. As in the Dutch case, these differences in terms of employment have knock-on effects on work schedule, work hours and earnings. JustEat riders have contractually defined hours with a shift notice which makes their work more predictable, unlike riders for Glovo. JustEat riders also have salaries set by a collective bargaining agreement, whereas the earnings for Glovo’s riders are unpredictable since they have to bid for tasks. More often than not, they have to offer low price bids to gain the task.

Table 6.2 Summary of normative resources on the Spain

FIRM	NORMATIVE RESOURCE
<i>Terms of employment</i>	
JustEat	<ul style="list-style-type: none"> • Salaried employee status by work contract
Glovo	<ul style="list-style-type: none"> • Glovo workforce: ca 2000 out of 12000 hold employee status; the majority is self-employed • Glovo circumvents Riders' Law presumption of employment by stipulating that riders can log in/off 'freely' without selecting timeslot and adjust the price of their delivery fees slightly, can refuse tasks and subcontract to other workers. Therefore, Glovo could for a while outgo the riders' law. Spain's Labour Ministry has fined Glovo for bogus self-employment in September 2022, and January 2023 – Glovo has appealed against these penalties.
<i>Rights at work</i>	
JustEat	<ul style="list-style-type: none"> • Collective bargaining agreement: 1 month trial period; annual holiday entitlement of 30 days for full-time employees (less in different part-time scenarios); termination by employee (15 calendar days) • No exclusivity clause (except for during working hours)
Glovo	<ul style="list-style-type: none"> • Not covered by Spanish labour laws applicable to salaried employees (unless working as employee)

	<ul style="list-style-type: none"> • Possibility of termination at any time without prior notice • Access to company-provided accident insurance coverage while working on the platform • No exclusivity clause
Work schedule and work hours	
JustEat	<ul style="list-style-type: none"> • Contractually defined hours providing guaranteed hours and earnings (min. 16h) • Shift notice: contractually agreed that shift planning is shared each week • JustEat can mandate a maximum working time up to 35% above the contractually agreed hours. Separately, riders can voluntarily work for 20% above their contractually agreed hours. • Collective agreement stipulates maximum annual (1792h/year) and daily working hours (9h/day) • Rejection of order is possible under specific circumstances. • Right to two uninterrupted days of rest
Glovo	<ul style="list-style-type: none"> • Under the Glovo self-employed policy, riders are free to connect as they wish
Earnings	
JustEat	<ul style="list-style-type: none"> • Minimum wage: €1,000 (14 times a year) • Collective bargaining agreement guarantees basic annual salary of €15,232 (1.269,33 € monthly for full-timers, based on 8,5 €/h gross). Part-time employees receive salary proportionately • Collective bargaining agreement includes compensation for vehicle use, bonuses, salary supplements, complementary hours, overtime, compensation of expenses (including backpack/box, smartphones, protection equipment, own vehicle or company vehicle use), receiving tips, and terms of salary increases
Glovo	<ul style="list-style-type: none"> • Algorithm distributes delivery tasks as a function of a blind auction among all available riders. The rider is thus not informed about the earnings in advance, and must offer a relatively low price if s/he wants to gain the request • Glovo shows a reference price for every request, riders must then indicate if they agree with the price as well as the minimum price for which they would deliver

	<ul style="list-style-type: none"> • No coverage of expenses such as equipment (e.g. mobile phone, insulated delivery bag, bike) • Earnings include a mileage per km component • New agreement between trade union CCOO in Catalonia and Glovo has improved payment system: regulated bonuses for Sundays (50% increase of hourly wages) and public holidays (doubling hourly wages) • The agreement in Catalonia also improved work-related expenses: Glovo agrees to provide electric bikes for riders and to compensate higher for mileage of own vehicle use
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6.2.2 Instrumental resources

On the surface, the normative resources derived from having an employment contract may suggest that ‘regularly’ employed riders may enjoy more predictable and transparent, and thus fairer, working conditions than solo self-employed riders. Yet, when one examines information provided about riders’ terms of employment, rights at work, work schedule and work hours, and earnings, this notion becomes murkier.

Table 6.3 presents the instrumental resources for riders in the Netherlands. In the case of Thuisbezorgd where riders are doing comparatively better in terms of normative resources than riders of Uber Eats on the surface, they still suffer from a lack of clear, useful, non-contradictory, and non-misleading information on their employment status, rights at work, and earnings. One of the key issues here is the complex terms of employment. That is even though Thuisbezorgd riders are dependent employees and thus in a privileged position vis a vis Uber Eats workers who are self-employed, the fact that they are hired through a third party (a temporary work agency) makes the provision of and access to information rather intransparent and sometimes contradictory. In this constellation, it does not help much that Thuisbezorgd riders have a collective agreement as this collective agreement is not specific to Thuisbezorgd or the platform industry but a general collective agreement covering temporary agency workers. Likewise, there are information gaps for riders of Uber Eats.

Table 6.3 Summary of instrumental resources in the Netherlands

FIRM	INSTRUMENTAL RESOURCE
<i>Terms of employment</i>	
Thuisbezorgd	<ul style="list-style-type: none"> • Key information is scattered across different sources (platform webpage, temp agency webpage, contracts of different types (ABU system) and collective agreement). Platform webpage contains potentially conflicting and misleading information. It mentions a variety of hourly-based contract types and only briefly mentions that riders must send application to temp agency. In other parts, it suggests that riders will get a "proper work contract" but does not clarify that it is a Phase A contract provided by the temp agency.
Uber Eats	<ul style="list-style-type: none"> • VAT number is a pre-requisite for application, therefore riders know of their self-employed status but not of its implications. • Tax rules of being a self-employed are explained under 'getting started' on Uber Eats' website.
<i>Rights at work</i>	
Thuisbezorgd	<ul style="list-style-type: none"> • No publicly available information on platform's website on particularities of temporary agency work contracts (e.g. phase system, notice period etc.) during application. • Information on special rules depending on contract phase are outlined in the ABU collective agreement which can be found online.
Uber Eats	<ul style="list-style-type: none"> • No information on rights at work on Uber Eats website and application FAQ.
<i>Work schedule and work hours</i>	
Thuisbezorgd	<ul style="list-style-type: none"> • Slightly misleading advertisement by temp agency as a flexible job, though work schedule is rather rigid and decided by employer • No information on specificities of shift scheduling in application FAQs or on website (likely in contract and questions can be asked in phone interview)
Uber Eats	<ul style="list-style-type: none"> • Flexibility is advertised • Information on peak hours is not mentioned on the homepage but included in the application form

Earnings	
Thuisbezorgd	<ul style="list-style-type: none"> • Maximum wage per hour advertised by platform is higher than the one advertised by tempagency (Randstad). • Thuisbezorgd: no info about the wage calculation system, this info is provided on the website of Randstad • Thuisbezorgd: info about different contract types by hours volume but does no reference to average earnings on specific contracts. Instead, it refers to the statutory monthly minimum wage, leaving it to employees to calculate their earnings estimation (will differ depending on personal (i.e. age) and company factors (i.e. how many hours constitute a full-time week)) • Thuisbezorgd: informs about bonus schemes and kilometre allowances but not clear what they entail and how they are calculated • Ranstad: info about earnings calculation system; info on earning up to €3.75 on top of hourly salaries in bonuses • Other expenses of equipment (bike & phone etc.) and whether they are covered not informed about by either agency or platform
Uber Eats	<ul style="list-style-type: none"> • No information on website or during application on average earnings or calculation system • The estimated net earnings per trip is only shown when a delivery request is offered in the app

By contrast, the information that is obtained by riders in Spain corresponds more with their actual employment status. For instance, riders of JustEat have access to clear and useful information on rights at work, work hours and work schedules, and earnings in their contracts. They can also find much of this information on the application website of JustEat and in the specific collective bargaining agreement itself. Yet, a similar problem of inadequate information remains for workers of Glovo who are self-employed – they suffer from incomplete information. Thus, these two examples demonstrate that there are important differences in the transparency of information being communicated about work to riders of food delivery platforms. The differences do not only exist between platforms that predominantly use self-employed riders and those who directly employ their riders but they also exist between national subsidiaries of the same company (JustEat). The little information given to self-employed riders can also be interpreted as part of a conscious strategy of food delivery companies to minimise appearing as employers - managing, controlling and informing their employees (this has also been shown throughout our other case examples - see Scheele et al. 2023). While solo self-employed are usually the least informed, riders who are dependent employed also face challenges in terms of instrumental resources. These challenges can be

linked to the specific employment form - in the Dutch case presented above temporary agency work, in the German case (not presented but included in Scheele et al. 2023) mini-jobs. Concurrently, these challenges can also be linked to complex earnings systems that use variable components, used by some companies independent of the employment status of the riders.

Table 6.4 Summary of instrumental resources in the Spain

FIRM	INSTRUMENTAL RESOURCE
Terms of employment	
JustEat	<ul style="list-style-type: none"> • Information shared on application website FAQ mentions that riders have permanent contracts • Coverage through collective agreement mentioned clearly on application website but no link to agreement provided • Contract clearly indicates employee status • Contract mentions full title of collective bargaining agreement so it can be searched for
Glovo	<ul style="list-style-type: none"> • Legal status as self-employed is clear by contractual terms as defined in the document on Terms and Condition • Application FAQ indicate option of choosing between self-employed and employee in application process. But effectively, Glovo only has limited vacancies for employed riders • No information on possibility and means to transit from self-employed to employee status
Rights at work	
JustEat	<ul style="list-style-type: none"> • All relevant rights at work explained in collective agreement and contract
Glovo	<ul style="list-style-type: none"> • Terms and conditions for self-employed specifies the following rights implications: termination and notice, access to insurance coverage when working on the platform, tax responsibility, no exclusivity clause
Work schedule and work hours	
JustEat	<ul style="list-style-type: none"> • Contract and collective bargaining agreement provide clear information on shift planning, when work will likely take place, when riders have to inform JustEat of their preferred availability, the notice period for schedules, mandatory as well as voluntary complementary hours

	<ul style="list-style-type: none"> • Collective agreement includes many scenarios that make the content more understandable for rider’s work situation
Glovo	<ul style="list-style-type: none"> • Riders are unaware of the most popular/least popular time slots, they are also unaware of the number of colleagues connected/available at the same time. This leads to “hyper connection” with supply of tasks exceeding demand which affects level of earnings
Earnings	
JustEat	<ul style="list-style-type: none"> • Collective bargaining agreement provides detailed information on remuneration and compensation of expenses • The collective bargaining agreement is mentioned in application FAQs of JustEat, however no link to it nor the name of it. • Application website only states that there is guaranteed monthly salary and bonuses covered under a collective agreement
Glovo	<ul style="list-style-type: none"> • Detailed information on how the complex algorithm behind Glovo’s task assignment system and this task assignment system affect remuneration is scant. • Lack of transparency on performance indicators that determine whether a rider is placed in the group that receives orders first or later

6.3 Conclusions

Our analysis focused on the state of working conditions facing riders within the food delivery platform sector. Considering, in particular, the normative and instrumental resources drawing on the power resource framework of Ferrera et al. (2023) enables us to examine important barriers to ensuring fairer working conditions among food delivery platform workers. The core finding is that food delivery riders employed on standard contracts enjoy better work-related rights and information about these rights than their counterparts who are not on such contracts. That is, the former enjoy better rights, and information about these rights is clearer. Consequently, the former are better able to reliably use their de jure rights. Relatedly, a key takeaway is that improving the predictability of working conditions through more comprehensive rights at work, clearer work schedules and earnings structures (normative resources) and the transparency of the information about these working conditions (instrumental resources) are critical to close divides in working conditions among riders. Given that riders of food delivery platforms are often from socioeconomically disadvantaged groups, unpredictable and non-transparent working-conditions can exacerbate their existing socioeconomic disadvantage.

Overall, the joint consideration of both normative and instrumental resources at the level of platforms and Member States offers an understanding of how and where EU directives can improve the social rights of one of the most precarious groups of workers in EU Member States. However, it is important to highlight that platforms are very nimble and continuously adjust their employment practices and business models in anticipation of incoming legislation, the threat of litigation on employment status and the entrance and exits of competing platforms. Adequate thought must therefore go into deliberation about how platforms can be incentivised to change their practices for the better rather than for the worse (i.e. a race to the bottom) which was not within the scope of the Transparent and Predictable Working Conditions (TPWC). The variation in normative and instrumental resources across platforms and Member States – even among national subsidiaries of the same firm - would also suggest that horizontal EU legislation faces a number of challenges on the ground. Policies that are directed at the sectoral level might be more successful in harmonising the substantial variation effectively. One such example is the Platform Work Directive announced in December 2021 (European Commission 9.12.2021) with a provisional agreement reached in December 2023. It specifically targets working conditions in platform work but is not concerned with the predictability and transparency of working conditions. In short, if the aim of the EU is to create fairer working conditions for all, it needs to engage with the diversity of working conditions across different sectors (and platforms) located in Member States that are characterised by different welfare and industrial relation regimes.

These findings also underline the importance of paying attention to firm-level strategies. Although firms' decision-making is embedded within countries' social and labour market institutions, the case of food delivery riders here illustrates the variety of ways that firms may operate within these national contexts. In both Spain and the Netherlands, food delivery platforms operate in vastly different ways even if they operate within the same national social and labour market institution. Crucially, platforms are particularly nimble in their response to incoming regulations and are creative in their adaptation to existing regulations (Scheele et al. 2023; Thelen 2023). Whereas existing studies often pay attention to national and sectoral determinants of workers' rights (e.g. Ferrera et al. 2023; Larsen and Mailand 2018), we would suggest that it is also important to focus on firm-level determinants.

We propose three avenues for future research. First, and in line with the suggestion above, more attention should be paid to firm-level determinants. In particular, future research could study how platforms respond to incoming and existing regulations, especially in highly competitive sectors. Second, future studies could examine how Member States implemented the TPWC and how their implementation affects the most precarious workers' work-related rights. Unfortunately, this study was conducted before or during Member State's transposition of the directive. With the broad-based nature of the TPWC which does not target the idiosyncrasies of platform work including highly precarious food delivery platform work, we are however pessimistic that implementation plans from the TPWC would radically improve the working conditions of the most precarious platform workers. Third, future research could pay greater attention to the role of instrumental resources in securing workers' de facto rights in other policy domains.

In particular, future studies could consider using research designs that test the impact of better and clearer information about rights on precarious workers' take-up of these rights.

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7. How Individual- and National-level Power Resources Shape Social-rights Take-up, Spending and Outcomes

Brian Burgoon, Marius Busemeyer and Gianna Maria Eick

7.1 Introduction

This chapter explores empirically the claim at the heart of this volume’s collective judgment that social-rights outcomes rest upon “power resources” available to citizens – not only normative resources that confer *de jure*, deontic social rights, but also instrumental and enforcement resources that capacitate a person’s access to such rights. The chapter’s study of this claim uses quantitative information at both the individual and national levels relevant to social-rights resources, outputs and outcomes, focusing on the social-rights realms of worker unemployment and employment. Using such information, the chapter therefore asks whether and how the volume’s resource-based framework stands up to empirical scrutiny: Do various measures of power resources empirically spur, or at least positively correlate with, subsequent social-policy participation, with actual spending on employment-related social policies, and with favourable employment-related outcomes?

The chapter’s answers to this question focus partly on well-known measures in the labor-market realm – such as output-related spending on unemployed insurance (UI), on early-childhood education and care (ECEC), and on maternal/paternal/parental leave, as well as measures of social-rights outcomes of poverty and employment rates. However, we also focus on less studied issues of benefit access, including measures of *social-benefit take-up* in these policy realms – that is, actual participation in or reliance on unemployment insurance, early-childhood education and care, and parental leave programmes. Most importantly, the chapter explores how such take-up and spending outputs, and employment and poverty outcomes, might be shaped by measures of normative, instrumental and enforcement power resources. Our measures of such resources include individual-level characteristics like a person’s education, income, and union-affiliation that make it easier to navigate social benefit systems. But our resource measures also include national-level conditions that constitute power resources – such as social-benefit online portals, awareness campaigns, union density and coverage and legal transparency conferring instrumental resources, as well as judicial non-corruption and inspection capacities conferring enforcement resources.

Using such measures, the chapter presents explanatory evidence in two steps. First, it gives quantitative descriptive and inferential evidence to clarify how and whether the national-level measures of resources are associated with social-rights outputs with respect to social-benefit take-up and spending, as well as social-rights outcomes with respect to employment and poverty rates. Second, the chapter then digs deeper into how resources relate to take-up in social rights realization – with analysis of individual-level survey data that allows more controlled and extensive analysis of the conditions under which target groups of unemployment benefits get access to and make use of such benefits. Such survey data clarifies how normative, instrumental and enforcement resources, measured at both the micro-individual level and the macro-national level, moderate an individual-level measure of social policy take-up: the chances that an unemployed citizen gains access to unemployment insurance benefits.

These analyses unearth broad descriptive and inferential evidence that power resources facilitate social-rights realization, in line with our and the broader volume’s expectations. The analysis of national macro-level patterns suggests that settings with more generous UI, ECEC, and parental leave benefits tend to have slightly higher estimated take-up rates than do settings with less generous benefits, and that national-level instrumental and enforcement resources also tend to spur such estimated national-level take-up rates. It also shows that the same national-level measures of normative, instrumental, and enforcement resources are associated with higher employment rates and lower poverty rates – primarily but not only via their implications for social benefit spending. More importantly, perhaps, the chapter’s analysis of the individual survey data indicates that normative, instrumental, and enforcement resources tend to increase the likelihood that unemployed individuals actually rely upon unemployment insurance transfers. Such information and analyses, of course, capture only a slice of social rights realization and the roles that power resource play in such realization – most obviously because of the data limits on such national-level and individual-level resources. However, the patterns clarify the volume’s collective claim that power resources are crucial to Europe’s social rights realization that is central to the European Pillar of Social Rights.

The chapter proceeds in four steps. The next section 2 lays out our central expectations that flow from the volume’s resource-based framework of social rights realization – where normative/deontic, instrumental, and enforcement resources can be expected to shape key social rights outputs like benefit take-up and actual spending, and thereby foster better social-rights outcomes. Section 3 summarizes the key measures used in our exploration of this broad set of claims – including both individual-level micro information about resources and take-up, as well as national-level macro information about normative, instrumental and enforcement resources, take-up, spending and outcomes. Section 4 then develops both the macro-level analysis of national-level patterns, as well as the micro-level analysis of survey data. A final Section 5 concludes.

7.2 Theorizing how power resources play out for social-rights outputs and outcomes

Understanding the state of social rights in Europe involves understanding a complex of political, legal, social, and economic facets of human experience. In our conception, social rights realization resides in the *power resources* that individuals in a society possess (knowingly or not). As discussed in the previous chapters of this volume (see also Vandenbroucke et al. 2021), we focus on three kinds of power resources: normative, instrumental and enforcement resources. *Normative or deontic resources* include the *de jure* legal regulations, broadly held ideational standards (shared judgments of deservingness and living standards), and policies that legitimate and mandate rights in principle. They can be more or less generous to target recipients and more or less complicated in their character and provision – with the most generous provisions sometimes entailing more conditionality, procedures, and complexity to access. *Instrumental resources* involve the individual, meso- and macro-level conditions (including national- and EU-level provisions) that facilitate the ability and willingness of individuals to actually claim or take-up those *de jure* rights. They can be individually inherited or learned capacities of people, and they can be provisions at any level of governance that, intended or not, facilitate making-use of normative resources. Finally, *enforcement resources* reside in conditions that foster or ensure oversight and enforcement of both *de jure*/deontic standards and their take-up. They can again be features providing monitoring/inspection and enforcement/policing of standards to be upheld and legal recourse to allow a citizen rights-holder to hold a system or other people to account to uphold rights provisions.

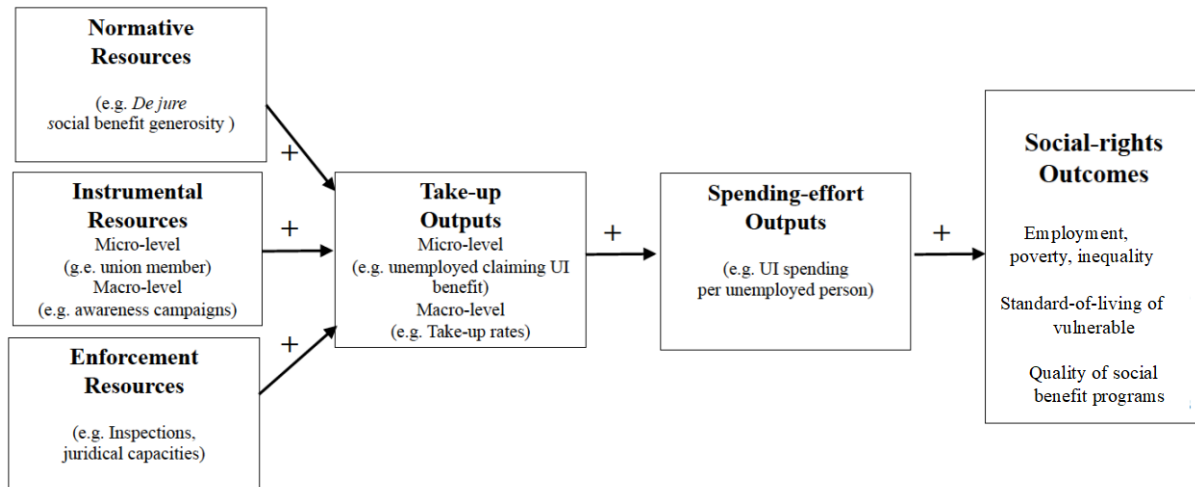
The broad conviction animating this chapter and the broader volume is that social rights reside importantly, perhaps fundamentally, on the quality of this complex of normative, instrumental, and enforcement resources. A person in a particular place of work and living can be said to be more or less adorned with social rights by understanding the extent, quality, and interconnection of that person's normative, instrumental and enforcement resources. However, the state of social rights depends – more obviously, perhaps – on the extent to which such *resources* actually foster and give rise to social-rights *outputs* and *outcomes* that capture the realization of social-rights.

Social rights realization is likely to involve normative, instrumental and enforcement resources leading to or being accompanied by policy use and practices that are social-rights outputs – such as patterns of participation in, or take-up of, social policies, as well as patterns of social policy spending as shares of GDP or per head of a policy's target group. And when all is said and done with such resources and outputs, however, the proof of the pudding of social rights realization is in the eating – in the actual outcomes of human flourishing or suffering that make social rights meaningful. Such social-rights outcomes are most obviously conceptualized and empirically explored with respect to material measures of such flourishing or suffering. Commentators, citizens, and politicians judge outcomes in terms of poverty rates or individual experience of poverty; in terms of employment, having meaningful and fairly paid work or

access to work; in terms of actual or possible movement up the class or income hierarchies, i.e. the professional ladders of the good life.

While our describing of social-rights outputs and outcomes is part of understanding the state-of-affairs of social-rights realization, our main interest is in clarifying whether and how social rights realization involves resources having causal implications for take-up, use or implementation of benefit provisions (social-rights outputs), in turn collectively leading to spending-effort outputs and thereby also social-rights outcomes. Figure 7.1 captures the line of relationships that we think is key to understanding social-rights realization. It graphically summarizes our simple and broadest expectation: that normative, instrumental, and enforcement resources should foster higher take-up rates, higher spending-effort outputs, and in turn be associated with, and maybe even cause, better social-rights outcomes.

Figure 7.1. Social-rights Resources, Outputs, and Outcomes



First and perhaps most fundamentally, we argue that normative, instrumental and enforcement resources are likely to matter in shaping how individuals behave in the presence of policies and socio-economic positions – including their decisions and abilities to participate in social benefits that might be available *de jure* (as a normative resource, that can be more or less generous as an element of social rights). The normative resources themselves can also be expected to positively shape social policy take up – as citizens should be more motivated to navigate and try to access social benefit systems when there is more to gain from doing so. Also, studies of universality in social benefit systems suggest that generosity goes hand-in-hand with easily navigated benefit access (Rothstein, 1998). However, this possible positive take-up effect of normative or deontic resources is far from automatic, since potentially benefiting from a generous programme is not the same as actually accessing it. Indeed, it may be that a more generous social-benefit programme (constituting a larger ‘normative resource’) might entail more layers of benefit options, bureaucratic complexity and conditionality.

Hence, we are particularly suspect that instrumental resources, though also perhaps enforcement resources, positively shape social-policy take-up. For instance, one can expect that individual-level instrumental resources involving educational experience or organizational assistance influence whether a person has the capacity to navigate the bureaucratic steps necessary to take advantage of a given social policy service or benefit. And one can expect that meso- or macro-level provisions or actions by actors, including governments, can confer enforcement or instrumental resources to make such navigation possible or worthwhile – as with more or less extensive outreach or awareness campaigns to ready a populace for existing social provisions or standards, or with systems of transparent reporting and policy evaluation.

Second, we argue that such take-up patterns – however much and in whatever ways they are rooted in power resources, are likely to give rise to more policy outputs manifested in spending on transfers and services, and interventions to promote social justice more generally. In the social policy realm, this link is almost automatic in nature, in that actual implementation of many policies and the spending effort accompanying them requires that citizens sign-up for and use these policies – whether we are talking about unemployment or pension benefits, parental leave rights, healthcare or disability subsidies, or childcare services. More take up should be a stepping-stone to more actual policy effort.

Third and finally, we argue that the actual spending and other macro-level outputs should shape measures of social-rights outcomes. Such spending measures in fact should reflect the accretion of normative resources and take-up, and thereby carry their potential causal impact – this in addition to the visibility of actual macro-level spending measures of welfare outputs. From the point of view of gauging the roots of social-rights outcomes, it is likely more appropriate to focus on spending per head of the targeted/eligible group rather than as a share of GDP – as the former is closer to the effects of policy interventions for particular societal groups.

Whatever the particular causal chain at work, our main expectation is that any of the micro- or macro-level measures of instrumental, normative or enforcement resources should be positively associated with better social-rights outputs and outcomes.³⁰ These are the direct-effect expectations informing our analysis below. We can also expect, however, that measures of resources can have indirect or complicated connections to one another than the linear and one-way pathway suggested by Figure 7.1. For instance, substantial normative resources in the form of easily qualified-for, no-waiting-time, long-lasting and generous unemployment insurance may induce an unemployed person to actually claim such benefits, shown in higher take up rates, to the extent that the unemployed people have instrumental resources to know about and go through the administrative steps to access a defined benefit. In this way, the relationships between resources and outputs are more complicated. Similarly, resources can also moderate how take-up or spending outputs affect actual outcomes, or have implications for social-rights

³⁰ The aim of our analysis is not to judge which particular resources are more important than others, But this may be an important question for future research.

outcomes that are direct – that is, do not have effects on outcomes via resources’ effects for take-up and spending as the causal chain summarized in Figure 7.1 simplifies.

While our general expectations are quite straight-forward, it is important to know that existing research – including our own – has hitherto provided little traction to test them. The rest of this chapter reports on attempts to remedy that situation and provide such traction. Our focus is on finding sources of data to measure social-rights resources, outputs, and outcomes that can support inferences about the links heuristically summarized in Figure 7.1. This is akin to illustrating and testing the causal chain implied by our resource-based framework on social-rights outcomes in Europe.

Our analysis focuses on important slices of social rights resources, outputs and outcomes relevant to European social rights generally and the European Pillar of Social Rights particularly. We focus on the social-rights realms close to labour market experience – for employed and unemployed people – partly because these are realms for which we have quality data measures that allow for comparisons between individuals as well as across time and space. This focus means analyzing normative, instrumental and enforcement resources relevant to the terms of work and employment, and of benefits for those who find themselves unemployed – those who do not have, but want and are seeking, work. It also means analyzing labor-related social-rights outputs, like actual participation in or take-up of rights, as well as spending on various kinds of employment or unemployment benefits. And it means analyzing well-known measures of social-right outcomes like whether a person is employed (aggregated to employment rates in a country) and whether people (working or otherwise) are at-risk-of-poverty (aggregated to poverty rates in a country).

Our focus on all these matters concerns the position of any citizens facing employment and unemployment – not focusing, for instance, on the positions of particular groups and rights of equal access regardless of gender or ethnic background. And more biting, our focus is on resources, outputs and outcomes at the individual-level and *national* macro-level – the latter being national-level legal, policy and organizational measures of normative, instrumental, and enforcement resources; patterns of participation and spending that are national-level measures of take up; and employment and poverty rates that are national-level measures of outcomes.

To be sure, such a focus on general labor-market social-rights realization ignores large swaths of particular social rights and conditions – from workplace safety, to housing, to education. And focusing on national-level provisions also ignores the role of meso-level – say resources at the level of a province or community or economic sector – and at the supra-national European level, particularly the rapid and important developments in EU-level normative, instrumental and enforcement resources. What we get in return for such selective, partial analysis is more clarity about an important social rights realm where data availability allows us to trace the steps of how social rights resources play out in Figure 7.1’s chain of social rights realization.

In particular, we can analyze existing aggregate national-level and individual-level data to empirically explore our resource-centered expectations: that measures of social-rights resources (normative, instrumental and enforcement) are meaningfully related to measures of social-benefit take-up and spending outputs, as well as measures of employment and poverty outcomes. Before turning to the analysis we need some clarity on how to measure the key, if selective, elements of social-rights realization.

7.3 Data on and measures of (selected) social-rights resources, outputs and outcomes

Our measures of employment-related social-rights outcomes, outputs and resources rely on a combination of aggregate national-level and individual-level data. The aggregate national-level data provides leverage to gauge measures of normative, instrumental and enforcement *resources*, measures of (aggregate take-up and spending) *outputs* and measures of *outcomes* that are comparable over time and space in and beyond Europe. The micro, individual-level data allow us to measure individual-level instrumental resources. But they also, mainly, provide leverage to measure individual-level estimates of social-benefit take-up (particularly of unemployment insurance benefits), and better assess how both national- and individual-level normative, instrumental and enforcement resources influence such estimated take up. These data come from a wide range of sources, but many of the macro-level measures are combined into Comparative Social Citizenship Database (CSCD) (Eick et al. 2021; original data sources itemized below).

7.3.1 Measuring Upstream from Outcomes, to Spending Outputs, to Take-up Outputs

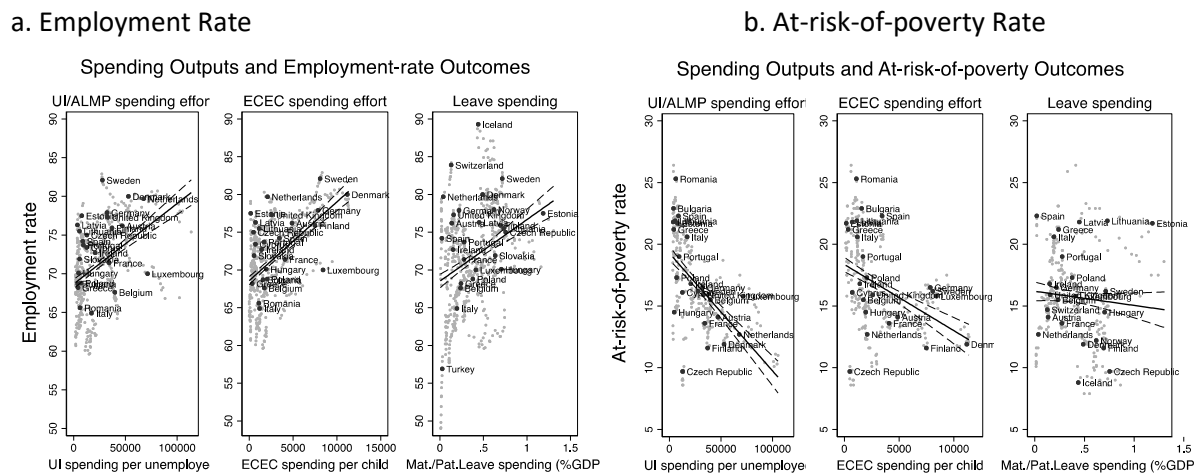
Outcomes. Our snapshots of social-rights outcomes relevant to employment and unemployment are two widely-studied and measured aggregate measures of political economic flourishing versus suffering: first, the *employment rate*, which is defined as the percentage of the civilian active population in employment, available between 1993 and 2018 (Eurostat 2023a); and, second, the *at-risk-of-poverty rate*, i.e. the percentage of persons with an equivalised disposable income below the risk-of-poverty threshold (60 % of the national median equivalised disposable income) after social transfers – available from 2001 to 2019 (Eurostat 2023b). Appendix Table A7.1 summarizes these outcome measures and all other (output and resources) variables used in our national-level analysis.

Spending-effort Outputs. One step causally upstream from Figure 7.1’s stream of social rights realization are spending output measures. We are interested in the consequences of social-benefit spending for outcomes, and of course in how such spending outcomes are shaped by more upstream dynamics (take-up and of course power resources) – ideally addressing particular target employed and unemployed target groups. We therefore focus on spending *effort*, where the spending is per head of the target group. The baseline measures of this sort are drawn from Ronchi (2020) (the SIWE dataset), spanning 1995 to 2018.

UI spending effort is the spending on unemployment insurance and redundancy programs, normalized by total unemployed persons. *ECEC spending effort* is spending on in-kind child benefits, mainly early childcare services and education, normalized by the number of children (0-5) (OECD 2022, own calculations). And *Mat./Pat. Leave effort* shown is based on maternal and paternal leave spending, normalized by birthrate (logged), spanning 1980 to 2019 (OECD 2022, own calculations). Finally, *Total social spending effort*, is a standardized scale of all the SIWE categories (child, old-age, work, and sickness/health effort).

To get a sense of the national variation of the outcome and spending output measures, Figure 7.2 shows the distribution of each theme-specific measure of spending effort on the horizontal axes, set against our two measures of employment-rate (left-hand panel a.) and poverty-rate outcomes (right-hand panel b.) on the vertical axes. We can observe the usual pattern of social spending effort, particularly for UI and ECEC, where the Southern European and CEEC countries manifest substantially less spending effort than their Northern European counterparts. And we can observe that there is a similar skew in the *employment-rate* and *at-risk-of-poverty-rate* on the vertical axes – with the better outcomes (high employment rates and low at-risk-of-poverty rates) clustered in the Northern European settings and the worse outcomes clustered in Southern European and CEEC settings. The actual relationships between spending effort and outcomes are the subjects of extensive study, obviating the need to explore them fully here. But we expect and see that, descriptively, more spending effort tends to correlate with higher employment rates and lower at-risk-of-poverty rates – the main exception being the non-significant negative association between parental leave spending effort and poverty.

Figure 7.2: Spending Outputs, and Employment-rate and At-risk-of-poverty-rate Outcomes



Sources: Ronchi 2018; Eurostat 2023a, 2023b (see text).

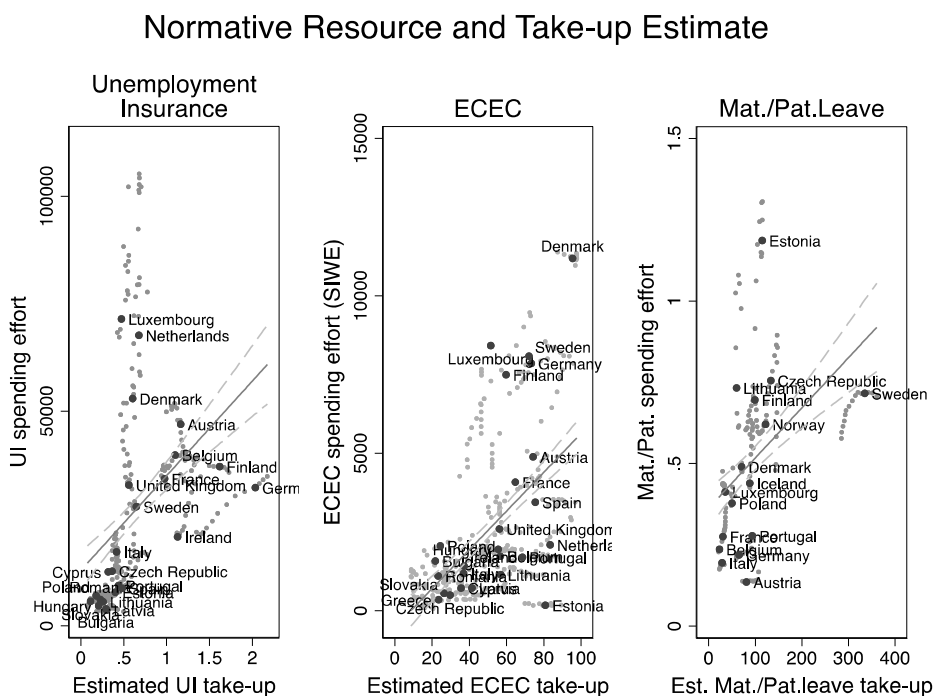
Estimated Take-up Outputs. Causally upstream from spending outputs and outcomes are measures of the actual participation in social benefit programs – or what is often termed social-benefit take-up. Such take-up measures, of course, enter-into what gets measured downstream with respect to actual spending on

programs just discussed. But estimating take-up directly is crucial to understanding social-policy outputs – particularly so as to clarify social rights realization that we argue involves citizens that may or may not have the resources to take advantage of the normative resources captured by the *de jure* generosity measures. The problem is that measuring take-up in a way that fully distinguishes those fully eligible or not, and those actually using a benefit to which they are entitled turns out to be very hard in general, and particularly for comparing take-up rates across countries over time – as is important for the present analysis. Hence, we construct or rely on rough national-level estimates of programme participation, or “pseudo” take-up that do not fully distinguish the fully eligible from ineligible but *do* capture programme participation of target groups at the level of a country and year for our study of social-rights outcomes. In particular, we consider three direct, national-level macro measures of such social-benefit (pseudo) take-up for the policy realms, respectively, of unemployment insurance, parental leave, and ECEC. First, *estimated UI take-up (OECD)* is based on the “pseudo” coverage rates, focused on people receiving unemployment insurance and assistance benefits (mostly categorized as UI and a few as ALMP) as a share of “unemployed” (based on ILO definitions) (OECD 2021).³¹ Second, *estimated Mother/Father/Parent leave take-up*, measures the standardized average number of parents making use of maternal or paternal leave benefits in a country, per 100 live births (OECD 2023b). Third, *estimated ECEC take-up* is based on the average of the standardized percentages of children enrolled in early childhood education and care services: the percentage for 0-2-year-olds (ISCED 0 and other registered ECEC services), and the percentage for 3-5-year-olds (ISCED 2011 level 0) or primary education (ISCED 2011 level 1) (OECD 2023c). *Estimated UI take-up* and *estimated ECEC take-up* correlate positively with one another, as do the estimated ECEC- and leave take-up; but estimated UI- and leave take-up are negatively correlated.

To visualize the associated between take-up output measures, Figure 7.3 shows the distribution of each theme-specific measure of take-up (horizontal axis) set against its counterpart spending-output measure (vertical axis), which is causally downstream from take-up. We see a familiar pattern of social spending effort, particularly for UI (middle panel) and ECEC (center panel), that Southern European and CEEC countries manifest substantially less spending effort than their Northern European counterparts.

³¹ As noted by Burgoon (2022), the ‘pseudo’ of *estimated UI take-up* lies in the participation patterns. Reported shares can exceed 100% because some measured recipients may not be registered as unemployed (and some “unemployed” may not be eligible for benefits). The EU LFS data discussion has reported that about 23% of UI recipients in 2012 were working, while 40% were jobless but not officially unemployed by ILO standards. Unemployment-benefit recipient counts, hence, include people not actively looking for work (OECD 2021).

Figure 7.3: Spending effort and Take-up/participation rates by social-benefit theme



Sources: Ronchi 2018; OECD 2021, 2023b, 2023c; own calculations (see text).

Precisely because measuring take-up at the national level is roughly estimated, our study’s empirical measurement of social-benefit take-up also considers micro-level individual data, based on the probability that an unemployed individual actually depends on unemployment insurance as a significant source of his or her household income, and whether an older (60+) individual actually depends on pension benefits – after controlling for a range of other characteristics of an individual and his or her place of residence. The individual-level data on which we focus for such conceptualization and measurement of ‘take up’ are from the European Social Survey (ESS), providing multi-country, multi-year data with excellent sampling properties and well-framed questions on individual characteristics and attitudes related to the welfare state (ESS 2008; ESS 2016; ESS 2020).³² These data are not so much useful to generate (alternative measures of) national-level averages of take up, but more because they allow much more valid judgment of how resources influence the probability of an unemployed person to actually rely upon, i.e. to take up,

³² We focus particularly on ESS waves with questions on social rights attitudes – ESS round 4 (2008) and 8 (2016) – but also the most recent available round 10 (2020). The dataset combining 2008 and 2016 provides information from nearly 100,000 respondents in 32 European countries, including 26 EU member states: Austria, Belgium, Bulgaria, Switzerland, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, Ireland, Israel, Iceland, Italy, Lithuania, Latvia, Netherlands, Norway, Poland, Portugal, Romania, Sweden, Slovakia, Slovenia, Spain, Turkey, and Ukraine. Coverage is smaller for some aspects of our analysis; we report results for the fullest sample for which data is available for the respective story.

unemployment benefits (more on this below). Appendix Table A7.2, in any event, summarizes all the variables used in our individual-level analysis.

7.3.2 Selective Normative, Instrumental, and Enforcement Resources

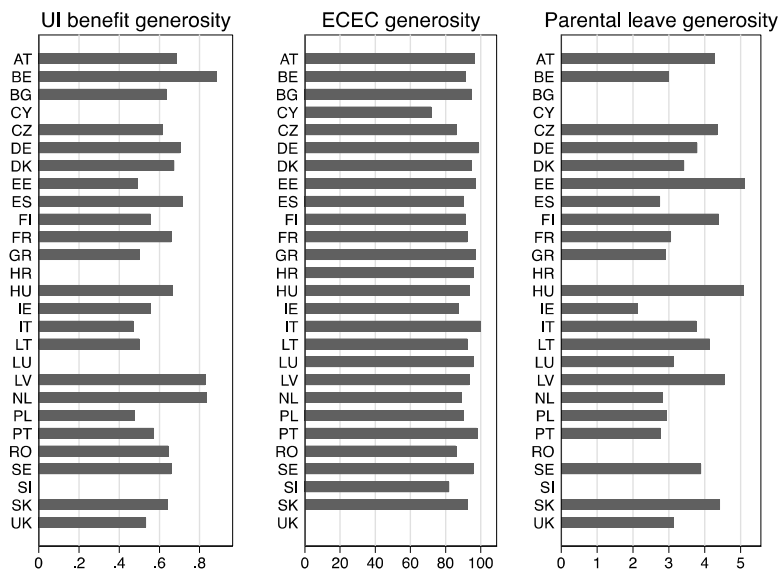
Most important for this chapter's and volume's arguments about social rights realization are the *power resources* that we suspect foster the aforementioned social rights (take-up and spending) outputs and (poverty and employment) outcomes. The three broad conceptual categories of such resources on which we focus – normative, instrumental, and enforcement resources – have particular and complementary relevance to realization of social citizenship. However, such power resources have also been subject to much less empirical and conceptual development in the study of social policy and social rights across the legal, humanities and social science fields (Keune et al. 2023; Ferrera et al. 2023).

The selected measures on which we shall focus are national-level normative, instrumental and enforcement resources, plus some individual-level instrumental resource conditions, that allow comparison across countries and time. These should not only be seen – as noted above – as selective in their ambit (excluding for instance EU-level resources or sector-specific or region-specific resources). And they should also be seen as work-in-progress, in that the many conceptual aspects of such resources are hard to measure systematically – that is, validly and reliably capturing the many important and disparate conditions that constitute power resources in our conceptual framework. The measures we construct for this chapter are those for which existing empirical sources allow quantitative operationalization and comparison. A few are characteristics distinctly relevant to social-policy access, but most are conditions often studied in other contexts but that we judge as particularly relevant national-level or individual-level capacities conferring and constituting normative, instrumental or enforcement resources for social rights realization. Finally, the resources on which we focus are important to employment and unemployment social-rights realization, but also relevant to many other kinds of social rights outputs and outcomes beyond this chapter's employment and unemployment realm.

Normative resources. Our main measures of normative/deontic resources are metrics of social policy generosity in several social benefit realms relevant to the take-up and spending outputs discussed above: unemployment insurance; maternal-paternal or parental leave; and early childhood education and care (ECEC). The first, *UI generosity*, is based on the sub-metrics of benefit generosity (e.g. replacement rates, waiting periods, duration, coverage, etc.) developed as part of the Social Citizenship Indicators Project (SCIP) and the overarching Social Policy Indicators Project (SPIN), available for 30 OECD countries and 22 EU member states between 1970 and 2016 (Nelson et al. 2020; cf. Scruggs, 2022). We take simple standardized sums to scale the sub-measures (taking positive values that manifest more generosity and negative values for provisions manifesting less generosity). And we also consider a composite of UI-benefits, childcare, pension, and healthcare provisions when focused on general poverty-rate and employment-rate outcomes for which we deem the encompassing *Social benefit generosity scale* to be most relevant. The measure of *ECEC generosity* is based on OECD gauging “net childcare costs” that

measure the extent to which childcare benefits/rebates and tax deductions contributions offset childcare costs per country year (OECD 2022), available for 30 OECD countries and 26 EU member states between 1960 and 2019. And finally, the measure of *Mother/Father/Parental leave generosity* is based on OECD social indicators of weeks of public or mandatory paid leave (OECD 2020), with the same country coverage as UI generosity. Figure 7.4 summarizes the patterns averaged for the sample years focused on the available European Union sample. There are not clear patterns of countries tending to be consistently more generous in such distinct normative resources, and indeed *UI generosity* correlates only modestly positively with *ECEC generosity* but negatively with *parental leave generosity*.

Figure 7.4: Normative Resources in UI, ECEC and Parental Leave



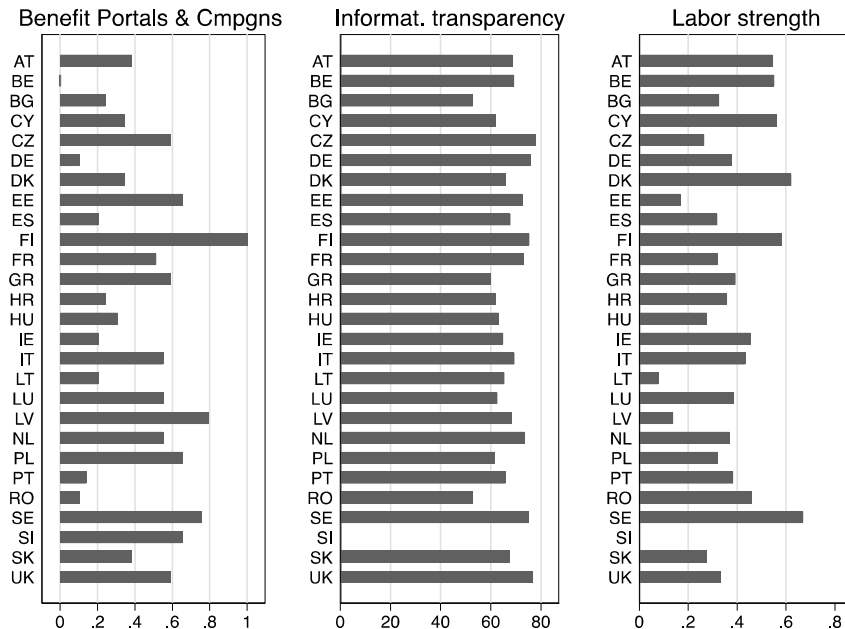
Sources: Nelson et al. 2020; OECD 2020.

Instrumental resources. Instrumental resources can empower citizens to navigate and take-up such normative resources. Measuring instrumental resources can be difficult, particularly since we conceptualize these as attributes from the point of view of individual citizens while the most relevant are specific to social-benefit administration and program design in different countries. With our available data, however, we focus on a several individual features and three key macro-level features that can be seen as conferring instrumental resources relevant to social benefit take-up. The selected individual features are six generally-relevant individual demographic and socio-economic status conditions that not only capture socio-economic risk but can be also expected to affect the capacities of individuals to understand, look into and figure out how to access the social-benefit bureaucracy. *High educated*, having completed at least some tertiary education, is relevant to cognitive ability and familiarity with more complex educational systems. *Non-low income*, having a household income above the third decile, provides time and financial resources to investigate and pursue access to programme details. *Native-born*, being born in the reporting country, selects for familiarity with legal/bureaucratic and social

traditions/practices relevant to social-benefit navigation. *Union membership* has been shown relevant to providing members with informational and logistical social-benefit resources, not just in Ghent-system countries (Van Rie et al. 2011; Kim & Margalit 2017). Also at the individual level, the ESS data includes a couple of non-demographic measures that constitute instrumental resources: *Interested in politics*, the subjective degree of following and caring about public, and political issues, relevant to understanding social policy bureaucracy and rules; and *Daily internet use*, that captures familiarity with and exposure to internet-based material that can be essential to navigating social-benefit provisions.

As for the national-level macro measures of instrumental resources, we focus on three that we consider particularly relevant to take-up issues. The first is a macro-level national measure of instrumental resources, based on reporting by the European Social Policy Network (ESPN) on initiatives in European countries (including all EU member states) to improve social-benefit transparency and accessibility (Spasova et al. 2022). We focus on *Portals & Campaigns (ESPN)*, the sum of the two standardized measures of two simple counts: Social-benefit campaigns counts of whether a country has existing social benefit awareness campaigns on general social benefits, unemployment provisions, ECEC provisions, pension provisions, and sickness/disability provisions; and Social-benefit portals counts programmes where a country has existing internet portals to help citizens navigate general social policy, or a given program of social policy. The measure is based on simple counts, of course, saying nothing about the (presumably-varying) quality of the campaigns and portals. And the measure is purely cross-sectional, and has unspecified specific dates since the reporting shows that they include programs created many years earlier than 2020. But the measure directly captures or proxies for the concept of instrumental resources relevant to our study. Figure 7.5 summarizes *Benefit Portals&Campaigns*, in the left-hand panel, suggesting that the usual distribution of social-benefit generosity and effort does not clearly apply – with some social-transfer stalwarts like Belgium and Germany being on the low end of such *Portals&Campaigns*, while Latvia, Poland and Slovenia are at the high end of such resources (see Appendix Figure A7.1 for detail of portals as opposed to social benefit campaigns).

Figure 7.5: Selected National-level Instrumental Resources

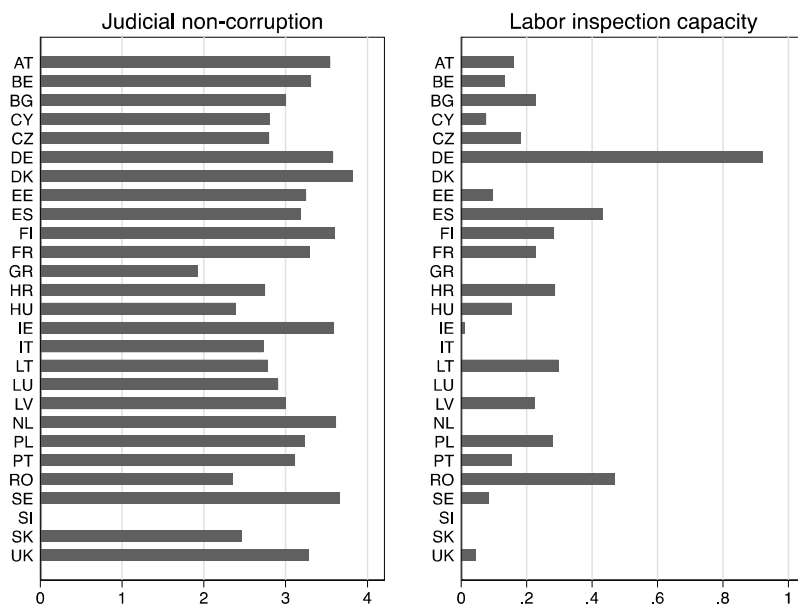


Sources: Spasova et al. 2022; Williams 2015; Visser 2019.

We also consider two other macro-level country conditions that can be expected to confer instrumental resources on citizens in particular national settings. One is *informational transparency*, the index on extent of free and independent media, budgetary transparency, and political constraints in governments (Williams 2015), available for 30 OECD countries and 26 EU member states from 1980 to 2015. We see this as relevant to citizens having access to accurate and fair information about their own government’s policies and budgets, in principle encompassing provisions relevant to tracking and understanding the administration of social policy regulations and *de jure* benefits – and in any event a proxy for informational resources to navigate assistance systems. The other is a *labor-power index*, a composite of labor representation and centralized wage bargaining (based on Visser 2019), with the same country coverage but between 1960 and 2018. This is a classic and widely studied aspect of industrial relations and power resources in studies of political economic governance – including studies of social policy development. For us, it is relevant partly as a compositional effect of the informational and logistical assistance involved with union membership noted above (Kim and Margalit, 2017). At the national-level, labour power has often entailed traction and proxies for union representatives being able and actually helping union members and other workers to access benefits – particularly but not limited to unemployment benefits and in (former) Ghent-system countries in particular (Rainbird, 2000; Scruggs 2002). These two other macro level conditions (center-panel and right-hand panel) correlate positively with the *Portals & Campaigns* measure, and with each other. But they are weakly enough correlated as to suggest that the conditions capture very different aspects of national-level instrumental resources.

Enforcement resources. Finally, Figure 7.6 summarizes two country-year measures of enforcement resources. They capture different institutional realms of enforcement function. *Judicial non-corruption* is based on the expert-coding of non-corruption of decisions handed down in a country’s judicial system (Coppedge et al. 2020), covering 30 OECD countries and 26 EU member states between 1960 and 2019; and *labor inspection capacity*, a composite of the number of labor inspections per 10,000 workers and inspections of workplaces per year (ILO 2020), covering 24 OECD countries and 20 EU member states between 2008 and 2018. These measures capture enforcement capacities for, respectively, the broad judicial system and labor standards – both relevant to employment-related social rights. The empirical patterns across countries (Figure 7.6’s left-hand panel) suggest skews in *judicial non-corruption* and *labor-inspection capacity* that track broader and composite measures of state capacity. But the patterns show variation without any familiar regional skew (e.g. high for Germany, Spain and Romania, but modest for France and Sweden). The over-time trends (not shown) indicate increasing enforcement with respect to judicial non-corruption but modestly declining labor-inspection capacity. Once again, the two enforcement measure are positively but only weakly correlated, again suggesting that they capture quite distinct enforcement resources.

Figure 7.6: Judicial non-corruption and Labor inspection capacity as Enforcement Resources



Sources: Coppedge et al. 2020; ILO 2020.

7.4 Empirically Gauging How Resources Shape Social-rights Take-up, Spending and Outcomes

Using such measures, we can analyze how our resources measures play out for estimated take-up and spending outputs, and for employment-rate and poverty outcomes. We do so in two steps. The first step focuses purely on the national-level country-year information to assess such playing-out. It gives descriptive and aggregate quantitative evidence suggesting that national-level measures of resources are positively associated with social-rights outputs with respect to social-benefit take-up and spending, and also with social-rights outcomes with respect to employment and poverty rates. The second step is to use the micro-level survey data to dig deeper into how resources relate to take-up. This allows more controlled and extensive analysis of how normative, instrumental and enforcement resources, measured at both the micro-individual level and the macro-national level, affect the chances that an unemployed or pension-age citizen actually makes use of unemployment insurance and pension benefits. In all cases, we present and discuss in the main text graphical summaries of the results, relegating fuller presentation of the quantitative models to the Appendix.

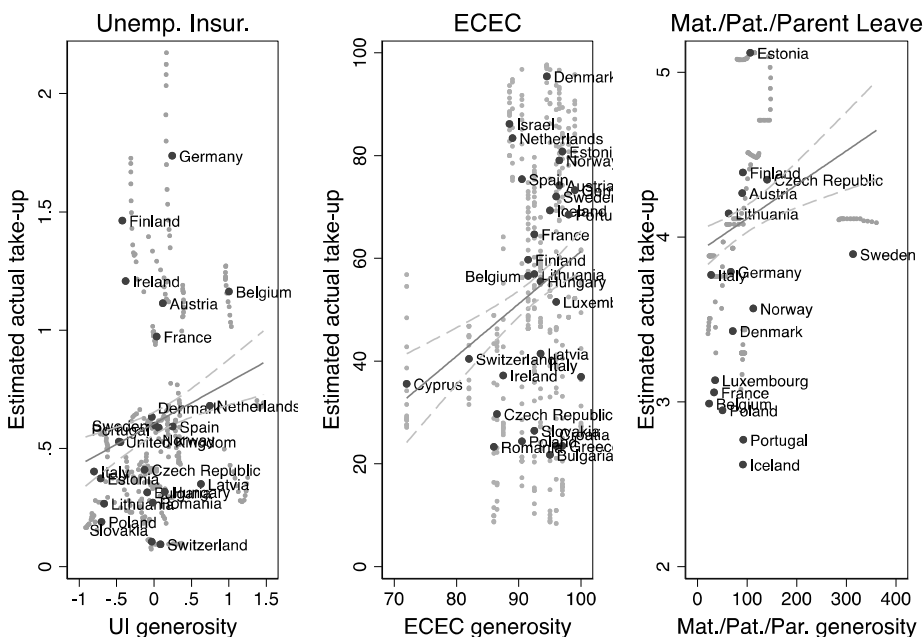
7.4.1 Macro-level exploration: Country-level Resources and UI, ECEC, and Parental-leave Take-up

To explore how national-level measures of resources might be associated with, or even perhaps shape, social-rights outputs and outcomes, we consider descriptive patterns and the summary results of simple inferential regression models. Our analysis here is meant to be illustrative, foregoing a wide range of more extensive modeling design issues and opting instead for a simple and intuitive estimation approach. That approach involves regression models where we regress the outcome of interest (e.g. UI take-up rates) on a given normative, instrumental or enforcement measure – taking each resource measure separately given limits on degrees of freedom. The models are ordinary least squares (OLS) with robust standard errors, and we address endogeneity and omitted variable bias by lagging the explanatory factor of interest and including controls for economic growth, trade openness, left government, dependent population and EU membership.

Consider first how our aforementioned national-level measures of normative, instrumental and enforcement resources are associated with patterns of UI, ECEC, and Parental-leave take-up. Figure 7.7 provides a first snapshot, visually mapping the bivariate relationship between the three respective generosity measures of normative resources on the one hand, and its counterpart measure of take-up on the other. Consistent with expectations, these three measures of normative resources are modestly positively associated with their counterpart take-up measures. This makes sense in that, as noted in Section 2, more generous programmes offer more to gain through participation, even though participation can be complicated and costly – as participation in more generous social benefits may come with additional layers of benefits and bureaucratic administration to navigate.

Figure 7.7: Take-up/participation rates and generosity measures associated per social-benefit theme

Normative Resource (Generosity) and Take-up Estimate



Sources: Nelson et al. 2020; OECD 2020; OECD 2021, 2023b, 2023c.

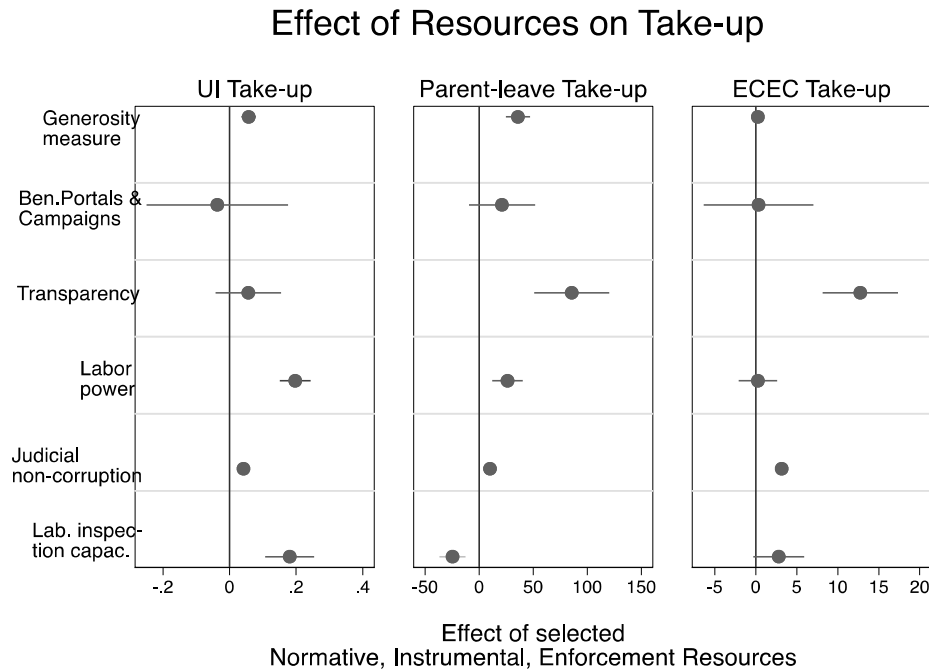
Our fuller national-level analysis of how resources are associated with take-up patterns is summarized in Figure 7.8. The Figure provides a snapshot of the key results of regression models focused on our measures of UI take-up (left-hand panel), ECEC take-up (middle panel), and Parental-leave take-up (right-hand panel). For each panel we see the summary of the coefficient and 95%-confidence interval for each measure of normative, instrumental and enforcement resources – each estimated in separate models.³³

The basic pattern modestly comports with our expectation that resources spur and hence positively correlate with social-policy take-up. With respect to the role of normative resources – the first row in each panel – we can see that the respective policy generosity measure are positively and significantly associated with higher estimated take-up rates for UI and for Parental leave, but there is no statistically significant association in the case of ECEC. In that case, the significantly positive relationship summarized in Figure 7.7’s bivariate scatterplot is not corroborated by a regression setup with controls. As for instrumental resources, we see a broadly positive portrait, but not unanimously so. Informational transparency is significantly associated in all policy realms with higher take-up rates, and labor power is significantly associated with higher estimated UI take-up and estimated parental-leave take-up but not significantly so for the ECEC realm. And benefit Portals&Campaigns tend to be positively but insignificantly

³³ The full results are available in Appendix Table A7.3.

associated with estimated take-up rates. Finally, with respect to enforcement resources that we expect to foster confidence and hence participation in a given social benefit realm, we see that judicial non-corruption is significantly associated with more take-up in all three policy realms, while labor inspection capacity is so associated with estimated UI take-up and estimated ECEC take-up but not with estimated parental-leave take-up.

Figure 7.8: Take-up/participation rates and normative, instrumental and power resources



Note: See Appendix Table A7.3.

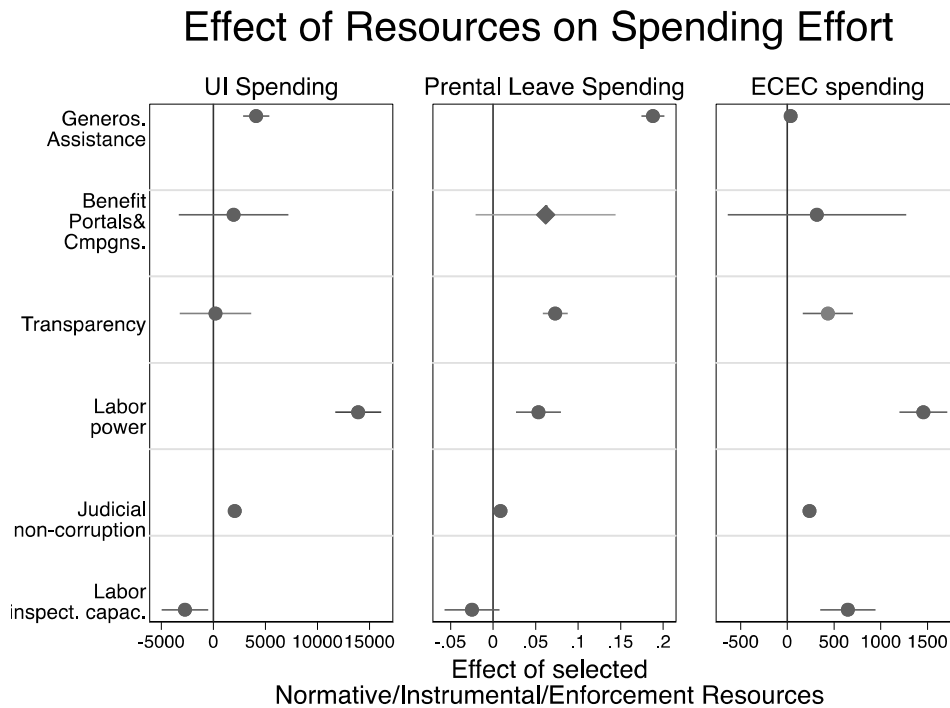
Sources: Nelson et al. 2020; OECD 2020; OECD 2021, 2023b, 2023c.

Figure 7.9 summarizes results from a similar analysis focused on measures of spending effort – a downstream output measure that takes into account take-up patterns.³⁴ The patterns here are again not unanimous in their verdicts, but they are in line with our expectation that normative, instrumental and enforcement resources ought to be associated with higher levels of UI, ECEC and Parental-leave policy spending effort. The UI and parental-leave generosity measures of normative resources are significantly positively associated with spending effort, though insignificantly positive for ECEC. Benefit Portals&Benefits are positively but insignificantly associated with spending-effort measures. Information

³⁴ Full results are not shown but follow set-up in Appendix A3 and are available upon request.

transparency is positively and significantly associated with parental-leave spending effort and ECEC spending effort but insignificantly so with UI spending effort. Labor power and Judicial non-corruption are both significantly positively associated with all three realms of spending effort. And labor inspection capacity is significantly positively associated with only ECEC spending effort.

Figure 7.9: Take-up/participation rates and normative, instrumental and power resources



Note: See Appendix Table A7.3.

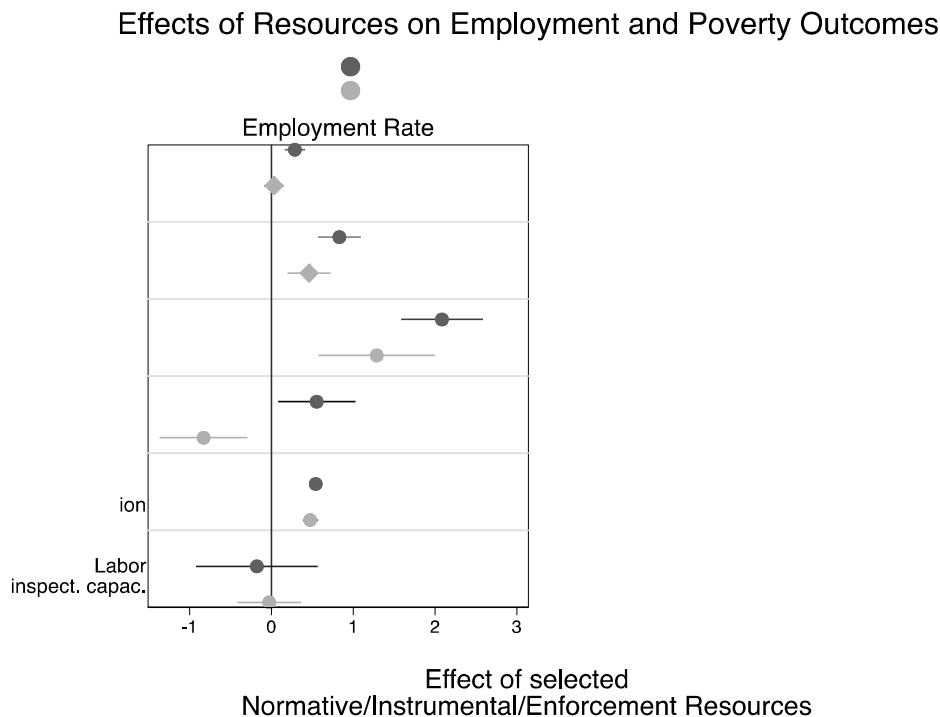
Sources: Ronchi 2018; Spasova et al. 2022; Williams 2015; Visser 2019; Coppedge et al. 2020; ILO 2020.

Figure 7.10 summarizes our final macro-level results, of how resources are associated with country-level social-rights outcomes of employment rates and at-risk-of-poverty rates. For this analysis, we focus on how resources might be expected to influence general and very causally-downstream outcomes: employment and poverty rates. So our analysis considers not only how a given resource is associated with these outcomes, net of controls, but also whether their effect is due to affecting take-up and spending outputs. This can be roughly gauged by considering whether the associations between a given resource and a given outcome is dampened (as we would expect) once we include the spending measure of interest as a control variable. For each resource measure, hence, we show two results. The upper one is the coefficient estimate and confidence interval for a given resource without controlling for total spending effort (on UI, ECEC, Parental-leave, and other parts of the welfare state); and the lower one is for a given resource WITH the control for total spending effort. The resource measures are the same, except for

normative resources where we consider not just each of our UI, ECEC and Parental-leave realms (not shown) but also on a composite measure of generosity.³⁵

The results broadly comport with our resource-based framework. With the exception of the enforcement-resource labour inspection capacity, we see that all our measures of normative, instrumental and enforcement resources are significantly associated with higher employment rates and lower at-risk-of-poverty rates. And also in line with our expectations, in all these cases we see that this positive effect is somewhat more modest once controls for total social spending effort are added – suggesting indeed that part of any causal implications that resources might have for employment and poverty outcomes likely travel through their spurring of take-up and spending effort. The results also suggest, however, that such mediation is not the full story for how resources can matter to outcomes. In a number of cases it is clear that resources still have significant positive associations with employment rate and negative ones with at-risk-of-poverty rate even after controlling for spending effort. This suggests that particularly Portals&Campaigns, informational transparency, and judicial non-corruption might influence employment and poverty rates via spending effort but also through possible direct effects.

Figure 7.10: Employment rates and at-risk-of-poverty rates as functions of normative, instrumental and power resources



Sources: Ronchi 2018; Spasova et al. 2022; Williams 2015; Visser 2019; Coppedge et al. 2020; ILO 2020.

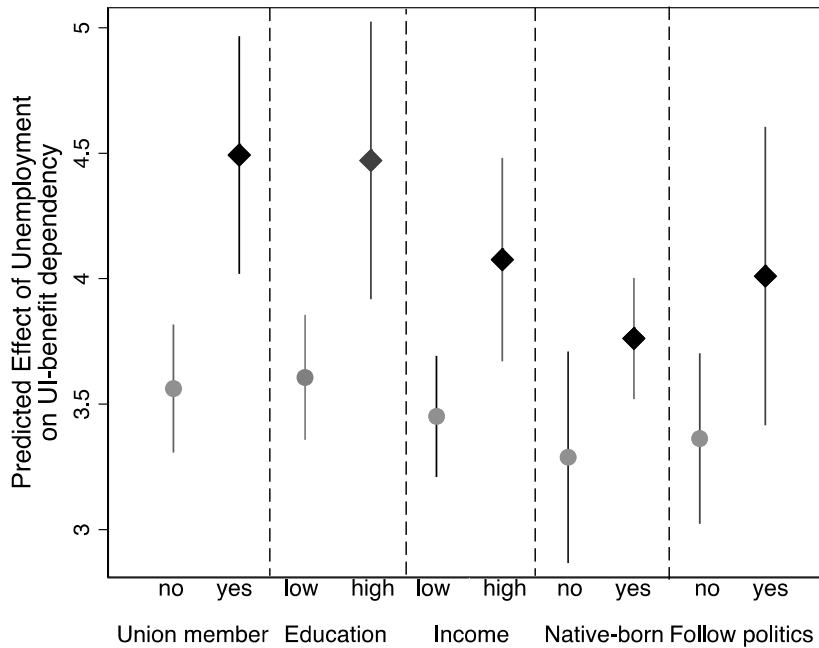
³⁵ Full results are not shown but follow set-up in Appendix A3 and are available upon request.

7.4.2 Micro-level Exploration of Estimated Take-up

Our analysis so far has explored how the aforementioned national-level macro-measures of normative and instrumental resources shape (estimated) take-up rates, spending outputs, and outcomes. We now explore our resource-based framework through another, more focused way, by exploring the ESS individual-level survey data (introduced above) that clarifies how power resources shape UI-related social-benefit reliance (or, if one prefers, participation or dependency) (see Burgoon et al. 2023). In all cases, such analysis can only reveal broad associations, but these support causal inferences about whether normative, instrumental and enforcement resources matter. Because most of our explanatory conditions of interest are at the country-year level while our outcomes are at the individual-country-year level, our baseline analyses are multi-level random intercept models (with country-waves as the level 2 variables). The estimators produce logistic regression coefficients depending on the benefit-reliance outcome on which we are focusing, and robust standard errors with unconstrained covariances. All our estimations include several controls that help isolate the effects of social-rights resources: Female; Age; Native-born; Unemployed; High-educated; High-income; Live-with-partner; Children-living-at-home; Union member; Left-Right scale (see Appendix Table A7.2 for details).

With this set up, we consider how normative, instrumental or enforcement resource measures moderate the influence of unemployment status on the likelihood of relying upon public unemployment benefits. Figure 7.11 summarizes the key UI-reliance results, clarifying how individual-level characteristics conferring instrumental resources affect likelihood that an unemployed respondent reports that “unemployment or redundancy benefits are the main source of household income” (the full results for UI are in Appendix Tables A7.4 and A7.5). Several micro-level instrumental resources spur the likelihood that being unemployed translates into UI reliance. In particular, the Figure shows (on the vertical axis) the chance that unemployment status translates into UI-benefit reliance. This chance is always high and statistically significant (see Appendix Table A7.4), but the Figure shows what this chance is when the individual-level indicator is low versus high, or non-existent versus present. We can see that the chance that unemployed status translates into social-benefit dependency is markedly higher when a respondent is a union member (yes) versus not a union member (no); when education is high rather than low; when income is not very low (rather than very low); when a respondent is native-born rather than foreign-born; and when a respondent is interested in politics rather than is disinterested in politics. The only micro-level instrumental resource measure that does not significantly increase the likelihood of take up is daily internet use (see last column of Appendix Table A7.4).

Figure 7.11: How micro-level instrumental resources affect UI-benefit take-up

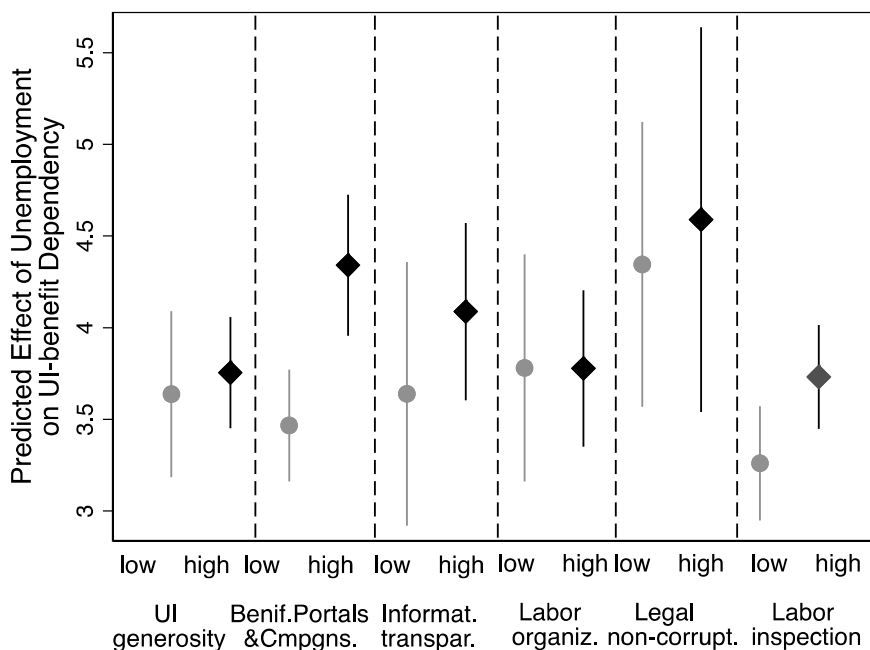


Note: See Appendix Table A7.4.

Sources: Ronchi 2018; Spasova et al. 2022; Williams 2015; Visser 2019; Coppedge et al. 2020; ILO 2020.

Figure 7.12 summarizes how national-level normative, instrumental and enforcement resources affect an individual unemployed respondent’s likelihood of relying upon unemployment or redundancy benefits. Once again this focuses on the role of a given resource in shaping UI take-up, based on the full models shown in the Appendix (see Appendix Table A7.5). The first, left-hand result focuses on UI generosity – a normative resource measure – followed by our three instrumental-resource measures and the two enforcement-resource measures. As can be easily glimpsed from the Figure, all our national-level measures of resources have positive coefficients, significantly so for Benefit Portals & Campaigns, Informational Transparency, and Labor inspection capacity. Such patterns suggest that two of our instrumental resources, including the one closest to claims of validity of resources relevant to social-benefit take up (Portals & Campaigns), as well as one of our enforcement-resource measures (Labor inspection capacity), tend to spur UI take up. These patterns provide modest evidence, hence, that individual-level and national-level measures of power resources foster social-rights take up with respect to unemployment insurance.

Figure 7.12: How national-level normative, instrumental and enforcement resources affect UI-benefit take-up



Note: See Appendix Table A7.5.

Sources: Ronchi 2018; Spasova et al. 2022; Williams 2015; Visser 2019; Coppedge et al. 2020; ILO 2020.

It is important that both all UI-reliance results summarized here are robust to a range of alternative specifications with respect to the controls, the embedding of the multi-level models, and estimator. The pattern of resources positively shaping programme participation also hold for the other policy realm that the ESS data measures, reliance on pensions.³⁶ Looking jointly at the individual micro-analysis the macro-level analyses in Section 7.3, hence, we have some meaningful empirical support for this chapter's and volume's expectation that normative, instrumental, and enforcement resources can be important bases for social-rights take-up and spending, and thereby also poverty-rate and employment-rate outcomes.

7.5 Conclusion

³⁶ In particular, study of the ESS data reveals that the individual-level resource-conditions increase the likelihood that 60+ respondents rely on pension benefits, but we also that virtually all of the national-level conditions also increase the likelihood that older respondents rely on pensions (see Appendix Table A7.6 for the results).

This chapter has developed a core argument of this volume – that power resources are crucial to social-rights realization in Europe – and explored its traction in individual-level and national-level analysis of quantitative data. The principal expectations have been very broad with respect to which power resources might matter and how they might play into social-rights realization. We have worked within the view that the simple condition of holding substantial normative, instrumental and enforcement resources relevant to a range of social rights constitutes having meaningful social rights. But we have focused in this chapter on the proposition that ‘the proof of the social-rights pudding’ with respect to having normative, instrumental and enforcement resources ‘is in the eating’: that having normative, instrumental and enforcement resources can be expected to facilitate actual social-rights take-up when it is needed; and in turn be an important underpinning of social rights spending effort; and in turn an important spur to social-rights outcomes relevant to human flourishing.

Our tests of this broad proposition focused on the social-rights realm of employment and unemployment, and on both national-level and individual-level quantitative exploration of the various steps of social-rights realization. The key focus has been on both individual-level data on instrumental resources and national-level data on instrumental, normative and enforcement resources. And we have presented two kinds of quantitative exploration into social-rights realization as functions of power resources. The national-level exploration suggests that measures of national-level normative, instrumental and enforcement resources tend to modestly promote social-rights realization in the realms of unemployment insurance, ECEC assistance, and parental leave assistance. The national-level measures of resources tend to spur social-benefit take-up (a social rights output), spending effort (another social rights output), and in turn better social-rights outcomes with respect to higher employment rates and lower at-risk-of-poverty rates. The individual-level exploration, meanwhile, has dug deeper into whether measures of individual-level instrumental resources and national-level normative, instrumental and enforcement resources spur take up of unemployment insurance benefits. We found that individual-level instrumental resources are important to take-up, while at the national level it is particularly the social-benefit portals and awareness campaigns, together with legal transparency and labor inspection capacity, that matter to UI take-up. In short, power resources increase or spur social-rights take-up or participation, the first test of social-rights realization; and by doing so, normative, instrumental and enforcement resources also spur spending-effort outputs and major aspects of social-rights outcomes.

We should conclude by reminding readers of the many limits of such a conceptual and empirical exploration. Conceptually we have focused on very broad and big picture measures of normative, instrumental and enforcement resources, and simple ways that such resources play out in social-rights realization. We did not include, for instance, the many more complex feedback loops and interactions between conditions that might affect how resources shape social rights outcomes. Empirically, our focus has been for practical reasons very limited in the realms of the social rights we have explored. Within these limits, however, the chapter provides substantial traction to further explore how power resources can be leveraged to promote social rights realization in Europe and the world.

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Appendix

Appendix Table A7.1:
Summary statistics national-level data (country-years), 1960-2017

<i>Variable</i>	<i>Obs</i>	<i>Mean</i>	<i>Std.Dev.</i>	<i>Min.</i>	<i>Max.</i>
Employment rate (working age)	662	70.965	6.642	49	89.3
At-risk-of-poverty rate	332	16.339	3.995	7.9	26.4
UI spending effort (SIWE)	500	28218.770	29617.9	1776	174530
Child spending effort (SIWE)	500	2600.099	2685.4	0	11384
Total spending effort (SIWE)	500	0.000	1.95	-2.901	6.145
P/M/Parent leave spending (OECD)	949	0.314	0.260	0	1.3055
Estimated UI take-up	377	0.603	0.448	0.012	2.173
Estimated ECEC take-up	436	53.326	24.304	8.4	97.65
Estimated Pat/Mat/Par. Leave take-up	188	95.896	73.064	21.2	360.69
UI generosity (SCIP)	937	0.641	0.138	0	1
ECEC generosity (OECD)	2,147	92.288	5.659	72	100
M/F/Parental leave generosity (OECD)	1,091	3.327	1.106	0	5.118
Total generosity (Scruggs)	721	33.832	5.716	20.810	46.84
UI generosity alternate (Scruggs)	743	10.097	3.001	2.032	15.05
Soc.ben. campaigns & portals scale (ESPN)	2,001	0.434	0.243	0	1
Informational transparency	1,079	66.476	11.143	32	85.83
Labor strength (union density/coverage)	1,343	0.417	0.192	0	1
Judicial non-corruption	1,970	3.115	0.602	0.865	3.824
Labor inspection capacity	258	0.224	0.196	0	1
Real GDP growth	1,245	2.815	3.417	-21.26	25.49
Left government	1,307	35.423	35.189	0	100
Dependent population	1,640	53.087	7.424	38.457	86.2
Trade openness	1,316	86.060	48.825	23.109	416.4
EU member	2,445	0.788	0.409	0	1

Appendix Table A7.2:
Summary statistics (European Social Survey, ESS), 2008, 2016, 2020
 [to be expanded]

<i>Variable</i>	<i>Obs.</i>	<i>Mean</i>	<i>Std. Dev.</i>	<i>Min</i>	<i>Max</i>
UI reliance	99,325	0.018	0.133	0	1
Soc.benefit reliance	99,325	0.046	0.209	0	1
Unemployed	99,325	0.062	0.241	0	1
Female	99,289	0.535	0.499	0	1
Age	98,984	48.216	18.473	15	105
Native-born	99,198	0.905	0.294	0	1

High educated	99,041	0.181	0.385	0	1
Non-low income	94,237	0.739	0.439	0	1
Live with partner	99,325	0.631	0.483	0	1
Child at home	99,045	0.371	0.483	0	1
Union member	99,325	0.164	0.371	0	1
Left-Right scale	85,267	5.177	2.259	0	10
Government redistribution	99,325	3.883	1.009	1	5
Working parent	99,080	0.329	0.470	0	1
Old-age (60-plus)	99,325	0.306	0.461	0	1
Interested in politics	99,059	2.393	0.915	1	4
Daily internet use	99,325	0.445	0.497	0	1
Bad health	99,208	2.240	0.934	1	5
Support deeper EU integration	89,773	5.16	2.673	0	10
UI generosity (SCIP)	79,419	0.053	0.509	-0.878	1.438
Sickness/health generosity (SCIP)	79,419	0.024	0.540	-1.649	1.322
Pension generosity (SCIP)	79,419	-0.293	0.510	-1.316	1.072
M/F/Parental leave generosity (OECD)	77,383	3.754	0.833	1.720	5.118
ECEC generosity (OECD)	83,603	92.250	5.047	72	100
Social benefit generosity scale (SCIP)	79,419	-0.215	1.082	-2.673	2.697
Estimated take-up UI (OECD)	86,701	0.659	0.489	0.028	2.034
Estimated take-up ECEC (OECD)	86,084	56.067	26.613	10.850	96.767
Est. take-up M/F/Parental leave (OECD)	37,417	99.322	75.285	23.188	335.083
Estimated Take-up scale	30,268	0.805	1.658	-1.899	4.204
UI/Work spending effort (SIWE)	74,220	25753.63	21187.34	3790.901	100837.2
Social transfers effort (SIWE)	74,220	-0.066	0.617	-1.222	0.952
Old-age spending effort (SIWE)	74,220	13598.94	5348.022	3786.572	24437.73
Total social spending effort (SIWE)	74,220	0.009	1.937	-3.306	3.401
Soc.-benefit Campaigns (ESPN)	99,325	2.508	2.038	0	6
Soc.ben. Portals (ESPN)	99,325	1.744	0.804	1	3
Soc.ben. campaigns & portals scale (ESPN)	99,325	0.005	0.780	-1.074	1.644
Labor inspections	58,017	0.291	1.146	-0.774	3.677

Appendix Table A7.3:
National-level estimates of take-up as functions of resources(country-years)

a. Estimated UI take-up

	(1)	(2)	(3)	(4)	(5)	(6)
	Estimated UI take-up	Estimated UI take-up	Estimated UI take-up	Estimated UI take-up	Estimated UI take-up	Estimated UI take-up
Generosity measure	.058*** (.011)					
Cmpgns.&portals (ESPN)		-.037 (.103)				
Information transparency			.056 (.05)			
Labour strength				.197*** (.024)		
Judicial non-corruption					.042*** (.005)	
Labour inspect.capac.						.181*** (.037)
GDP growth	.003 (.008)		-.005 (.007)	-.006 (.005)	-.003 (.005)	-.011 (.009)
Left government	0 (.001)		0 (.001)	.001 (.001)	.001 (.001)	.002 (.001)
Dependent population	.009 (.008)		.046*** (.006)	.024*** (.004)	.028*** (.005)	.046*** (.006)
Trade openness	.001 (.001)		.001 (0)	0 (0)	0 (0)	.001 (.001)
EU membership	.721*** (.078)		.132 (.111)	.161* (.063)	.2 (.104)	.297*** (.057)
Constant	-1.015* (.438)	.598*** (.094)	-4.198 (2.197)	-.67** (.236)	-2.323*** (.262)	-2.164*** (.33)
Observations	164	25	135	290	297	169
R-squared	.282	.012	.239	.345	.298	.367

DV= Estimated UI take-up.

All models are ordinary least squares (OLS) regression coefficients, and robust-cluster standard errors (in parentheses).

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

b. Estimated Leave take-up

	(1)	(2)	(3)	(4)	(5)	(6)
	Estim. Leave take-up	Estim. Leave take-up	Estim. Leave take-up	Estim. Leave take-up	Estim. Leave take-up	Estim. Leave take-up
Generosity measure	35.9*** (5.602)					
Cmpgns.&portals (ESPN)		21.121				

		(14.073)				
Inform. transparency			86***			
			(17.331)			
Labour strength				26.3***		
				(7.133)		
Judicial non-corruption					10.0***	
					(2.078)	
Labour inspect.capac.						-24.6***
						(6.072)
GDP growth	4.131		2.294	3.095	2.401	2.311
	(2.334)		(1.417)	(1.737)	(1.56)	(1.858)
Left government	.058		.424	.094	.101	-.348
	(.259)		(.279)	(.215)	(.216)	(.297)
Dependent population	1.452		1.572	-2.575	-2.559	2.97
	(1.763)		(2.393)	(1.519)	(1.835)	(2.417)
Trade openness	-.171***		-.064	-.253***	-.133*	-.173
	(.048)		(.067)	(.055)	(.056)	(.237)
EU membership	-1.088		-27.975	41.067*	50.46**	-6.548
	(10.644)		(17.438)	(16.614)	(15.517)	(15.145)
Constant	-111.725	84.3***	-370***	211.4*	-146.37	-3.31
	(103.53)	(18.483)	(848.96)	(83.243)	(137.7)	(127.1)
Observations	143	14	67	154	156	85
R-squared	.142	.165	.463	.163	.18	.187

DV= Estimated ECEC take-up.

All models are ordinary least squares (OLS) regression coefficients, and robust-cluster standard errors (in parentheses).

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

c. Estimated ECEC take-up

	(1)	(2)	(3)	(4)	(5)	(6)
	Estim. ECEC take-up	Estim. ECEC take-up	Estim. ECEC take-up	Estim. ECEC take-up	Estim. ECEC take-up	Estim. ECEC take-up
Generosity measure	.258 (.179)					
Cmpgns.&portals (ESPN)		.336 (3.239)				
Information transparency			12.75*** (2.323)			
Labour strength				.26 (1.191)		
Judicial non-corruption					3.166*** (.208)	
Labour inspect.capac.						2.803 (1.568)
GDP growth	.121 (.303)		.06 (.298)	.286 (.321)	-.025 (.238)	.07 (.407)
Left government	.046 (.036)		.093* (.04)	.051 (.033)	.039 (.025)	.059 (.049)
Dependent population	3.07*** (.211)		2.701*** (.295)	3.287*** (.211)	2.297*** (.191)	3.453*** (.261)

Trade openness	.068*** (.018)		.049** (.017)	.071*** (.017)	.062*** (.015)	.029 (.041)
EU membership	-11.1*** (3.012)		-9.61*** (2.731)	-9.229** (3.15)	7.86* (3.392)	-9.051 (5.085)
Constant	-124*** (15.802)	59.3*** (4.683)	-641*** (102.976)	-113*** (11.34)	-180*** (10.338)	-114*** (15.277)
Observations	335	26	174	339	348	176
R-squared	.327	0	.405	.331	.573	.374

DV= Estimated ECEC take-up.

All models are ordinary least squares (OLS) regression coefficients, and robust-cluster standard errors (in parentheses).

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

Appendix Table A7.4:
Micro-level power resources and take-up of unemployment benefits

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Unemployed	3.686*** (.129)	3.56*** (.131)	3.187*** (.198)	3.618*** (.129)	3.493*** (.126)	3.174*** (.232)	3.723*** (.172)
Unem.xUnion memb.		.815*** (.251)					
Unem.xNative			.592*** (.151)				
Unem.xHigh Educ.				.664*** (.21)			
Unem.xNon-low inc.					.5*** (.144)		
Political interest						-.223*** (.068)	
Unem.xPolit.int.						.219*** (.083)	
Daily internet use							-.082 (.145)
Unem.xDaily internet							-.084 (.18)
Female	-.259*** (.074)	-.268*** (.074)	-.26*** (.074)	-.265*** (.073)	-.279*** (.074)	-.273*** (.074)	-.257*** (.076)
Age	-.006*** (.002)	-.007*** (.002)	-.006*** (.002)	-.007*** (.002)	-.007*** (.002)	-.006*** (.002)	-.008*** (.003)
Native-born	-.223** (.09)	-.227** (.09)	-.589*** (.133)	-.219** (.09)	-.218** (.088)	-.214** (.092)	-.227** (.089)
High educated	-.402*** (.121)	-.398*** (.12)	-.402*** (.121)	-.814*** (.163)	-.379*** (.122)	-.358*** (.123)	-.376*** (.122)
Non-low-income	-1.595*** (.088)	-1.592*** (.09)	-1.594*** (.088)	-1.588*** (.088)	-1.903*** (.121)	-1.574*** (.089)	-1.583*** (.086)
Live-with-partner	-.296*** (.093)	-.3*** (.093)	-.297*** (.093)	-.291*** (.093)	-.275*** (.095)	-.291*** (.093)	-.297*** (.094)
Child at home	.352*** (.086)	.362*** (.086)	.354*** (.086)	.355*** (.087)	.362*** (.084)	.342*** (.086)	.346*** (.088)
Union member	.194 (.138)	-.232 (.233)	.188 (.139)	.197 (.138)	.201 (.137)	.211 (.138)	.197 (.137)
Left-Right scale	-.02 (.015)	-.02 (.015)	-.019 (.015)	-.02 (.015)	-.02 (.015)	-.019 (.016)	-.02 (.015)
Support govt. redistrib.	.094*** (.032)	.093*** (.031)	.091*** (.031)	.094*** (.032)	.09*** (.031)	.093*** (.032)	.092*** (.031)
Const.	-4.19*** (.3)	-4.082*** (.298)	-3.888*** (.314)	-4.147*** (.297)	-4.043*** (.287)	-3.714*** (.32)	-4.092*** (.33)
/var(_cons[cntries~])	.839*** (.259)	.818*** (.255)	.848*** (.263)	.833*** (.257)	.83*** (.255)	.84*** (.256)	.858*** (.268)
Observations	80468	80468	80468	80468	80468	80318	80468
Log likelihood	-4400.3	-4390.6	-4394.7	-4395.6	-4393.3	-4384.8	-4398.5

DV=Main source of household income is unemployment/redundancy benefit (0=other income source; 1=dependent on unemployment or redundancy benefits)

All models are multi-level random intercept models (with country-year as level 2 variable), with logistic regression coefficients, and robust-cluster standard errors (in parentheses).

Standard errors are in parentheses: *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

Appendix Table A7.5:

UI Take-up as a Function of Normative, Instrumental and Enforcement Resources

	(1)	(2)	(3)	(4)	(5)	(6)
Unemployed	3.418*** (.586)	3.705*** (.073)	-1.968 (2.539)	3.707*** (.14)	2.77* (1.292)	3.668*** (.169)
UI generosity	.002 (.078)					
UI generosity×Unemp.	.021 (.054)					
Portals&Campaigns		-.31** (.099)				
Port.&Cmpgns×Unemp.		.126** (.045)				
Informat. transparency			.023 (.032)			
Transparency×Unemp.			.072* (.033)			
Labor strength				.143 (.174)		
Labor str.×Unemp.				.059 (.128)		
Judicial non-corruption					.459 (.405)	
Jud.non-corr.×Unemp.					.269 (.383)	
Labor inspection capac.						.144 (.162)
Lab. insp.cap.×Unemp.						.167** (.06)
Female	-.291*** (.085)	-.243*** (.066)	-.264*** (.074)	-.27*** (.079)	-.267*** (.075)	-.23** (.089)
Age	-.006* (.003)	-.007*** (.002)	-.006** (.002)	-.007** (.002)	-.006** (.002)	-.006* (.003)
Native	-.253* (.105)	-.276** (.096)	-.217* (.093)	-.254** (.095)	-.206* (.094)	-.193 (.13)
High education	-.5*** (.111)	-.436*** (.111)	-.404*** (.122)	-.403** (.126)	-.41*** (.121)	-.461** (.146)
Non-low income	-1.675*** (.099)	-1.629*** (.072)	-1.623*** (.089)	-1.631*** (.094)	-1.625*** (.089)	-1.521*** (.093)
Live with partner	-.262* (.116)	-.328*** (.075)	-.286** (.094)	-.301** (.099)	-.283** (.095)	-.419*** (.121)
Child at home	.307** (.11)	.349*** (.075)	.359*** (.09)	.36*** (.093)	.365*** (.089)	.468*** (.092)
Union member	.199 (.143)	.28** (.102)	.195 (.138)	.22 (.143)	.186 (.141)	.043 (.212)
Left-right scale	-.036* (.016)	-.02 (.015)	-.026 (.015)	-.018 (.015)	-.026 (.015)	-.034 (.02)
Constant	-3.208*** (.812)	-3.534*** (.215)	-5.438* (2.526)	-3.585*** (.29)	-5.185*** (1.354)	-3.786*** (.377)
RE variance compon.	.493*** (.133)	.646*** (.167)	.663** (.242)	.743** (.267)	.667*** (.188)	.884* (.366)
Observations	49987	65638	74953	70485	74953	49889
Log likelihood	4201	-4290	-4293.7	-4295.2	-4293.1	-4284.1

DV= Unemployment insurance is main source of household income (0=other source of income; 1=dependent on unemployment or redundancy benefits). All models are multi-level random intercept models (with country-year as level 2 variable), with ordinary least squares (OLS) regression coefficients, and robust-cluster standard errors (in parentheses). *** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

Appendix Table A7.6:

Pensions Take-up as a Function of Normative, Instrumental and Enforcement Resources

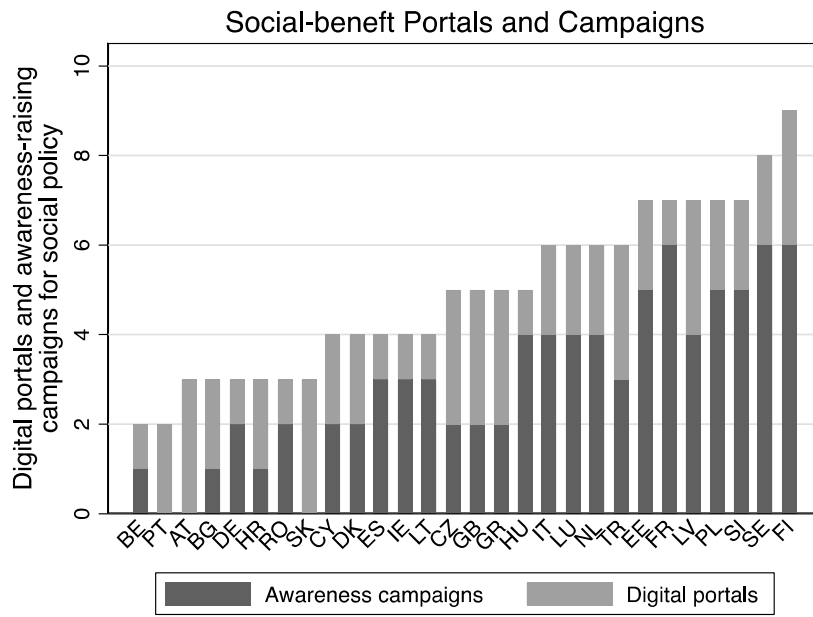
	(1)	(2)	(3)	(4)	(5)	(6)
Age 60+	4.255*** (.042)	3.948*** (.03)	.194 (.416)	4.022*** (.032)	2.491*** (.139)	3.873*** (.036)
Pension generosity	-.745*** (.131)					
Pens.gen. x60+	.477*** (.068)					
Portals&Campaigns		-.047 (.051)				
Port.&Cmpgnsx60+		.041* (.021)				
Informat. Transpar.			-.041** (.013)			
Transperencyx60+			.049*** (.005)			
Labor strength				-.128 (.072)		
Lab. Str.x60+				.174*** (.033)		
Judicial non-corrup.					-.552*** (.104)	
Jud.non-corr.x60+					.458*** (.044)	
Labor inspect. capac.						.079 (.086)
Lab.insp.x60+						.068* (.029)
Female	.186*** (.028)	.201*** (.028)	.213*** (.025)	.212*** (.026)	.211*** (.025)	.19*** (.031)
Native	.209*** (.054)	.255*** (.055)	.119** (.046)	.224*** (.052)	.121** (.046)	.035 (.055)
High education	-.347*** (.038)	-.377*** (.039)	-.34*** (.035)	-.361*** (.036)	-.339*** (.035)	-.378*** (.042)
Non-low income	-.945*** (.033)	-.881*** (.032)	-.899*** (.029)	-.933*** (.03)	-.899*** (.029)	-.823*** (.035)
Live with partner	.032 (.031)	.072* (.03)	.036 (.028)	.04 (.029)	.03 (.028)	.013 (.034)
Child at home	-1.127*** (.037)	-1.124*** (.035)	-1.11*** (.033)	-1.128*** (.034)	-1.103*** (.032)	-1.065*** (.04)
Union member	-.863*** (.044)	-.91*** (.046)	-.816*** (.04)	-.878*** (.042)	-.819*** (.04)	-.702*** (.051)
Left-right scale	-.009 (.006)	-.003 (.006)	-.005 (.006)	-.003 (.006)	-.007 (.006)	-.013 (.007)
Constant	-2.515*** (.101)	-2.211*** (.097)	.992 (1.028)	-2.288*** (.094)	-.427 (.342)	-2.087*** (.114)
RE variance comp.	.146*** (.035)	.177*** (.042)	.193*** (.042)	.181*** (.041)	.174*** (.038)	.208*** (.057)
Observations	66858	65796	79387	73835	79387	50057
Pseudo R ²	.z	.z	.z	.z	.z	.z

DV= Pensions are main source of household income (0=depend on other income sources; 1=depend on pension benefits).

All models are multi-level random intercept models (with country-year as level 2 variable), with ordinary least squares (OLS) regression coefficients, and robust-cluster standard errors (in parentheses).

Standard errors are in parentheses: *** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

Figure A7.1: Social-benefit Awareness Campaigns and Digital Portals



8. Imbalances in the implementation of social rights: the importance of social protection

Bea Cantillon , Sümeyra Akarçeşme and Ane Aranguiz

8.1 Introduction

Reaching the three goals of the European Pillar of Social Rights (EPSR) Action Plan — to reach an employment rate of at least 78%, to have at least 60% of adults attending training courses every year and to lift 15 million people out at risk of poverty or social exclusion — is the litmus test for the success of the EPSR. To achieve these goals, the Action Plan takes the three domains covered by the EPSR — ‘Equal opportunities and access to the labour market’, ‘Fair working conditions’ and ‘Social protection and inclusion’ — to a next level and sets a series of chronologically laid out steps to be taken in the next few years. The question arises, however, whether the implementation of the principles and the attached power resources are sufficiently balanced across the different dimensions of the EPSR for effectively reaching the 2030 goals.

The paper starts from the power resources framework developed by Ferrera et al. (2023) which dissects social rights as bundles of power resources that enable individuals to assert and actually acquire material benefits in order to cope with a wide range of social risks and needs. It is not the point of this paper to discuss the potential impact of individual power resources, let alone to identify causal chains between normative, instrumental and enforcement resources on the one hand and social outcomes such as poverty reduction, employment and gender equality on the other hand. After all, the successful transformation of individual power resources into actual social progress presupposes good social policies and strong welfare states that adequately interact with macroeconomic and social change. Instead, we aim to study whether the current EU approach is, in principle, capable of delivering on the new headline poverty targets, that is: on the assumption that, through different channels, individual power resources ultimately contribute to adequate outputs (regulations, benefits and services) capable to deliver on the poverty reduction targets. Individual power resources set at the EU level have an effect on Member States' policies, institutions, and social fabrics by encouraging providers to follow their legal duties (Ferrera et al., 2023), building a Marshallian "superstructure of legitimate expectations" (Buckmaster and Thomas, 2009), and giving citizens, politicians, and social organisations more power.

The paper attempts to seek answers to the above-mentioned question by studying the confluence of changes in employment rates, gender gaps and social inclusion among the active age populations in the decade between the financial crisis and the COVID-19 outbreak. The paper starts with a conceptual discussion on the relationship between the 20 principles of the EPSR and the EU 2030 target on

poverty and social exclusion. By focusing on the third goal on poverty reduction and social protection, it explores the extent to which the EPSR principles can potentially contribute to these goals, which principles are decisive in this respect and where the tensions between them lay. In section 3, we focus on empirical trends: how did AROPE evolve and how were these trends related to the evolution of employment? Furthermore, how were the disappointing poverty trends related to the poverty-reducing capacity of social protection? Section 4 concludes.

8.2 Social inclusion: which European power resources?

8.2.1 Social Inclusion, the 20 principles of the EPSR and the three 2030 targets

Over the past two decades, we have seen a marked acceleration of the socialization process of European integration. Although the failures of previous rights-based approaches (most notably the European Social Charter) should exhort us to be cautious, in that socialization process, the proclamation of the EPSR marks a potentially important threefold paradigmatic shift, especially in relation to social inclusion: 1) by defining concrete principles and social rights it moves the social inclusion agenda from ‘outcome governance’ built around rather abstract social goals (such as the ‘eradication of poverty’ in the Lisbon era) to a degree of ‘input governance’ through legislation and funding (Vandenbroucke et al., 2013) of which the Directive on Minimum wages is a strong example; 2) it broadens the traditional focus on employment and social investment by putting forward a *prima facie* balance between employment, social protection and equal opportunities and 3) by explicitly referring to ESF+ and Next Generation EU in its Action Plan, it offers financial incentives as levers of social convergence (Hermans et al., 2021).

Poverty reduction and social inclusion cannot be achieved with single measures. Significant improvements are needed in the ‘social fabric’ of welfare states: employment, fair working conditions, social protection, housing and social services are key while the role of the third sector, social services and active labour market policies in enhancing people’s opportunities are equally important. All the principles and rights defined in the EPSR are therefore involved. So conceived, given the central place of adequate minimum wages, fair working conditions, adequate social protection and adequate housing, it is not an exaggeration to say that the EPSR has the potential to become a stronger tool to make progress in the field of social inclusion than previous EU social agendas and strategies. But the question arises whether the different dimensions have been given equal attention in the implementation of the pillar so far.

The 20 principles of the EPSR are well distributed across the broader categories of ‘Equal opportunities and access to the labour market’, ‘Fair working conditions’ and ‘Social protection and inclusion’. The outset of these principles may lead one even to believe that the primary focus of the EPSR lays on the third chapter, since this chapter alone contains half of the rights enshrined in the EPSR. However, as we will show below, the actions undertaken since its adoption and the Action Plan put a greater emphasis on implementing principles enshrined in the first and second chapter reflecting the existing blocks of EU resources which the Pillar Principals build on in the EU social acquis.

Table 8.1. Gender Equality, Employment and Social Inclusion in the Pillar Principles

	Chapter 1 Equal opportunities and access to the labour market	Chapter 2 Fair working conditions	Chapter 3 Social Protection and inclusion
Reference to Gender Equality	2 "Gender Equality" 3 "Equal opportunities"	6 "Wages" 9 "Work-life balance"	15 "Old age income and pensions"
Reference to Employment	1 "Education, training and lifelong learning" 2 "Gender Equality" 3 "Equal opportunities" 4 "Active support to employment"	5 "Secure and adaptable employment" 6 "Wages" 7" Information about employment conditions and protection in case of dismissals"	17 "Inclusion of people with disabilities"
Reference to Social Inclusion	1 "Education, training and lifelong learning" 3 "Equal opportunities"	6 "Wages"	11 "Childcare and support to children" 14 "Minimum income" 17 "Inclusion of people with disabilities" 19 "Housing and assistance for the homeless"

Table 8.1 outlines gender equality, employment and social inclusion in the Pillar principles. In terms of gender equality, principle 2 EPSR enshrines the right to gender equality in the labour market, terms and conditions of employment and career progression. The right to equal pay for work of equal value for women and men is explicitly mentioned. Worth noting, Principle 2 promotes proactive equality through positive action and it also extends the ground of gender discrimination to all areas, thus going beyond existing EU provisions covering the labour market, conditions of employment, career progression and certain aspects of social protection. Principle 3 EPSR enshrines the right to equal opportunities and prohibits discrimination on various grounds including gender. It applies to employment, social protection, education, and access to goods and services. In this case too, the principle recognises a proactive dimension of the right by confirming the need to foster equal opportunities of underrepresented groups. More indirectly, other principles also address gender equality issues, including work-life balance (principle 9), minimum wages (principle 6) and old-age pensions (principle 15) which recognise respectively, the disproportionate burden of caring responsibilities that falls under women and the gender wage and pension gaps.

In terms of employment, principle 1 enshrines the right to quality and inclusive education, training, and life-long learning to maintain and acquire skills that enable individuals to participate fully in society and manage successfully transitions in the labour market. Principle 2, as mentioned above, also applies to employment and enshrines the right to equal opportunities and prohibits discrimination on various grounds. Principle 3 mentions that regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, everyone has the right to equal treatment and opportunities regarding employment, among others. Principle 4 promotes active support to employment and emphasizes the right to timely and tailor-made assistance to improve employment or self-employment prospects. Directly related to employment are also all principles under the fair working chapter: the right to fair and equal treatment regarding working conditions, access to social protection and training (principle 5), the right to fair wages that provide for a decent standard of living (principle 6), the right to information about employment conditions and protection in case of dismissals (principle 7), the promotion of social dialogue between social partners and involvement of workers (principle 8), the right to suitable leave, flexible working arrangements and access to care services (principle 9), the right to a healthy, safe and well-adapted work environment and data protection (principle 10). Under the social protection and inclusion chapter, principle 17 enshrines the right of people with disabilities to services that enable them to participate in the labour market and in society, and a work environment adapted to their needs.

Regarding social inclusion, traces of which rights are important for the combat of social exclusion can be found in different principles. The entire third chapter is devoted to social inclusion and protection, but only principle 19 on the right to housing and assistance for the homeless refers directly to social inclusion. It requires adequate shelter and access to services for the homeless as a necessary step to ensure their social inclusion. Principle 17 considers the participation of people with disabilities necessary for their inclusion, which requires, inter alia, their full and effective participation in society on an equal basis with others and equality of opportunity. It particularly recognises the right to income support. Other principles, refer to social inclusion more indirectly. This is the case of the right to a minimum income (principle 14), which recognises, for the first time the individual right to a minimum for 'everyone lacking sufficient resources [to ensure] a life in dignity at all stages of life, and effective access to enabling goods and services'. Likewise, the right to childcare and support for children (principle 11) aims at breaking the intergenerational cycle of disadvantage by protecting children from poverty and providing them with quality education and care. Interestingly, a couple of rights outside the chapter on social inclusion also refer to either the combat of poverty or social exclusion. This is the case of the right to education (principle 1), the right to equal treatment (principle 3) and the right to wages (principle 6) which are seen as necessary to foster an inclusive society.

When it comes to the Action Plan, the Commission proposed an ambitious timeline (2021-2025), which is filled with wide-ranging initiatives that target virtually all principles of the EPSR. These are presented under five thematic areas: More and better jobs, skills and equality, social protection and inclusion, civil society involvement and the New Social Scoreboard. The first three are distinctively linked to the three headline targets whereas the latter two signify overarching initiatives necessary for ensuring a democratic change and a proper evaluation of the implementation of the EPSR. In the

first and second chapters, we find wide-ranging actions such as directives,^{37/38} recommendations,³⁹ several legislative proposals,⁴⁰ evaluations reviews and strategies.^{41/42} In the third strand regarding social inclusion and protection, initiatives refer to three recommendations on access to social protection, adequate minimum income schemes and the European Child Guarantee respectively,⁴³ the EU strategy on the rights of the child, the European Platform on Combating Homelessness and an affordable housing initiative.⁴⁴ In order to make social protection fit for modern times, the Commission also plans to propose a European Social Security Pass. However, although various initiatives have been adopted, or are on their way to being adopted, there is no single hard law instrument formulated for the second half (third chapter) of the EPSR.

Taken together, the Action plan sets an elaborate timeline with measurable targets and clearly scheduled initiatives. Probably its strongest asset lies in the sum of all these efforts combined and the hybrid format they are presented as, composed of initiatives that range from hard-law regulatory proposals to strategies and platforms or openly formulated initiatives. Together, these could contribute to building the necessary social pillar in the EU that complements its economic and fiscal arms. However, although the Action Plan promises to ‘leave no one behind’, not all resources are distributed equally. This includes an imbalance between the EU actions in terms of the available power resources in the fields of employment, social inclusion and social housing.

8.3 Poverty outcomes, employment and the role of social protection

³⁷ Directive (EU) 2019/1158 on work–life balance for parents and carers.[2019] OJ L 188

³⁸ Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union PE/28/2022/REV/1

³⁹ Commission, ‘Recommendation for Effective Support to Employment (EASE) following the Covid-19 crisis, C(2021) 1372 final

⁴⁰ Commission, ‘Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on adequate minimum wages in the European Union’ COM/2020/682 final; Commission, Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving working conditions in platform work’ COM/2021/762 final; Commission, ‘Inception impact assessment’, Ares(2021)102652; Commission, ‘Artificial Intelligence Act’ COM(2021) 206 final; Commission, ‘First phase consultation of the social partners under Article 154 of the Treaty on the Functioning of the European Union, on the protection of workers from risks related to exposure to chemical agents at work and to asbestos at work’ C(2020) 8944 final

⁴¹ European Parliament resolution of 21 January 2021 with recommendations to the Commission on the right to disconnect (2019/2181(INL)); A report on the Working-Time Directive and a first evaluation of the European Labour Authority.

⁴² For example, we find an Initiative on Individual Learning Accounts or a legislative proposal combat gender-based violence: Commission, ‘Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence’ COM/2022/105 final.

⁴³ Commission, ‘Proposal for a Council Recommendation Establishing a European Child Guarantee’ COM (2021) 137

⁴⁴ Particular attention is also drawn to health and long-term care for which the Commission plans to propose an initiative.

Without suggesting direct causal links we now move from power resources to outcomes. Social rights can only be materialised through social and economic policies (outputs): through social protection, labour regulation, social investment, adequate housing etc. It is not the point of this paper to discuss the potential impact of individual power resources on policies, let alone to identify causal chains between normative, instrumental and enforcement resources on the one hand and social outcomes such as poverty reduction, employment and gender equality on the other hand. Instead, we aim to study whether the current approach that focuses more on employment and gender equality than on social inclusion is, in principle, capable to deliver on the new headline poverty targets, that is: on the assumption that, through different channels, individual power resources ultimately contribute to adequate outputs (regulations, benefits and services) capable to deliver on the poverty reduction targets. More specifically, we address the question to what extent progression on employment and gender equality, while important goals in themselves, is instrumental for delivering on the 2030 poverty and social inclusion targets.

The work and poverty nexus has been a major research theme since the 1990s. In general it has been found that the Lisbon and the subsequent Europe 2020 agendas could be regarded as qualified successes in the field of employment, at least if one assumes there to have been causal relationships between these strategies and growing employment rates across Europe. On the other hand, though, these strategies largely failed to deliver on their promises concerning poverty reduction (Cantillon and Vandenbroucke, 2014; Fischer and Strauss, 2021). Corluy and Vandenbroucke (2014) and Cantillon et al. (2019) who analysed the relationship between employment and poverty trends in the Lisbon era and beyond, pointed to the unequal distribution of jobs among households and the reduction of the poverty alleviating capacity of social protection as main reasons for disappointing poverty trends despite employment growth. Focusing on the period between the financial crisis in 2008 and the health crisis in 2019 we further explore employment and poverty trends across Europe, add the gender dimension to our analysis and study the role of the decreasing poverty reducing capacity of social protection controlling for endogenous mechanisms..

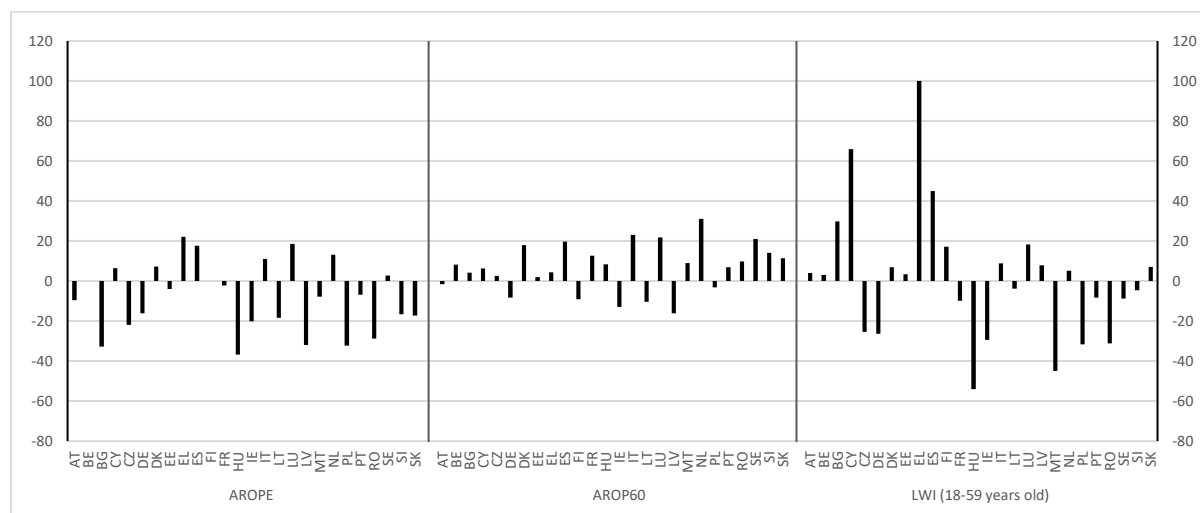
8.3.1 Disappointing poverty trends among the active age population

We focus on the third target of the European Pillar of Social Rights Action Plan, i.e., the reduction of the number of people at risk of poverty and social exclusion by at least 15 million. The number of people at risk of poverty and social exclusion (AROPE) corresponds to the sum of persons who are either at risk of poverty (AROP), severely materially and socially deprived (SMSD) or living in a quasi-jobless household (QJH). AROP is defined as the share of people with an equivalised disposable income (after social transfer) below the at-risk-of-poverty threshold, which is set at 60 % of the national median equivalised disposable income after social transfers. SMSD measures the proportion of the population experiencing an enforced lack of at least 7 out of 13 necessary and desirable items to lead an adequate life while the 'low work intensity indicator' refers to those persons living in a household where the members of working-age worked a working time equal or less than 20% of their total potential during the previous year. Member States were asked to define their own national sub-targets as a contribution to this common endeavour. The AROPE indicator is not new. It has been extensively used before within the context of the Europe 2020 strategy, where it was also a headline

indicator. Throughout this paper, we will refer to people living in low work intensity households as 'jobless'.

Figure 8.1 displays the percentual changes in the at-risk-of-poverty or social exclusion rate between 2009 and 2019 for the working-age population. This composite indicator includes three sub-indicators: relative income poverty set at 60% of the national median income (specified as AROP60 in figure 1), severe material deprivation and low work intensity (LWI). During the decade preceding the pandemic, the European statistical system shows improvements in the composite AROPE-indicator in the majority of countries (most notably in Hungary, Bulgaria and Poland). In Greece, Spain and Luxemburg the at-risk-of-poverty and social exclusion increased while the numbers remained stable in others (Belgium, Finland and France). However, in several other countries the trends were disappointing, especially in terms of the at risk of poverty rate. Positive trends were mainly driven by decreases in the material deprivation indicator which is strongly correlated with economic growth and, albeit to a lesser extent, with diminishing numbers of jobless households⁴⁵. As a general trend, relative income poverty rates among the active age population have risen almost everywhere. Trends were not unequivocal while levels of at-risk-of-poverty rates vary significantly across Europe. What stands out though, is the fact that in most countries, despite increasing incomes and employment, relative income poverty among the active age population did not decrease in the decade preceding the pandemic. As a general rule, in 2019 the at-risk-of-poverty rates were higher than in 2009.

Figure 8.1. Percentage changes in the at-risk-of-poverty and social exclusion rate (AROPE, AROP60, Low-work intensity Indicator) of the total population, 2009-2019, 18-64 years old



Data: Eurostat

https://ec.europa.eu/eurostat/databrowser/view/ILC_PEPS01_custom_3980020/default/table?lang=en

https://ec.europa.eu/eurostat/databrowser/view/ILC_LI02_custom_4157717/default/table?lang=en

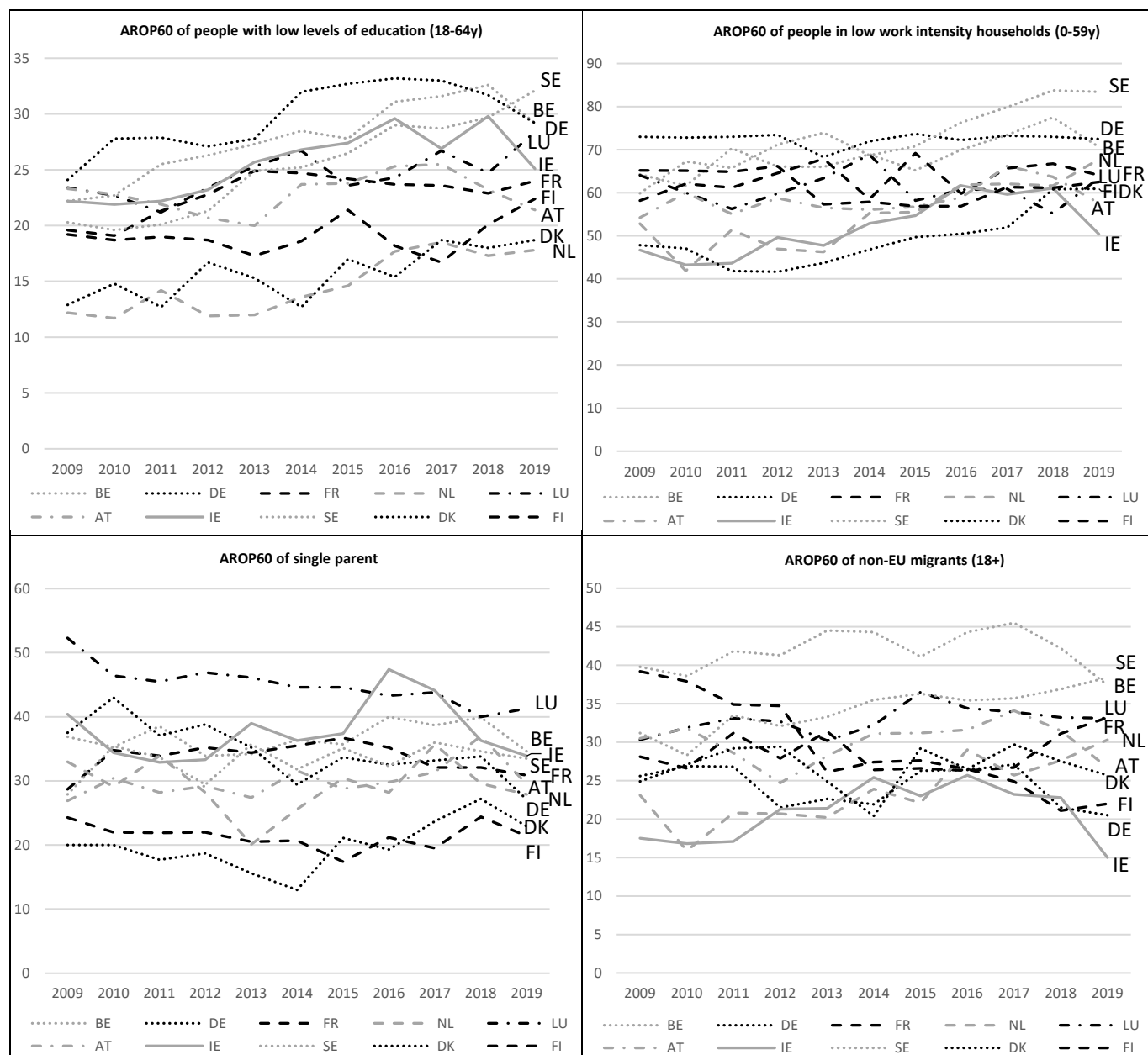
https://ec.europa.eu/eurostat/databrowser/view/ILC_LVHL11_custom_4218357/default/table?lang=en

⁴⁵ Despite decreasing AROPE rates, the number of jobless households increased in Austria, Bulgaria, France, Latvia and Slovakia, between 2009 and 2019.

8.3.2 The precarisation of jobless households

Figures 8.2, 8.33 and 8.4 show that the disappointing poverty trends mainly pertained to the low-skilled households with low work intensity and, to a lesser extent, single-parent households. Particularly striking is the rise in the at-risk-of-poverty rates among jobless households (households where the adults work less than 20% of their potential): on the eve of the pandemic, European welfare states had become inadequate for 60-80% of these households (i.e. on average 65% in the Continental and Nordic, 70% in the Southern and 78% in the Eastern states). Research for Belgium has shown that the increased risk of poverty for jobless households is attributable to several factors, whereby both the more vulnerable profile of these households (more singles, more migrants, and more long-term sick people) and the inadequacy of social protection played a role (Hermans et.al. 2020). We also show the evolution of financial poverty among people with low levels of education. In many Continental, Nordic and Southern countries, this trend was also upwards, but with considerable differences: compare Sweden - where the increase was pronounced - with Ireland, where the increase was rather limited. It is also striking that, although the at-risk-of-poverty rate among non-EU migrants is high, trends in most countries have been rather stable. The AROP of non-EU migrants increased significantly in the Netherlands (by 31.2%), Sweden (by 23.1%), Portugal (by 40.6%), Hungary (by 45.7%) and Estonia (by 35.6%). Only in a few countries - mainly Continental and Nordic - did the AROP of non-EU migrants decrease: most significantly in Finland (by 43.9%), Germany (by 19.9%) and Ireland (by 14.3%). The numbers in the population have, of course, increased.

Figure 8.2. Evolution of at-risk-of-poverty rate (AROP60) in the continental and Nordic states, by socio-demographic groups (in %), 2009-2019



Note: Low-skilled: less than primary education, primary education and lower secondary education (level 0-2). Education levels of individuals are classified according to the International Standard Classification of Education 2011 version; Very low work intensity households are those aged 0-59 living in households where the adults have worked 20% or less of their total work potential during the last year.

Data: Eurostat - EU-SILC, ILC & ECHP survey data

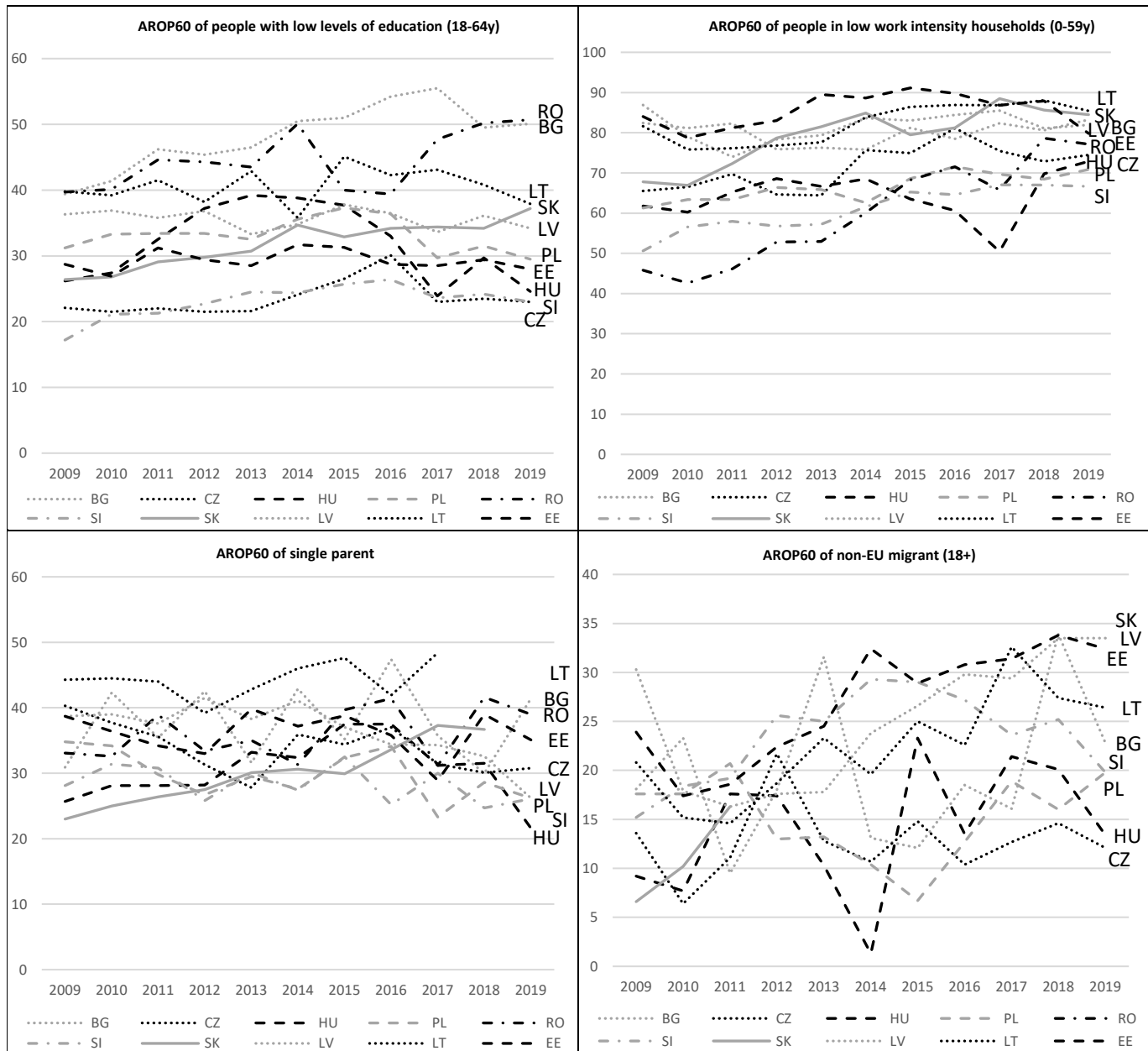
Figure 8.3. Evolution of at-risk-of-poverty rate (AROP60) in the Southern states, by socio-demographic groups (in %), 2009-2019



Note: Low-skilled: less than primary education, primary education and lower secondary education (level 0-2). Education levels of individuals are classified according to the International Standard Classification of Education 2011 version; Very low work intensity households are those aged 0-59 living in households where the adults have worked 20% or less of their total work potential during the last year.

Data: Eurostat - EU-SILC, ILC & ECHP survey data

Figure 8.4. Evolution of at-risk-of-poverty rate (AROP60) in the Eastern states, by socio-demographic groups (in %), 2009-2019



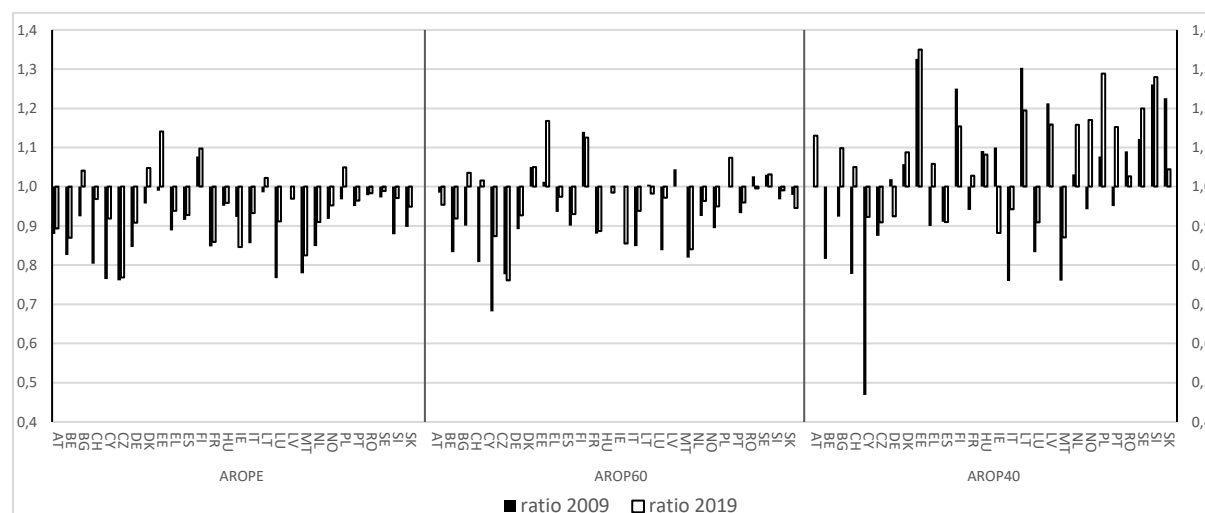
Note: Low-skilled: less than primary education, primary education and lower secondary education (level 0-2). Education levels of individuals are classified according to the International Standard Classification of Education 2011 version; Very low work intensity households are those aged 0-59 living in households where the adults have worked 20% or less of their total work potential during the last year.

Data: Eurostat: EU-SILC, ILC & ECHP survey data

8.3.3 The gender dimension of poverty and social exclusion

Figure 8.5 compares the 2009 vs. 2019 active age male to female at risk of poverty and social exclusion ratios. It appears that in the majority of countries women are more at risk of poverty and social exclusion than men. However, the differences are usually not very large while there are some striking exceptions: in Finland, Poland, Denmark, Estonia, Latvia and Bulgaria men are more at risk than women. When we consider relative income poverty, taking the low poverty threshold set at 40% of national median equivalised disposable income as a benchmark, the right panel of Figure 8.8 shows that in the majority of countries, the share of men at-risk-of-poverty is actually higher than the share of women. In most European countries the traditional disadvantage of women thus appears to have faded away while penetrating deep into income poverty, men face greater risks than women. The evolution of the at-risk-of-poverty gender ratios between 2009 and 2019 points indeed at a clear pattern of defeminization of poverty and social exclusion. Strikingly, in some countries such as Sweden, the Netherlands, Poland and Denmark the relative disadvantage of men on the low AROP40 indicator has increased.

Figure 8.5. Male/female ratios of at-risk-of-poverty and social exclusion rate (AROE, AROP60, AROP40), 18-64 years old, 2009 and 2019



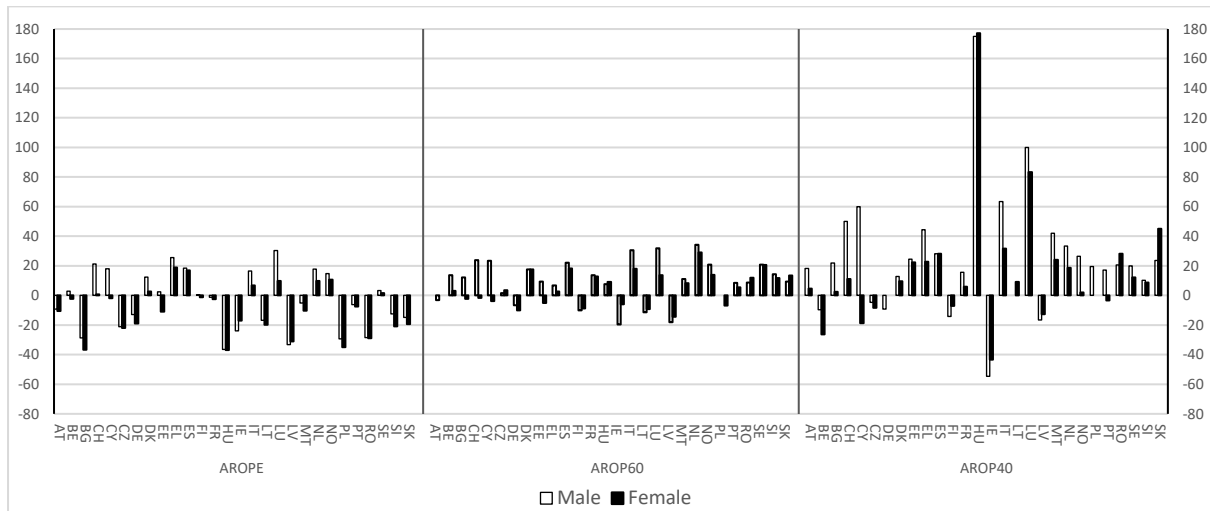
Data: Eurostat

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Figure 8.6 shows the percentual changes between 2009 and 2019 in the AROPE and AROP of men and women. In the countries where the AROPE increased, we see a larger increase for men than for women. Conversely, in the countries where the AROPE decreased over the years, we see higher decreases for women than for men.. The relative income indicators show that in most countries the at-risk-of-poverty rates for both men and women increased over the years.

Figure 8.6. Percentage changes in male and female at-risk-of-poverty rates 2009-2019, 18-64 years old



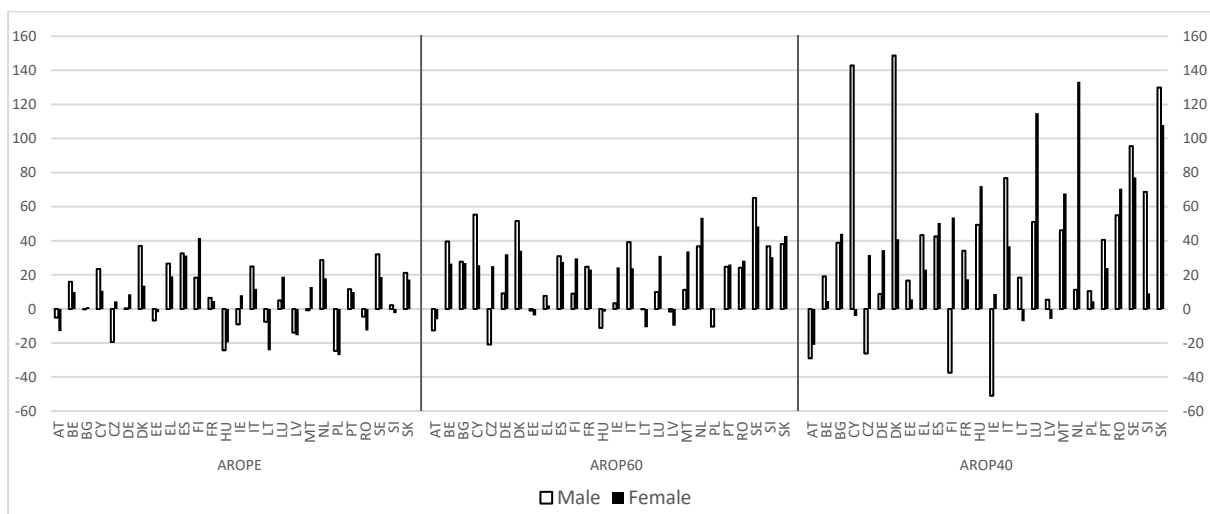
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The overall defeminization of poverty and social exclusion is accompanied by significant increases of poverty and social exclusion among low-skilled men and women, especially those living in jobless households. Figure 8.7 shows substantial increases of at-risk-of-poverty and social exclusion among low-skilled adults in a majority of countries. In the majority of some countries, these increases have been stronger for men than for women. The low work intensity indicator displays the same trends: in the majority of countries displayed in Figure 8.8, among working poor households, the number of relative income poor women and men has increased substantially.

Figure 8.7. Percentage changes in at-risk-of-poverty and social exclusion rates (AROPE, AROP60, AROP40) among low-skilled men and women, 18-64 years old, 2009-2019

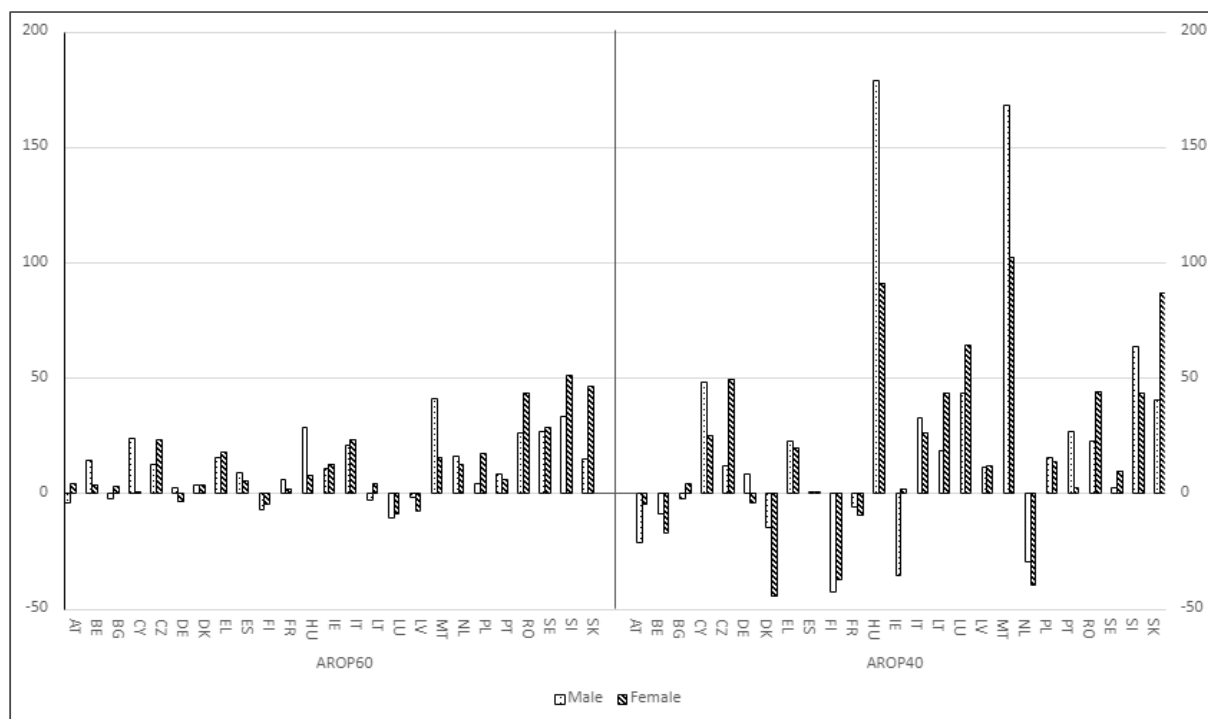


Data: Eurostat

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Figure 8.8. Percentage changes in at-risk-of-poverty among men and women living in low work intensity households (AROP60 and AROP40), 18-59 years old, 2009-2019



Data: EU-SILC - own calculations. In Estonia, increases in AROP60 rates between 2009 and 2019 reached up to 383% for women and 418% for men while increases in AROP40 reached 813% for women and 663% for men. Estonia is thus excluded from the figure.

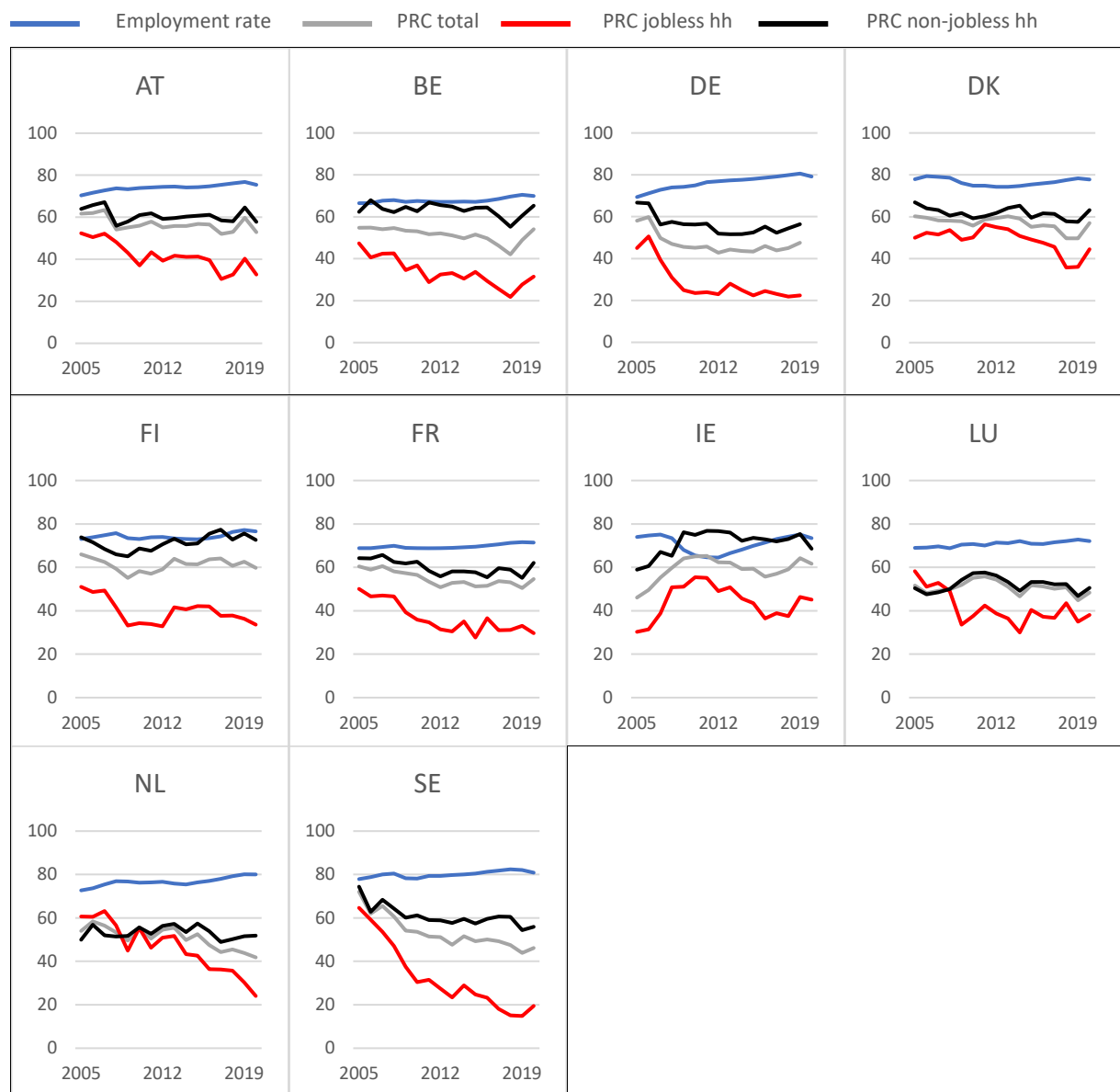
All these indicators suggest that in many EU-countries the increase in employment and living standards that occurred between the financial crisis and the health crisis has not done anything for lower incomes. Among the working-age population, the share of people in relative and persistent income poverty has increased in many countries, especially among the less educated and jobless households, while the magnitude of income deficits for these households has not declined. Moreover, the indicators attached to the social scoreboard show a significant defeminization of poverty and social exclusion among the active age population which went along with a marked precarisation of low-skilled men and women. The empirical evidence clearly points to qualified successes in terms of employment and gender equality but not in terms of social inclusion. To what extent was this linked to failures on the social protection dimension?

8.3.4 The declining poverty reducing capacity of social protection for jobless households

Figures 8.9, 8.10 and 8.11 display the evolution of employment rates and the poverty reducing capacity of social transfers for jobless and non-jobless households in the 2009-2019 decade. Across Europe, the trends are remarkably similar and entirely in line with the trends previously observed before the financial crisis. That in itself is not surprising: as unemployment falls, so does the need for social protection. Between 2009 and 2019, employment rates increased to end up at higher levels than before the outbreak of the financial crisis while the poverty reducing capacity of social transfers

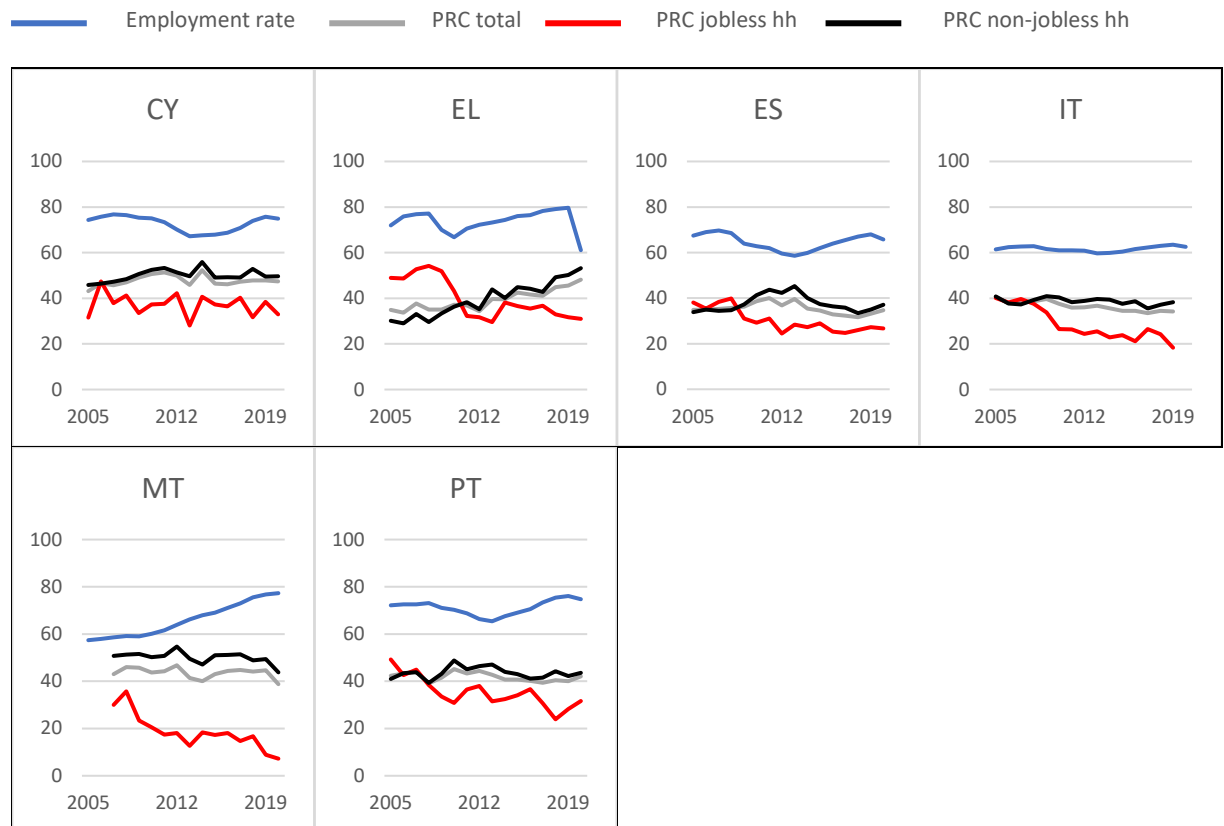
declined almost everywhere. More worrying, are the downward trends of the poverty reducing capacity of social transfers for jobless households that further declined to extremely low levels: among the population living in jobless households, the percentage of people lifted out of poverty through social benefits ranged between a very low 8,9% in Malta, 14,8% in Sweden and 46,3% in Ireland at the eve of the health crisis. Differences across countries are considerable while there are some exceptions on the general decreases. Within the group of continental and Scandinavian countries, Finland stands out: this country combined strong employment growth with a slight increase in the poverty reducing capacity of social transfers, including for jobless households. Within Southern European countries, Cyprus is the only exception to the general trend of rising employment rates and declining effectiveness of social protection for jobless households. Only in Greece did the poverty reduction capacity increase, but not for jobless households. Within the Eastern European countries, trends were more diversified although again the dominant trend was one of declining poverty reduction among jobless households. In the Czech Republic, Hungary and Romania the increase in employment was accompanied by a decrease in the poverty reduction by social protection; in Estonia and Bulgaria the poverty reduction remained stable while in Lithuania, Poland, Slovenia and Slovakia the poverty reduction only weakened for jobless household.

Figure 8.9. Employment and poverty reducing capacity trends in the Continental and Nordic states (2009-2019, %)



Data: EU-SILC (own calculations)

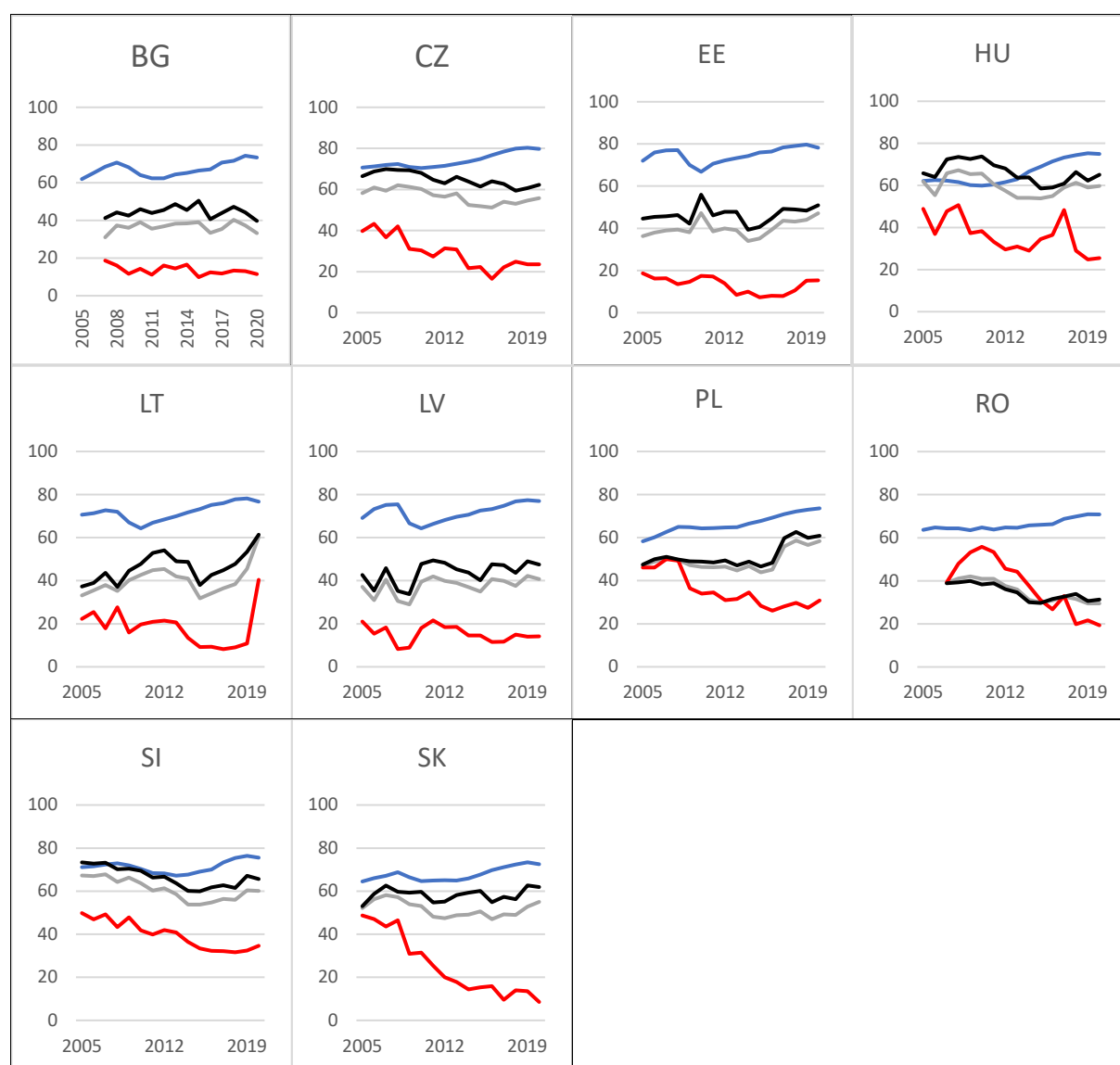
Figure 8.10. Employment and poverty reducing capacity trends in Southern member states (2009-2019, %)



Data: EU-SILC (own calculations)

— Employment rate — PRC total — PRC jobless hh — PRC non-jobless hh

Figure 8.11. Employment and poverty reducing capacity trends in Eastern states (2009-2019, %)



Data: EU-SILC (own calculations)

The graphs above point towards an important trend: in many countries European households most dependent on the welfare state are increasingly at-risk-of-poverty and this seems, at least in part, related with the weakening of social protection. Approaches that compare incomes before and after social transfers, on which the evidence on changes in the poverty reducing capacity of social transfers is based suffer, however, from several drawbacks which greatly complicate the interpretation of causal chains. In these analyses only taxes and cash transfers are taken into account while the impact of the increasing share of spending on services is not taken into consideration. There is, moreover, the problem of the counterfactual: properly functioning systems of social security automatically respond to changing needs related to economic and social change. Pre-post approaches run into the problem of endogeneity: policies may have an impact on pre-transfer poverty risks. Changes in the number of jobless and non-jobless households may, for instance, strongly impact the poverty reduction by social security systems, and vice versa. Social protection absorbs social risks, at the level of both the

individual and society in general. Poverty ‘before transfer’ is linked to social risks that are, in part, of cyclical nature or that may be the result of economic shocks, such as the risk of unemployment. When pre-transfer poverty increases, as in periods of rising unemployment, we expect increasing poverty reduction. We should therefore be careful to infer from a decrease in poverty reduction that social state’s capacity to reduce poverty has diminished. Nevertheless, the trends underscore the importance of social protection and adequate minimum income safeguards for poverty alleviation, even during periods of robust employment growth.

8.4 Conclusion

In this chapter, we challenged the ability of the EPSR Action Plans to reach its poverty goal. To this end, we focused on two dimensions: employment and social protection. We found that there are abundant and balanced power resources available in the area of employment, gender equality but this is much less the case for social protection and minimum incomes. While the objectives of promoting gender equality and employment are just as legitimate as the objective of reducing poverty, the existing imbalance of available power resources in these fields is detrimental for the achievement of the European social targets.

The empirical evidence clearly suggests that progress on employment does not automatically entail progress on poverty and social inclusion. On the positive side of the assessment, assuming that individual power resources have a positive impact on Member States’ social fabrics (outputs) and, ultimately on social outcomes, provisions related to employment and gender equality can be considered a major success of European social governance. At the same time, however, at the negative side of the assessment, in the past decades we observe in most European countries an increase of poverty and social exclusion among low-skilled men and women which was at least in part related to the weakening of social protection. So conceived, there is a large gap between the ambitious European targets on poverty and social inclusion, the translation of the EPSR into concrete actions and power resources, and the observed trends in poverty and social exclusion within the working-age populations.

Taken together, this suggests that we might not expect that progression in the domain of employment and gender equality will naturally translate to progression in terms of social inclusion. Without equally strong power resources in the field of social protection and truly intersectional approaches of the implementation of the EPSR, it will remain difficult to make significant progress in terms of social inclusion and substantive equality. A stronger focus is required on the accessibility and adequacy of social protection and minimum income and on a social inclusion proof implementation of social investment policies. Further steps toward binding agreements on minimum incomes are necessary, and this presupposes, first and foremost, additional efforts to define common benchmarks of adequacy and affordability. Furthermore, The role of social funds in pursuing social inclusion should be strengthened by reinforcing and monitoring conditionalities and strengthening the needs based allocation of ESF+. Finally, the scope of the monitoring of minimum income protection should be broadened to include the implementation of the Directive on minimum wages and the Recommendation on access to social protection for workers and the self-employed. Adequate minimum incomes protection can indeed not be viewed in isolation from minimum wages and broader social protection. Finally, progress in social inclusion presupposes that social investment policies in

childcare, education, and work-life balance prioritize the needs of the most vulnerable groups in society.

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9. Assessing housing rights in the EU countries: the current state, government's efforts, and the role of the EU

Ruta Ubarevičienė and Jolanta Aidukaitė

9.1 Introduction

Affordable and adequate housing is important for wellbeing, health as well as financial and family stability. However, such housing has become increasingly unattainable for lower income households and even for the middle class, and homelessness is on the rise, also in economically advanced countries (Hoekstra and Boelhouwer, 2014; Galster and Ok Lee, 2021; Preece et al., 2020; Scanlon et al., 2014; United Nations, 2021). “Housing affordability has become a global crisis with strong negative impact on the wellbeing of people and on the exacerbation of urban inequality” (UN Habitat, 2015, p. 3). In most EU members, housing prices are growing faster than income, and it is found that income inequality and housing inequality are ‘mutually reinforcing’ (Pittini et al., 2017). Thus, in many countries, people are spending increasingly more on housing, while other costs (e.g., food, health, education) have been stable or falling (OECD, 2019). According to Eurostat (2018, p. 70), “Housing costs often make up the largest component of expenditure for many households, thereby potentially leading to deferred or cancelled expenditure, possibly in relation to other basic needs”. The report “The state of housing in the EU 2019” delivered by the Housing Europe (2019: p. 6) states that “The housing question is at the heart of the growing social divide that we observe in most European societies over the last years”. Therefore, affordable housing has become an important question on the EU’s Urban Agenda, and the EU seeks to address housing in the European Pillar of Social Rights (Pittini et al., 2017).

In this chapter, we provide an overview of housing rights in EU member states and invite discussion on the integral role of the EU in ensuring housing rights as part of its social agenda. Firstly, we briefly review the existing normative power resources contributing to the protection of housing rights in the EU. Secondly, we delve into the housing challenges confronted by EU member states, addressing critical aspects of availability, affordability, and adequacy. Subsequently, we delve into an examination of the role played by national governments in ensuring housing rights, while also exploring variations in the welfare state across the EU. Finally, we engage in a discussion regarding the role that the EU should undertake in shaping and securing housing rights. The analysis presented in this report is based on country-level data from OECD and Eurostat for the years 2010 to 2021. The extended version of this study can be found as a working paper by Aidukaitė and Ubarevičienė (2022).

9.2 Normative resources and housing policies in the European agenda

At various levels, spanning from global arena to local contexts, there exists a consensus that housing rights are important and should indeed be recognized as a social right, integral to the welfare state (Aidukaitė and Ubarevičienė, 2022). The legislative foundation related to housing is documented and monitored by various organizations, ranging from intergovernmental bodies like the United Nations to the entities of local authorities. Within their specific domains, these organizations seek to contribute to the promotion and protection of housing rights through various means, such as declarations, legal norms, protocols, or by providing assistance and expertise related to housing rights.

The increasing attention to housing in the European policy agenda emphasizes its importance in ensuring the effective and comprehensive implementation of social rights. Notably, the EU addresses housing in the European Pillar of Social Rights (EPSR), including measures to protect housing rights, such as social housing and housing assistance, and services to the homeless (Pittini et al., 2017; European Commission, 2024). The question of affordable and adequate housing has gained prominence in the EU's Urban Agenda (United Nations, 2024). Housing rights are addressed in the Charter of Fundamental Rights of the European Union (European Union, 2012), where the right to housing assistance is recognized as a crucial measure to combat social exclusion and poverty. Furthermore, in 2021, the European Parliament (2021) issued a report on Access to decent and affordable housing for all, recommending the development of an integrated housing strategy to ensure adequate, available, and affordable housing in Member States.

In European countries, the responsibility for ensuring housing rights lies primarily with national governments, with the implementation of these rights frequently occurring at the local/municipal level. Our prior study (Aidukaitė and Ubarevičienė, 2022) indicates that, overall, housing rights are more effectively guaranteed in countries with higher shares of social/public housing, and where housing responsibilities extend beyond municipalities to include entities such as non-profit housing associations, cooperatives, and other non-profit organizations. This is evident in countries like Denmark, the Netherlands, and Belgium. In contrast, in countries with a small social rental sector, government support is mainly directed towards subject subsidies – financial assistance to households for housing affordability. These subsidies, including direct payments, tax credits, or reduced-interest loans, are often targeted at specific groups, such as low-income individuals or first-time homebuyers. They typically assist home buyers, support renters with very low incomes, and provide maintenance support for housing utilities in vulnerable situations. This pattern is observed, for instance, in countries like Lithuania, Poland, and Spain.

In summary, amidst growing tensions in the housing sector and heightened recognition of the importance of housing rights, the challenge lies in translating this awareness into hands-on policy implementation. A concerted effort across all spatial scales is important to elevate housing policy as a top priority on political agendas, whether at the local, national, or EU level. However, it is challenging to deal with the difficulties of competing with the interests of the market. All in all, success in

effectively implementing housing rights depends on formulating concrete initiatives and measures, along with deploying effective tools of social governance.

9.3 Housing challenges in EU countries

In this section, we briefly overview housing challenges confronted by EU member states, addressing critical aspects such as housing availability, affordability, and adequacy. By examining these critical aspects, our aim is to illustrate how the housing landscape in the European Union is shaped by the diverse issues impacting it.

The housing sector and its related issues are complex and multi-dimensional, making it challenging to objectively assess and compare the state of housing rights between different countries. Additionally, there are no straightforward indicators available to directly evaluate these rights. To gain a comprehensive understanding of state of housing rights, we categorize multiple parameters into groups that cover key aspects of housing, including availability, affordability, and adequacy.

Availability shows whether there is enough or a lack of (specific type of) housing. In the context of housing studies, it is often associated with the shortage of affordable housing. The availability of housing is influenced by factors such as population growth, urbanization, and economic conditions. To comparatively assess housing availability across EU countries, we relied on the following indicators: overcrowding rate, average age of young people leaving their parents' household, net migration, and construction of new housing.

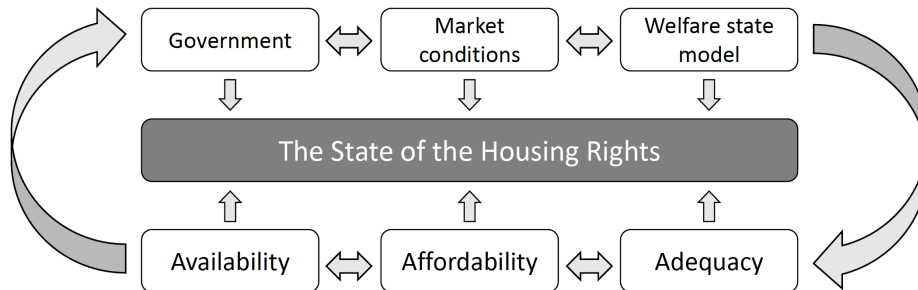
Affordability shows whether lower-income groups, typically those whose income is below the median household income, can access and afford housing. When a large share of the population cannot afford housing at the market price and has no other alternatives, such as social housing, unaffordable housing becomes an issue. To comparatively assess housing affordability across EU countries, we relied on the following indicators: households' housing cost burden, housing cost overburden rate, average household expenditure on housing, water, etc., and house price to income ratio.

Adequacy indicates the right to housing of acceptable quality. In general, housing must ensure security, peace, and dignity for individuals and families. Adequate housing associates with adequate privacy, space, lighting, temperature and ventilation, basic infrastructure, and access to facilities such as health care, food, and education – all at reasonable cost (United Nations, 2009). To comparatively assess housing adequacy across EU countries, we relied on indicators such as environmental issues around the dwelling (noise, pollution, crime, etc.) and problems encountered with the dwellings (leaking roof, cold apartments, etc.).

Housing availability, affordability and adequacy are interrelated and must be implemented jointly to ensure housing rights. Otherwise, for example, the housing may be available, but unaffordable or affordable but inadequate. Such scenarios would not be in line with the proper enforcement of the housing rights. Additionally, the extent to which housing rights are guaranteed depends on the role of government in housing policy as well as on the market conditions and welfare state model (Hoekstra,

2013; Kemeny, 2001; Soaita and Dewilde, 2019). Thus, the state of housing rights can be understood by examining the interplay between these elements, which are depicted in Figure 9.1.

Figure 9.1. Conceptual framework for the state of the housing rights



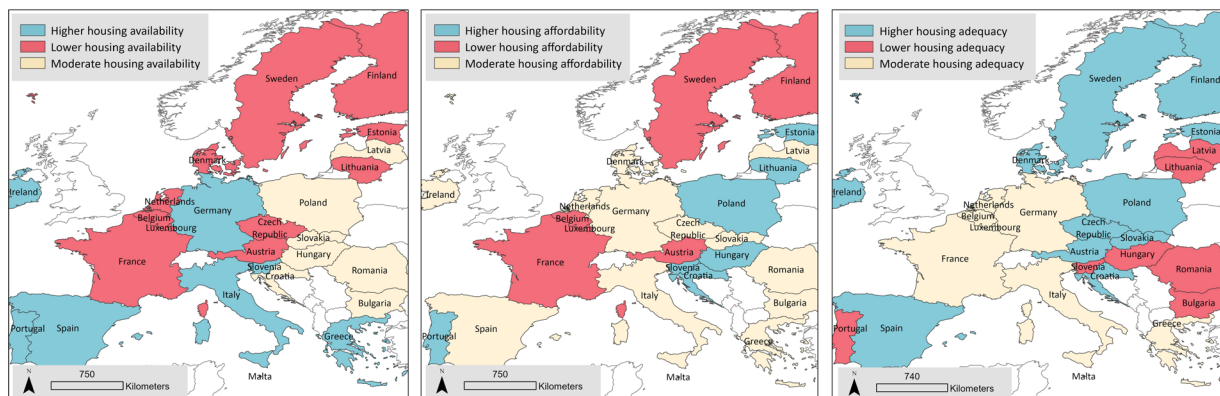
Source: authors' elaboration.

In this study, we used 2010–2021 OECD and Eurostat country-level data and conducted cluster analysis to identify more homogenous groups of countries based on various housing indicators. We employed cartographic techniques to visualize the results. This report provides a summary; for more detailed results, please refer to the working paper by Aidukaitė and Ubarevičienė (2022).

Our results show significant differences among European countries in various housing indicators, such as overcrowding rate, households' housing cost burden, tenure status, etc; Notably, a clear geographical pattern explaining these variations is often absent, and concurrently, the differences between the countries are narrowing over time. However, when assessing EU countries through aggregated indicators, specifically housing availability, affordability, and adequacy, a distinct geographical pattern becomes evident (Figure 9.2). These results imply that countries are facing a variety of challenges; some need to address accessibility issues, while others should prioritize improving affordability or adequacy. This nuanced perspective highlights the importance of targeted and region-specific strategies to effectively tackle diverse housing challenges across the European Union.

While our results indicate a general trend of increased convergence among EU members across numerous housing indicators in recent decades, noticeable differences persist between countries, delineating a clear division between Eastern and Western, as well as Southern and Northern parts of Europe. This division can be explained by the strong path-dependency in the field of housing, as well as variations in economic development and political preferences, as suggested by Ansell (2014). Should current trends persist, achieving full convergence may necessitate several more decades. Furthermore, the overall trajectory of changes raises concerns, as housing availability, affordability, and adequacy show no improvement and, in some cases, even exhibit deterioration.

Figure 9.2. Housing availability, affordability, and adequacy in the EU countries



Source: authors' elaboration based on OECD and Eurostat data, using cluster analysis method.

9.4 The role of the governments in ensuring housing rights

Subsequently, we delve into an examination of the role played by national governments in guaranteeing housing rights, while also exploring variations in welfare state and housing policy across the European Union. This discussion seeks to shed light on the diverse approaches and policies adopted by individual nations within the EU, contributing to a nuanced understanding of how governmental structures influence housing rights and the broader social welfare landscape.

Housing policy is considered to be a part of the welfare state, however, housing does not fit in perfectly with the other pillars of welfare state, such as education, health care and social security, due to its uncertain place between the state and the market (Kemeny, 2001, 2005; Kettunen and Ruonavaara, 2021). Housing is a part of the welfare state, but also a part of the market. Therefore, housing policy, according to Bengtsson (2001) is understood as the state corrections to the housing markets. At present, in all countries of the EU, governments intervene in one or the other way in shaping housing markets. For instance, a recent study by Dewilde (2022) shows that redistributive housing allowance and rent regulations improve living and housing conditions for renters and low-income households. Kettunen and Ruonavaara (2021, p. 1461) studied rent regulations in 33 European countries, and concluded that European housing provision systems are far from completely neoliberalized, and the policy of rent regulation has not disappeared from the scene.

However, studies (Aidukaite et al., 2014; Dewilde, 2022; Doherty, 2004; Kettunen and Ruonavaara, 2021) show that housing policy still differs remarkably between EU countries. These differences can be explained by the differences in the welfare state ideal-typical models. It is assumed that housing policy mirrors the dynamics of the particular country's welfare state model (for detailed discussion see Aidukaite and Ubarevičienė 2022). Therefore, to explain the differences in housing policy systems across countries, the authors attempted to reinterpret the Esping-Andersen's (1990) paradigmatic typology of the welfare state regime in the field of housing (Aidukaite, 2014; Aidukaite et al., 2014; Allen, 2006; Arbaci, 2007; Hoekstra, 2003, 2013; Soaita and Dewilde, 2019). As noted by Stephens (2017: 5), „regime theory has provided the most powerful non-structural theoretical framework for comparing (national) housing systems“. The most influential attempt to adapt Esping-Andersen's regimes to the housing was made by Hoekstra (2003, 2013). At present, it is possible to distinguish

five ideal-typical models of housing policy mirroring welfare state models: the social-democratic, the conservative-corporatist, the liberal, the Mediterranean, and the post-communist. The criteria of de-commodification, stratification and the role of state, market and family mix in the housing provision are at the centre of the approach when seeking to understand the differences in housing policy and welfare state types among countries (for detailed discussion on the housing regimes and welfare state models please see Aidukaitė and Ubarevičienė, 2022).

A more recent study (Hoekstra, 2013) indicates that welfare and housing systems are increasingly shaped by contemporary trends, including the global financial crisis, European Union regulations, and the emergence of a multi-level welfare state. The rise of the multi-level welfare state implies a shift in responsibility, with some welfare policies falling within the scope of regional and local governments, others under EU-level governance, and certain domains continuing to be strongly influenced by national states. Thus, nowadays we are witnessing a multi-level welfare state, which consists of national, the EU and regional/local initiatives, a pattern also evident in the housing sector. However, our preceding study (Aidukaitė and Ubarevičienė, 2022) emphasizes that, currently, the EU level's impact remains marginal compared to the influence exerted by national and local levels.

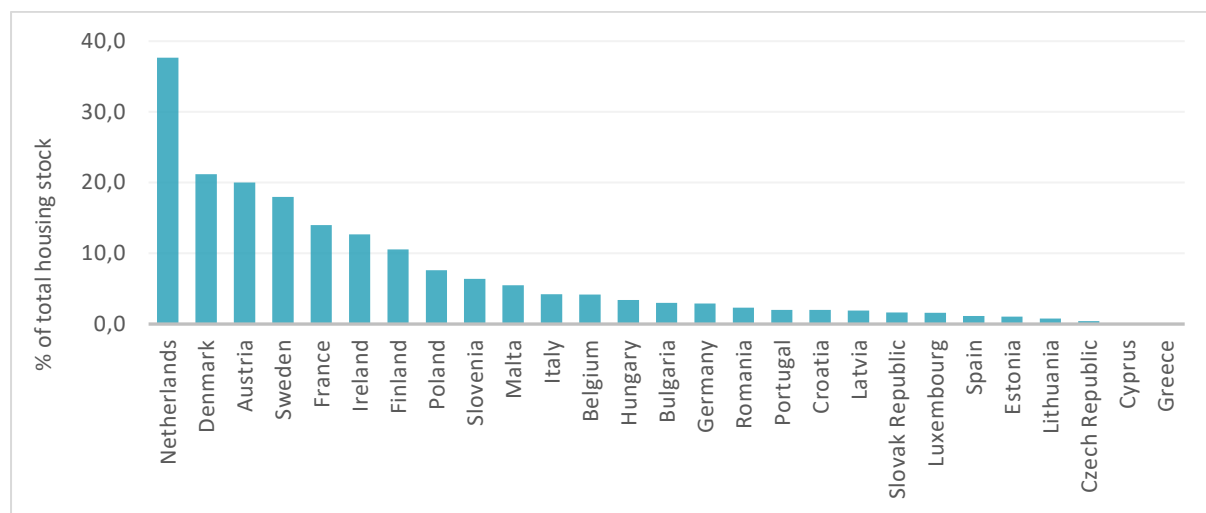
All European countries have housing policies that manifest through certain benefits or services provided by the state, dedicated to improving the housing conditions of those in need. In many countries, the government plays a crucial role in providing adequate and affordable housing, particularly for low-income households. Studies (Allen, 2006; Arbaci, 2007; Hoekstra, 2003, 2013; Soaita and Dewilde, 2019) show that countries which belong to social-democratic and conservative - corporatist welfare regimes have more developed housing policies and the government's impact on housing production, allocation and price determination is higher than in liberal, Mediterranean or post-communist regimes (for details see Aidukaitė and Ubarevičienė, 2022).

Two key indicators, namely government expenditure on housing-related policies (% of GDP) and the proportion of social rental housing stock (% of the total housing stock), can aid in assessing the government's efforts to secure housing rights in EU member states. The long-term trends suggest that, while the government expenditure on housing fluctuates from year to year in many countries, there is a general convergence among EU countries, with average expenditure declining over time: in 2000 the EU-27 total expenditure amounted to 1% of GDP and in 2021 – 0.6% of GDP (Eurostat, 2023). Previous studies (Aidukaite, 2014; Arbaci, 2007; Doherty, 2004; Clapham, 2006; Tsenkova and Polanska, 2014) have also observed a trend of gradual withdrawal by the state from the housing sector across many EU countries. However, as this process varies in scale and speed, and housing policies still differs remarkably between countries (Aidukaitė and Ubarevičienė, 2022; Dewilde, 2022; Doherty, 2004; Kettunen and Ruonavaara, 2021), the evidence of the state's withdrawal from the housing sector is not conclusive and, in some cases, may even indicate the opposite.

Social housing is a very important element of the housing policies aiming to ensure housing availability, affordability, and adequacy and, therefore, housing rights. The definition and perception of social housing varies greatly from country to country; thus, statistics need to be critically assessed. For example, in some countries social housing is targeted only to the most vulnerable groups, while in

others it is open to all (Granath Hansson and Lundgren, 2019). Based on the OECD statistics (see Figure 9.3), social housing accounts for the largest share in the Netherlands, Denmark, and Austria; its share is very small in Lithuania, Estonia, and Spain. There are also countries that do not have social housing at all or do not provide data on it. Nevertheless, the pattern is evident: countries following a social-democratic and/or conservative housing regime tend to have a higher share of social housing, whereas countries in the Mediterranean or post-communist housing regimes tend to have a lower share of social housing.

Figure 9.3. Social rental housing stock % of total housing stock, 2018



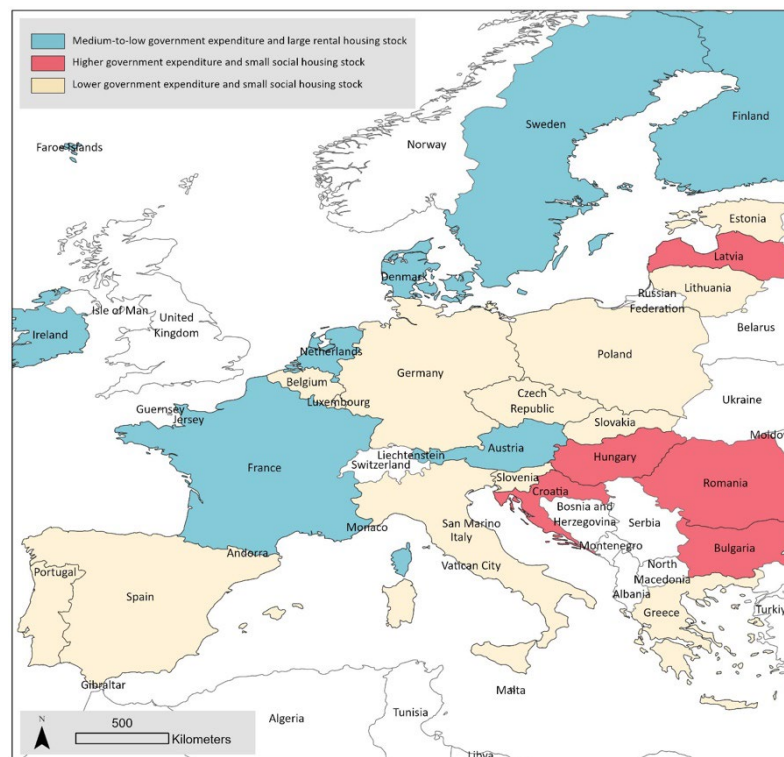
Source: OECD data.

On the other hand, social housing represents just one avenue to support vulnerable groups in securing housing. Often, countries with a lower prevalence of social housing employ additional measures to assist the less privileged. That being said, our analysis reveals that there is no direct correlation between the level of government expenditure on housing-related policies and the proportion of social rental housing stock. For example, in the Netherlands, social housing accounted for 37.7% of the total housing stock, but government expenditure accounted for only 0.5% of GDP in 2021. In contrast, in Croatia, social housing accounted for 2%, while the expenditure accounted for 2.4% in 2021. The lack of correlation between the variables can be explained by two reasons. Firstly, different types of social rental housing providers exist, with varying levels of state funding. Secondly, government expenditure includes financial support for homebuyers, such as subsidized mortgages and housing allowances, which may be prioritized in countries where social housing is scarce. As a result, countries with a higher share of social housing tend to spend less on support for homebuyers or housing allowances, while those with a lower share of social housing require bigger expenditures to increase the share of social housing or to ensure the right to housing by other means. However, one way to enhance housing rights and achieve improved housing availability, affordability, and adequacy, as suggested by the findings of the study (Aidukaitė and Ubarevičienė, 2022), is to expand the social/public rental housing sector. Social housing serves as an important indicator of housing decommodification and plays a significant role in enhancing housing affordability for low-income households.

The housing ownership structure, typically determined by a country's historical development (path-dependency), plays an important role in shaping the country's housing policy. Our findings show that countries with higher levels of home ownership tend to have relatively higher state expenditures on the housing sector, often in the form of mortgage subsidies, suggesting a policy emphasis on promoting home ownership. On the other hand, the higher the share of social housing in the country, the lower the need for home ownership. Countries, which belong to post-communist welfare state model (Lithuania, Romania, Bulgaria, Slovakia, Poland, Estonia, Hungary) and Mediterranean (Spain, Greece, Malta, Italy) have highest numbers of home owners.

Figure 9.4 shows the results of the cluster analysis grouping countries according to their governments' role in ensuring housing rights. The blue cluster includes countries with medium-to-low government expenditure and large rental housing stock, specifically countries belonging to the social-democratic (Sweden, Finland, Denmark) or/and conservative-corporatist (Netherlands, France, Austria) housing policy regime. The red cluster contains some CEE countries (Latvia, Hungary, Croatia, Bulgaria, Romania) with higher government spending but small social housing stock. The yellowish cluster consists of countries with both low government spending and a low amount of social housing stock. This cluster includes some countries with post-communist (Estonia, Lithuania, Poland, Slovakia) and Mediterranean (Spain, Italy, Greece, Portugal) housing policy regimes. Germany and Belgium fall into this cluster due to their small public/social housing sector, despite the fact that the large rental sector is provided by non-profit organizations and the private providers in these countries, especially Germany.

Figure 9.4. Countries according to the governments' role in ensuring housing rights, 2010–2021



Source: authors' elaboration based on Eurostat data, using cluster analysis method.

9.5 What role should the EU play in shaping housing policies?

We may conclude that there is a prevailing trend where countries are reducing spending on housing policies, and the sector's performance in ensuring housing availability, affordability, and adequacy is diminishing. This raises concerns about the effective implementation of housing rights and, more broadly, social rights. It prompts a reconsideration of budget allocations, the promotion of collaboration between public and private entities, exploration of innovative housing solutions, and contemplation on the potential role that the EU could play in shaping housing policies.

Our findings shed light on distinct challenges within the housing sectors of European countries, demonstrating diverse levels of government expenditure, and various approaches not only to social housing provision but also to ensuring housing rights. Not surprisingly, housing policies differ across the EU too, pointing to challenges in establishing a uniform housing policy that spans the entire European Union.

Our analysis features the limited tools available to the EU to support housing rights. However, issues related to housing are becoming increasingly relevant on the European policy agenda. As such, ensuring adequate and affordable housing should be an important component of the European social policy agenda, where the EU should take a leading role in developing a comprehensive strategy for securing housing rights at the EU-wide level. In terms of housing policy implementation, it is essential that specific solutions are tailored to national or local contexts. Factors such as housing markets, regulatory frameworks, and social norms vary widely across Europe, meaning that a one-size-fits-all approach is unlikely to be effective. By taking a localized approach, policymakers can better understand the unique challenges and opportunities presented by different regions and develop solutions that are appropriate and effective for each context.

9.6 Conclusion

The results of this chapter provide insight into the current state of housing rights in the European countries and inform how this state has changed in recent decades. The results show that, in general, housing policy decisions and outcomes have shifted towards greater convergence in the EU Member States over the past decades. However, the overall trajectory of changes is not very positive: government expenditure on housing-related policies is declining, and the sector's performance in ensuring housing availability, affordability and adequacy is not improving, and in some cases is even deteriorating. EU has a very few instruments to support housing rights. The right to housing is the responsibility of national states and is usually guaranteed at local/municipal level.

Although European countries are becoming increasingly similar in terms of various housing indicators, typical housing policy regimes remain. For example, countries with a larger rental sector (private and/or public) have better rates of availability, affordability, and adequacy. Thus, countries which belong to social democratic or conservative-corporatist welfare state and housing policy regimes are in a better position than the Central and Eastern European and Mediterranean countries. This suggests

that to increase housing rights and ensure better housing availability, affordability and adequacy, the public/social housing sector should be expanded.

Our results highlight the varied challenges countries face: some must prioritize accessibility, while others contend with affordability or adequacy concerns. Thus, adopting a “one-size-fits-all” strategy is inadequate for securing housing rights across European Union countries. Effectiveness lies in a comprehensive set of measures aligned with each country’s distinct context. Traditional housing support policies have primarily targeted low-income individuals, young people, families with children, and the elderly. However, addressing housing challenges demands more nuanced solutions that integrate aspects such as employment, education, inequality, segregation, inclusion, migration, and beyond.

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10. Empowerment through social investment: The case for investing in early childhood education and care

Cinzia Alcidi

10.1 Introduction

Social investment involves the implementation of policies designed to prepare and support individuals in navigating emerging risks within rapidly evolving economies and societies, with the overarching goal of fostering a mutually beneficial relationship between economic progress and social policy (Esping-Andersen et al., 2002; Hemerijck et al., 2016).

The emphasis on enhancing individuals' capacities for active participation in the labour market and societal inclusion aligns the social investment approach with the principles of empowerment. In this context, empowerment denotes the process of taking control over one's life, achieving democratic participation, and fostering a critical understanding of the societal context to which an individual belongs (Perkins and Zimmerman, 1995; Rappaport, 1984). However, empowerment is not merely a process; it represents the outcome of this process, contingent upon access to essential resources and services (Perkins, 2010). Consequently, empowerment is intricately linked to the concept of social rights, conceived as "a bundle of distinctive and guaranteed power resources" (Vandenbroucke et al., 2020: 2). Specifically, empowerment is associated with citizens' entitlement "to share in the full social heritage" (Marshall, 1950: 149)

Although the idea of social investment – as opposed to social protection – being a driving force of the welfare system has sometimes been questioned (see for instance Bonoli et al., 2017; Cantillon, 2011; Nolan, 2013; Saraceno, 2015), both academics and policymakers universally recognise its significance in addressing labour market and broader societal challenges. Consensus revolves around the crucial role of social investment in fostering access to upskilling and reskilling opportunities to contain unemployment⁴⁶, foster work-life balance, reconciliation of work and family life for women to fight gender inequality⁴⁷, quality care, and early education for all children to provide equal opportunities for later in life (Frazer et al., 2020). All these examples of social investments have also found support at the EU level, through the development of a variety of policy initiatives.

⁴⁶ [Communication on a European Skills Agenda for sustainable competitiveness, social fairness and resilience.](#)

⁴⁷ [Directive \(EU\) 2019/1158 on work-life balance for parents and carers.](#)

The social investment approach finds manifestation in various principles of the European Pillar of Social Rights (EPSR)⁴⁸, ratified by the EU in 2017. The initial chapter, titled "Equal opportunities and access to the labour market," strongly emphasises capacitation and the creation of opportunities throughout the lifespan. Access to lifelong education and training, along with support for labour market participation, align with the foundational tenets of the social investment approach, often referred to as active social policy (Bonoli, 2013). This chapter elaborates on principles that underscore the rights of women and youth, designating them as explicit focal points in the progression of social policy and the welfare state towards a social investment approach. The consistent theme of investing in individuals, and cultivating conditions for them to actualize and safeguard their potential, resonates across various chapters. References to work-life balance, healthcare, and support for children and the elderly align seamlessly with the social investment approach's emphasis on the generation, mobilization, and safeguarding of human capital throughout the entire lifespan.

Even before the adoption of the EPSR, the EU had embraced the social investment approach through the Lisbon Agenda. The investment in human capital and its mobilization through labour market participation and social inclusion was deemed instrumental in building the EU's knowledge economy, achieving sustainable growth, and promoting social cohesion (European Council, 2000).

In retrospect, it is evident that since the 2000s, the EU has been actively promoting a progressive recalibration of European welfare states toward a greater emphasis on social investment policies. Components related to family services, work-family reconciliation, active labour market policies, education, training, lifelong learning, and active ageing have increasingly permeated the EU's social agenda. The European Commission assumed a leading role in steering the EU's shift towards social investment, particularly in the aftermath of the Great Recession. This transition commenced with the introduction of the Social Investment Package (SIP) in 2013 and was then reinforced by the adoption of the European Pillar of Social Rights in 2017.

The transformation toward a social investment approach was characterised not only by shifts in EU strategies but also by changes in the governance mechanisms through which the EU pursued its strategy. Whereas the European Employment Strategy and the Lisbon Strategy were initiated within the framework of the open method of coordination, the SIP and the EPSR witnessed a revitalisation of the community method and the ordinary legislative procedure (Corti, 2022).

Against this background, our question revolves around the tangible impact of the evolving EU approach to social investment on the social rights of European citizens and, consequently, their empowerment. In addressing this inquiry, we first scrutinise social investment as a broad set of policies and then focus on investment in Early Childhood Education and Care (ECEC), employing the resource-based and multi-level conception of social rights articulated by Vandenbroucke et al. (2021) and Ferrara et al. (2023). Following this framework, we understand social investment-related rights as a collection of distinct and guaranteed individual power resources categorized into three types: normative, enforcement, and instrumental. Additionally, we delineate between policy inputs, monetary outputs, and social outcomes.

⁴⁸ [European Pillar of Social Rights](#).

10.2 Power Resources for Social Investment⁴⁹

As emphasised by Aranguiz (2022), the EU contends with a highly fragmented regulatory policy framework, creating challenges in systematically delineating power resources, particularly instrumental resources.

To provide a structured overview of the historical evolution of the EU social investment agenda and its impact on power resources, Alcidi and Corti (2022) have developed two ad hoc databases of policy measures. These databases focus on 11 key social policy areas relevant to social investment: employment protection legislation, labour mobility, social dialogue, organization of work and working conditions, health and safety in the workplace, non-discrimination, work-life balance, education (primary, secondary, tertiary), childcare, active labour market policies, and social protection.

The first database systematically collects information on legal and soft normative power resources, including the social directives, regulations, decisions, recommendations, and opinions adopted by the EU. In total, 110 measures could be classified between 1999 and 2021, of which 17 regulations, 57 directives, 2 decisions, 31 recommendations, and 3 opinions. The second database collects enforcement power resources and it includes all European Court of Justice judgments from 1999 to 2021.

From this comprehensive reconstruction of the EU social agenda over the past 20 years, it emerges that, despite the EU's pivotal role as a proponent of social investment, resources allocated for European citizens remain notably limited. Currently, citizens lack legal entitlement to specific social investment rights, except for parental and care leaves related to work-life balance. Enforcement mechanisms primarily address issues related to paid leave, and instrumental resources to facilitate access to social investment services are predominantly geared toward mobile EU citizens. The main reason for this is the limited direct competencies that the EU has in these policy areas, which pertain to national governments.

In contrast, the EU has established a comprehensive and cohesive framework for social investment principles, particularly following the establishment of the European Pillar of Social Rights. This pillar serves as a normative framework, outlining individual entitlements to various social investment provisions. Additionally, the EU provides an extensive set of soft recommendations that, if implemented at the national level, have the potential to empower citizens. The Youth Guarantee represents a successful example of how the EU can affect significantly citizens' social entitlements with soft recommendations. Further reinforcing this approach, the Council's recommendation on a European Child Guarantee, along with the proposal for a Council Recommendation on Individual

⁴⁹ This section is based on Alcidi, C. and Corti, F. (2022), *EU social investment agenda: what does it mean for citizens' social rights?*, EuSocialCit Working Paper, April, <https://zenodo.org/record/6414789#.Y85ZoHbMKUI>

Learning Accounts – both financially supported by the EU budget, as the Youth Guarantee – exemplify the EU's strategic efforts to indirectly influence European citizens' social investment rights.

10.3 Power resources and social investment strategies in EU member states⁵⁰

The importance of social investment as a tool to anticipate social risks has gained renewed attention in the post-COVID-19 recovery, as individual and social resilience emerged as critical to face the crisis (Hemerijck and Huguenot-Noël, 2020).⁵¹ Yet the reality is that while social investment is conceptually and politically appealing, it remains somewhat abstract and is still considered an emerging approach to social policy. In practice, it is difficult to identify well-defined social investment models or approaches to social investment that can be linked to pre-existing welfare state regimes.

As emphasised by Hemerijck (2013), there is little doubt that the EU and its member states made a turn towards social investment, but this happened without a defined structural approach and member states just followed different orientations. As stressed by Kuitto (2016), the trajectories in the evolution of social investment spending depend to some extent on the welfare regime in place in the country but this does not mean that one welfare state model defines one social investment strategy or even the degree of its orientation towards social investment. Cross-country differences in social investment appear both in terms of the pace of reforms and the direction of these reforms (Vandenbroucke and Vleminckx, 2011).

Against this background and drawing on the framework of EUSOCIALCIT, Baiocco et al. (2021) attempt to empirically identify social investment strategies adopted by the EU 27 member states and their evolution over the period 2004-2018. The starting point is that a key component of social rights is the so-called *normative resources*, i.e. legislative (or collectively bargained) provisions, which specify who holds the right, the content of the right, and the administrative framework for the provision of benefits. In the case of social investment, however, for right-holders to benefit from their social rights, the legal entitlement is not enough. Social investment rights need to be 'constructed' through an administrative and practical process that assembles budgetary funds, physical infrastructures, and

⁵⁰ This section is based on Baiocco, S., Alcidi, C., Corti, F. and Di Salvo, M. (2021), Changing Social Investment Strategies in the EU, JRC Working Paper

⁵¹ For example, paid parental leave and child allowances (i.e. in-cash benefits), as well as childcare facilities (i.e. in-kind) respond to the new social risks of work-family reconciliation and invest in children's human capital. At the same time, the authors point out that social investment policies to address new social risks are not necessarily implemented altogether, but could, for example, focus on social risks for children and families (i.e. parental leave or childcare services) rather than for youth or job seekers (i.e. activation support).

staff. As an example, when it comes to rights related to access to childcare, a legal individual entitlement to the right to childcare from a certain age is necessary but not enough to enjoy it. Policy outputs, i.e. the actual expenditure, quality and coverage in kindergartens or employment policies are needed to ensure that citizens can exert their rights. Hence, both normative resources and policy outputs, which define social outcomes related to the level of education and skills of the population in a country, its employment rate, income and, ultimately, poverty and inequalities in the society, should be considered to identify social investment strategies.

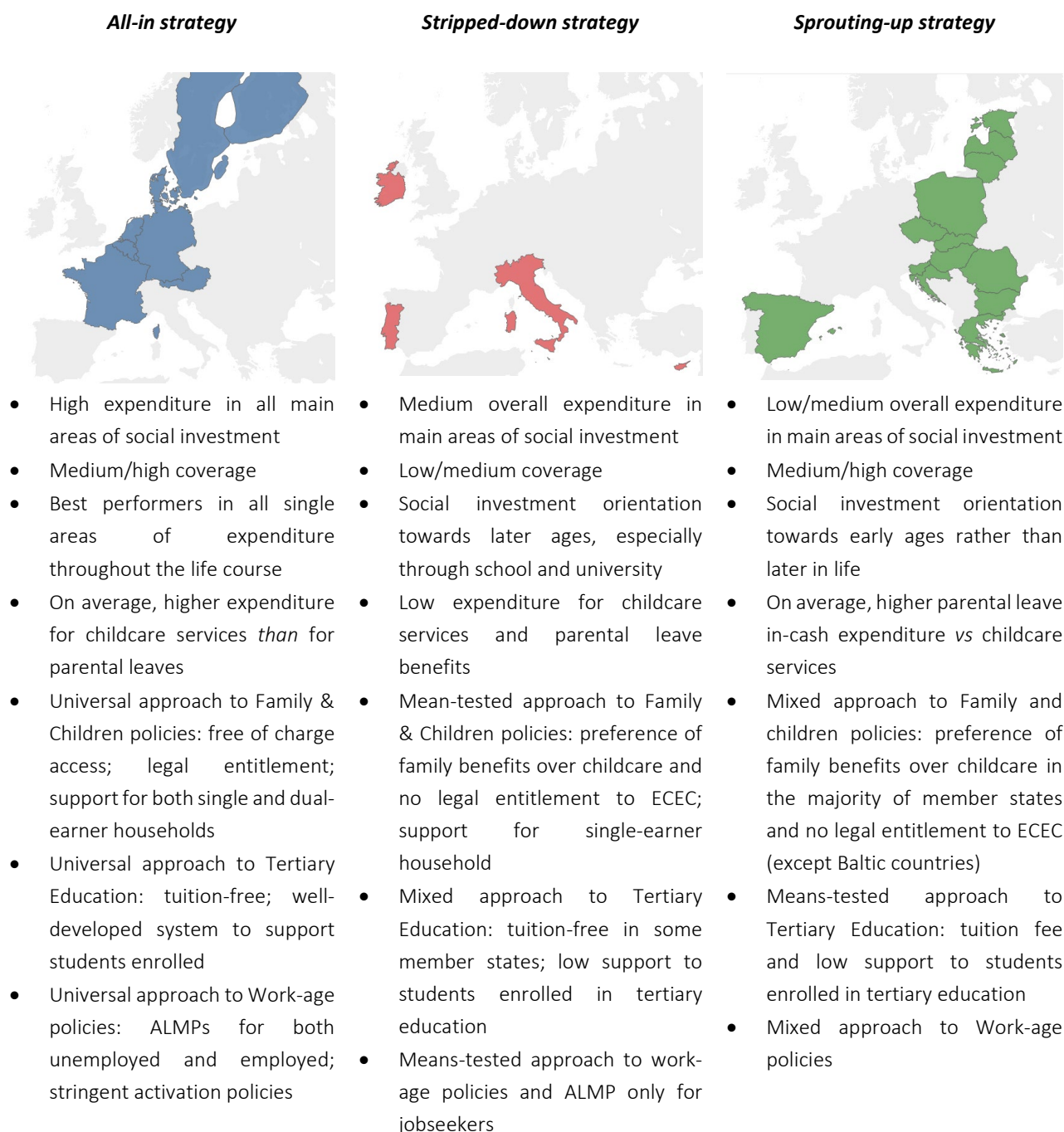
Expanding on these considerations, Baiocco et al. initially delve into policy output measures, specifically examining expenditure and coverage indicators in three key policy areas: family and children, education, and work-age. These indicators serve as defining social investment strategies. The selected timeframe enables an exploration of social investment strategies both preceding, during and following the sovereign debt crisis started in 2009. The crisis marks a significant demarcation point for public finances and concurrently triggers a renewed focus on the shock-resilience of socio-economic systems, as highlighted by Hemerijck in 2013. Furthermore, for the most recent period considered (i.e. 2014-2018), the paper enriches the characterisation of social investment strategies using key policy variables and institutional design features, which provide a descriptive framework for the normative resources in place to safeguard social rights within the policy domains central to social investment. Overall, the authors draw five main messages.

First, social investment strategies as measured by policy outputs have differentiated in a progressively complex way. While in the first period, the strategies differed mostly in terms of overall expenditure in social investment areas, additional features have come to characterise the social investment strategies during and, more markedly, after the crisis. This may suggest that the attention placed on social investment over the last decade is leading countries to reorient their welfare policies. And this is happening in a more complex fashion than simply shifting expenditure towards social investment areas *tout-court*. This is consistent with the emergence of varieties of social investment strategies and confirms the importance of understanding their specificity and their outcomes.

Second, focusing on the period after the crisis, three types of social investment strategies emerge (Figure 10.1). Social investment orientations adopted by countries with a Nordic and Continental welfare state regime appear characterised by a holistic and inclusive approach to social investment (the authors call it “All-in”). This strategy consists of investing in all policy areas of social investment targeting a broad range of ‘new’ social risks, both for early and old ages, guaranteeing high coverage and focussing on service provisions for childcare. A second social investment strategy features several Southern European countries and Ireland, which have been hardly hit by the financial crisis. This strategy, which is labelled “Stripped-down” consists of medium levels of overall expenditure in social investment and quite low coverage. Social investment appears focussed on traditional areas of public expenditure, such as education, whereas investment for early ages and the work-age stage is rather low. Finally, the social investment orientations adopted by Central Eastern European countries, together with Spain and Greece, appear characterised by limited overall expenditure in social investment areas, but higher coverage and relabelled ‘sprouting up’. Moreover, through high in-cash

expenditure for parental leaves, this strategy is featured by a life course orientation towards early ages addressing specific ‘new’ social risks.⁵²

Figure 10.1. INVESTMENT STRATEGIES AFTER THE CRISIS (2014-2018)



Source: Alcidi et al. (2022).

⁵² It should be noted that the approach does not necessarily favour female market participation, as in some countries the approach entails incentives for women to take long maternity leaves.

Third, the analysis points to a convergence of Nordic and continental welfare states towards a similar, well-developed strategy of social investment considering the entire life course and focussed on service provision for early ages, despite some internal variation. Countries with Southern welfare regimes, on the contrary, diverge in their strategies. The group, together with Ireland, which traditionally followed a liberal welfare regime, exhibits limited developments in terms of social investment and a strategy based mainly on education. The other Southern countries show similarities with Central Eastern European countries in a strategy that, even if diversified, is featured by limited overall expenditure in social investment and a marked orientation towards early ages, through expenditure in parental leaves. This seems to point to an evolution in the welfare regimes, beyond social investment.

Fourth, significant internal variation exists within each of the three identified strategies. Throughout the analysis, outliers and sub-groups of countries have been recognised, based both on quantitative and qualitative matrices. On the one hand, this indicates that fully-fledged homogenous strategies have not yet emerged in well-defined groups of countries in the EU27. On the other hand, it leaves room to further develop the empirical investigation of EU social investment strategies.

Finally, a fifth point relates to the institutional design features and hence normative resources associated with the three social investment strategies. Although countries adopting an “All-in” social investment strategy emerge as front runners in the policy design, there is high heterogeneity in the institutional design features in several social investment policy areas. This aspect is even more pronounced in other strategies. Moreover, while often there is a correspondence between institutional design features in social investment policies and policy outputs, such as expenditure and coverage, this is not always the case. This translates into a certain degree of heterogeneity of normative resources that constitute social rights related to family and childcare, education and training, and employment, across the EU and even within groups of countries that display similar patterns of policy outputs. In other words, different policy designs, especially in terms of normative resources can lead to similar policy outputs, and *vice versa*.

10.4 Social investment outcomes in the life course⁵³

Starting from the assumption that one of the goals of social investment policies is to empower citizens to deal with the risks of vulnerability that emerge at different life stages, Chłoń-Domińczak et al. (2021) combine three perspectives: social investment, a life course and vulnerability, to contribute to the ongoing debate on social investment returns and their measurement.

Following the power resources framework developed by Vandebroucke et al. (2021) and refined in Ferrara et al. (2023) using the findings of Baiocco et al. (2021) about social investment strategies across

⁵³ This section is based on Chłoń-Domińczak, A., Kotowska, I. E., Magda, I., Smyk-Szymańska, M., Strzelecki, P., Bolesta, K. (2021), EuSocialCit Working Paper, March 2022. Doi: 10.5281/zenodo.6358545.

EU member states, they investigate whether different social investment strategies produce different outcomes. Their focus is on the role of social investments in reducing vulnerabilities over the life course, considering the observed outcomes in the areas of education, employment, labour income as well as public consumption and net public transfers. Accordingly, social investment outcomes are related to strengthening human capital and facilitating labour market transitions. Moreover, the authors consider gender aspects, as they matter for life opportunities and risks.

Two main research questions guide the empirical investigation: i) Do different social investment strategies relate to different outcomes defined in terms of generational economy? ii) How do different social investment strategies and access to formal and informal childcare relate to the gender gaps in the labour markets?

The empirical results show that the three types of social investment strategies identified by Baicco et al. (2021) are associated with different outcomes by gender, depicted in differently structured life trajectories. In countries with developed social investment policies (all-in strategy), both women and men show higher labour market attachment, higher lifetime earnings and longer working careers. The gender gap is the smallest in total consumption, as well as public education consumption. In the other two groups of countries (characterised by stripped-down strategy and sprouting-up), where social investment policies are less developed, the age profiles of wages indicate more vulnerability on the labour market, particularly in old age, and a lower lifetime income. More reliance on welfare policies is noticed there. Gender gaps in public education consumption are also larger. In the countries with the sprouting-up strategy (mainly the new Member States) the relative public education consumption is smaller, compared to the other two groups of countries. Gender gaps in relation to labour income are smaller in the third group, but mainly due to earlier labour market withdrawal of men from employment.

Empirical evidence also supports the impact of social investment strategies in reducing gender gaps in the labour market. Specifically, improvements in the provision and utilization of early childcare and education contribute not only to early investment in human capital but also to the reduction of gender gaps in the labour market. However, it is essential to note that various childcare indicators exhibit different effects on employment and pay gender gaps. This underscores the complexity of the associations between specific indicators of social investment in childcare and gender gaps in the labour market. To gain deeper insights into these dynamics, it is necessary to explore the intricacies of labour market structures and economic activity patterns over the life course. Additionally, a comprehensive understanding of formal and informal childcare arrangements is crucial. Informal care arrangements, which are influenced by social perceptions about childcare obligations, necessitate consideration of the cultural context in order to provide a more nuanced analysis.

The rest of this chapter focuses on ECEC.

10.5 Zooming on early child education and care

One important finding of Baiocco et al. (2021) is that the approach to policies for early life stages, namely child and family policies, tends to define social investment strategies and hence cross-country differences.

This finding aligns with a substantial body of social investment literature, which has extensively examined policies related to early child education and care, and the concept of a work-family life course as the cornerstone of the social investment paradigm (Kuitto, 2016). This concept advocates for state intervention across the life course to disrupt the cycle of disadvantage and facilitate smooth life transitions, particularly by enabling women's active participation in the economy. Furthermore, abundant scholarly work supports the idea that early childhood education and care yield significant benefits for children, families, and society at large.

Against this background, Westhoff et al. (2022) investigate in three selected countries how the institutional setting can affect the quality and accessibility of the ECEC services, which in turn will affect the future capabilities of children. In addition, Alcidi and DI Salvo (2023) empirically study the factors determining ECEC attendance, focussing on the role of power resources.

10.5.1 National institutional settings and power resources⁵⁴

Investing in children is widely recognised as a pathway to long-term benefits, enhancing their human capital, improving learning outcomes, and positively influencing their social and labour market prospects (Van Lancker and Ghysels, 2016). The initial three years of a child's life represent a critical phase during which the potential for acquiring fundamental skills is maximized (Cavioni and Zanetti, 2015). The quality of care and education during this period holds significant preventive implications for later life, facilitating the optimal structuring of a child's neuro-psychological system in cognitive, socio-emotional, and relational terms.

Furthermore, a substantial body of literature has presented empirical evidence showcasing how expanding the availability of public places in ECEC services positively influences mothers' participation in the labour market (Morrissey, 2017). Notably, this impact tends to be more pronounced for mothers with lower levels of education, yielding positive externalities in terms of social integration and poverty reduction (Alleanza per l'Infanzia, 2020). Other studies emphasise the broader societal benefits of early childhood investment, demonstrating that enrolment in childcare and pre-primary school correlates with positive outcomes in terms of occupation and salaries. Additionally, non-cognitive skills acquired during early childhood are financially rewarded in the labour market (e.g. Bennett, 2008).

⁵⁴ This chapter is based on Westhoff, L, Corti, F., Grabowska, I., Alcidi, C. and Chłoń-Domińczak, A. (2022), *Empowering children: childcare services in a rights-based comparative perspective*, EuSocialCit Working Paper, July, https://zenodo.org/record/6822674#.Y6A_THbMKUK.

While numerous studies have explored the impact of childcare attendance on children's educational attainment, female employment, and societal outcomes, there is still a gap in the literature about how different institutional settings can impact the potential for children to enhance their future capabilities by attending childcare.

To address this gap, Westhoff et al. (2023) undertake a comprehensive examination of the institutional features inherent in Early Childhood Education and Care (ECEC) policies in the three countries. Their approach is grounded in insights derived from traditional defamilialisation (Leitner, 2003; Saraceno, 2016; Korpi, 2000) and degenderisation (Saxonberg, 2013; Kurowska, 2018) perspectives on child and family policies. Departing from the conventional viewpoint that primarily focused on childcare policies from a family or female standpoint, their emphasis lies in evaluating whether these policies establish accessible, available, adequate, and high-quality systems. In essence, their inquiry revolves around understanding whether institutional design factors do not simply result in ECEC services but create conditions conducive to accessing such services, which are of high quality. This nuanced perspective aims to capture the multifaceted aspects of ECEC policies, delving into the critical dimensions of availability, accessibility and quality.

The paper conducts an in-depth analysis of ECEC policy design's features in Italy, Germany, and Poland, utilising the capability approach and *the* power resources analytical framework. Table 10.1 provides an overview of the pertinent indicators in the three countries, revealing similarities and differences in the policy design.

The analysis of normative power resources begins with an examination of the legal entitlement to childcare, with Germany being the sole country among the three under consideration to establish such an entitlement for children under the age of three. The introduction of this legal entitlement, coupled with the subsequent expansion of childcare places to ensure its fulfilment, has notably enhanced children's access to childcare in Germany. This positive impact is evident in the significant upward trend in the uptake of childcare places over the past decade.

By contrast, in Italy and Poland, where no legal entitlement to a childcare place exists for kids under three, there may be limited incentives for public administrations to invest in childcare expansion and families may encounter restricted opportunities to claim childcare places.

However, having a legal entitlement alone is neither a necessary nor a sufficient condition to guarantee access for all children. In Germany, regional variations in funding structures lead to high fees in some areas, potentially limiting access despite the guaranteed entitlement. Conversely, in Italy and Poland, deliberate efforts have been made to alleviate the cost burden on families through universal subsidies. In Poland, a noteworthy increase in childcare uptake has been observed, albeit starting from low levels. In Italy, while uptake levels are somewhat erratic, they are not significantly lower than in Germany. This underscores the importance of combining legal entitlement with additional resources to effectively reduce the cost of childcare and ensure widespread access.

Table 10.1. SUMMARY OF CHILDCARE POWER RESOURCES IN ITALY, GERMANY AND POLAND

Type of resource	Dimension	Italy	Germany	Poland
<i>Normative resources</i>	Existence of legal entitlement to childcare	No	Yes	Yes
	Scope of legal entitlement to childcare	Not applicable	Universal from age 1	Universal from age 3
	Funding mechanisms	Public funding with parental fee contributions	Public funding with parental fee contributions	Public funding with parental fee contributions
	Support policies	Tax deduction and child bonuses (applied universally)	Subsidies depending on Bundesland	Allowances
	Funding provisions for disadvantaged groups	None	Staggered fees for disadvantaged groups	None
	Main providers of childcare	Public and private for profit	Public and private not-for profit	Public and private for profit
	Regulation on structural quality provision	Regulation on child-staff ratio/group sizes at regional level Regulation on hours of provision at regional level Regulation on staff qualification at national level	Regulation on child-staff ratio/group sizes at regional level Regulation on hours of provision at regional level Regulation on staff qualification at national level	Regulation on child-staff ratio/group sizes at national level Regulation on staff qualification at national level
Extent of regional variation in provision	High	High	Low	
<i>Instrumental resources</i>	Existence of resources for improved access to childcare	Some municipal provision	Some municipal provision	Some municipal provision
	Existence of specific initiatives to reach out to groups with lower access to childcare	Some local initiatives	Some national initiatives and regional provision	Local services and private initiatives
<i>Enforcement resources</i>	Existing judicial procedures for claiming childcare	No	Yes	No

Source: Westhoff et al. (2022).

A consistent finding across the three countries is that funding structures do not impact access to ECEC uniformly. Firstly, the presence of measures aimed at cost reduction and funding support holds particular significance for children from socioeconomically disadvantaged families. Lower accessibility to childcare persists for children from these backgrounds across all examined countries. The development of targeted measures, including financial support, for vulnerable groups is a crucial avenue for consideration.

Secondly, notable sub-national disparities in funding support for childcare contribute to variations in both access and quality of services. As childcare service funding often hinges on support from local

municipalities, the quality of childcare provision can be strongly influenced by a child's place of residence. Implementing stronger national-level financial support measures to reduce unequal funding for childcare across regions could be a pivotal policy intervention. While some steps have been taken in this direction in the examined countries, there is potential for further acceleration. Specifically, policies should explicitly aim to direct funding for childcare services towards regions with comparatively lower financial resources.

Beyond funding structures, the composition of childcare providers also plays a significant role. While having a variety of childcare providers increases the offer and options available to parents, it may be linked to inequality in access and the quality of childcare services. In Italy and Poland, where private provision plays a substantial role, ECEC services tend to be associated with higher costs for parents, which leads to unequal accessibility.

Beyond structural factors affecting access to childcare, quality is a significant issue. This depends on the qualifications of the staff and their workload. In Italy and Germany, regulation on staff-child ratios and hours of provision for childcare services falls under regional jurisdiction, whereas only Poland has national-level regulation on staff-child ratios. The absence of national standards on care quality is likely to perpetuate pre-existing regional inequalities. Hence, while local-level management and administration align with service delivery, addressing regional disparities in access and quality requires central (national/federal) intervention.

By contrast, all three countries have national-level regulations on staff qualifications in ECEC services, although the specific qualifications required differ across countries. Overall, high-quality training and education for ECEC staff emerged as a challenge to deliver high-quality service provision. In practice, shortages and challenges in recruiting and retraining ECEC staff, especially highly qualified individuals, are major concerns for the future in all three countries. Measures to improve working conditions and pay within the ECEC sector are crucial actions to mitigate these challenges.

In addition to normative resources and hence formal entitlements, the paper examines the role of instrumental resources. It looks into institutional and non-institutional channels to aid families in accessing childcare and reduce informational barriers to take-up. In all three countries examined, these resources tend to be underdeveloped and, if anything, are available at the local level. Yet instrumental resources may greatly help in increasing access to childcare services, particularly for children from particular backgrounds, such as families who do not speak the native language in the country of residence. Experience does suggest that specific programmes aiming to ease their access to education and care services can significantly increase take-up. This illustrates the role that instrumental resources could play in improving access to ECEC, particularly for disadvantaged groups.

Finally, the paper delves into the role of enforcement resources, referring to the legal channels through which individuals can assert their entitlement to childcare. In Germany, the sole country where children under the age of three have a right to childcare, such channels are in place. While in practice enforcement resources may seem to have low practical relevance, as only a few families with sufficient resources resorted to legal channels to claim their childcare place, their existence may exert

an indirect influence. The potential threat of legal action can compel administrations to invest in developing facilities to fulfil their legal obligations. In this way, enforcement resources offer families a potentially strong, indirect leverage in asserting their entitlement to a childcare place.

In summary, Westhoff et al. (2022) have brought to light the variation in the institutional design of three childcare regimes traditionally categorized under familialism. Three key observations emerge. Firstly, despite varying levels of budgetary commitment to childcare policies, all three countries fall short of meeting the Barcelona targets for the enrolment of children under the age of three. Secondly, although there are substantial differences in the availability of normative, instrumental, and enforcement resources, country performance does not show significant variations. Germany, despite standing out in normative and enforcement resources, has ECEC enrolment rates in line with those of Poland and Italy. Thirdly, the institutional design of ECEC policies, alongside the existence of rights, plays a crucial role in explaining both ECEC enrolment rates and the quality of the services offered. Ultimately, both aspects are pivotal if the goal of ECEC policy is not only to support female labour market participation and work-life balance but also to foster the future capabilities of children.

10.5.2 ECEC participation as a policy outcome⁵⁵

In 2022, twenty years after the first definition of the Barcelona targets, the European Commission proposed its revision to further incentivise the development of ECEC services, particularly concerning their affordability, accessibility, and quality. This is fully consistent with the ideas exposed above that ECEC attendance can play a key role in supporting mothers' return to work and the pursuit of a better work-life balance but also fostering children's development and long-term learning outcomes. Furthermore, participation in ECEC is found to be important in supporting the development of children from disadvantaged socio-economic groups and reducing inequality in the long term.

Against these policy developments, drawing on insights from the familialism literature and using the power resource framework of Vandembroucke et al. (2021) and Ferrara et al. (2023), Alcidi and Di Salvo (2023) empirically estimate the factors affecting ECEC attendance. Their main interest is to disentangle how the provision of rights to children and parents, as well as public expenditure, can affect participation in ECEC while controlling for socio-economic conditions.

The analytical approach integrates a micro-level data analysis in the macro approach to identify the participation rates of children from households at risk of poverty or social exclusion (ARPE), examining the impact of country-level social policies. The main interest of the paper is to test how ECEC participation can be affected by policy inputs such as the existence of ECEC-related social rights, namely children's entitlement to childcare and parents' entitlement to leave, and by policy outputs, namely public expenditure on childcare. Furthermore, the empirical strategy controls for socio-

⁵⁵ This section is based on Alcidi, C. and M. Di Salvo (2023), Understanding participation in early childhood education and care: rights, policies and socio-economic conditions, EuSocialCit Working Paper, April 2023. Doi: 10.5281/zenodo.7797963

economic characteristics to capture the importance of ECEC attendance for long-term social outcomes. Lastly, the analysis distinguishes between two age groups – infants from birth to two years and preschoolers aged three to five years. This allows us to account for potential differences arising from changes in household dynamics, influenced by the physical development of the child, but also variations in the provision of services linked to children’s entitlements and parents’ rights, specifically regarding the length of different types of leave.

The overall findings reveal a significant negative correlation between ECEC participation and socio-economic status, as expressed by AROPE status. This aligns with previous research. Regarding parents’ characteristics, the relationship with employment status appears to differ based on the age group tested. Flexible work arrangements (part-time) are associated with higher attendance rates in the very early stages of a child’s life, suggesting that they may offer parents greater flexibility to balance work and caregiving duties. The educational attainment of parents seems relevant primarily for fathers, where a lower level of education is linked to lower ECEC participation.

The role of policy inputs, defined as parental leave in a broad sense (maternity, paternity and parental), in affecting ECEC attendance is rather complex.

While both parental and paternity leave seem to have a positive effect on participation in ECEC for children up to two years old, evidence that the length of maternity leave affects ECEC participation is very weak. The reason for this is that in the majority of EU countries, maternity leave is statutory and concentrated (and often limited) to the very first months after childbirth and the last week(s) of pregnancy, when formal childcare often does not exist at all. When considering three- to five-year-olds, on the other hand, maternity leave appears to be negatively correlated with participation in ECEC. This finding seems to be in line with evidence from the literature that prolonged leave can delay mothers’ return to work and even encourage their withdrawal from the labour market by favouring home-based care, especially in low-income households. Consistent with this explanation, parental leave is also found to be negatively correlated with ECEC participation rates of children aged three to five, whereas it is positive for children from birth to two years old. However, paternity leave is positively linked to participation in ECEC for the age group three to five years, potentially due to its role in providing flexibility to families in redistributing care responsibilities between the two earners in the household.

When it comes to social rights given directly to children, the entitlement given to infants below the age of two is found to positively affect ECEC participation. Lastly, social investment in ECEC proxied by expenditure on childcare reports a positive coefficient as expected, but the results are not very robust. This might indicate that other types of support under family policies can help parents balance their commitments and support children’s participation in ECEC.

One aspect, beyond ECEC attendance, that is not investigated in this paper is the quality of the ECEC services and how they intersect with the socio-economic conditions of children. While undertaking such an analysis poses major research design challenges, it represents an important contribution to academic literature and the policy debate. Notwithstanding these limitations, the findings above lead to two sets of policy considerations.

First, as government expenditure on childcare does not appear to be the key metric that affects ECEC attendance, policymakers should also focus on other aspects. Granting entitlement to ECEC at an early age seems to matter for attendance. On this front, EU Member States have been following different approaches, and many countries have room for improvement. Leave policies and access to ECEC are linked and are key for working parents (especially mothers), but it is difficult to disentangle how they interact. The design of leave policies is complex and contains many variable factors, e.g. maternity, paternity and parental, statutory, voluntary, different durations, paid and non-paid. It is impossible to establish simple causality links between the different types of leave (in general) and ECEC participation. Yet, two points seem to emerge. The duration of maternity leave (which remains the key leave from the point of view of labour market outcomes) seems to affect ECEC attendance in a non-linear way: an overly long maternity leave can result in negative outcomes for mothers (who may exit the labour market) and children (through no ECEC attendance). By contrast, flexible paternity and parental (for both parents) leave over an extended period (beyond two years of age) can favour ECEC attendance. Both aspects should be taken into consideration in the design of distinct types of leave.

Second, the findings of this paper raise the fundamental question of whether, to increase ECEC attendance, policymakers should only focus on early childcare. While the answer to this question requires further research, it seems clear that ECEC policies alone are unlikely to overcome the factors, like the AROPE status, that are associated with low attendance. Moving families out of AROPE status requires policies against poverty but also labour market policies, as parental employment status typically affects the likelihood of the AROPE status of a household.

10.5.3 The EU's growing role in shaping ECEC policies ⁵⁶

The analysis in the preceding sections indicates that the EU's involvement in ECEC policies is primarily confined to establishing broad priorities and benchmarks, such as the Barcelona targets. However, in practice, the design and implementation of ECEC policies are within the purview of the national and sub-national levels.

As documented in Alcidi and Corti (2022) despite the broad, coherent, and rich framework for social investment principles offered by the EU, resources allocated to citizens remain quite limited, largely due to the limited or lack of competence of the EU on these matters. Citizens are not legally entitled to any specific social investment right, except for parental and care leave related to work-life balance. Enforcement channels are also only limited to issues related to paid leave. Instrumental resources to facilitate access to social investment services are mostly limited to mobile EU citizens.

⁵⁶ This section is based on Corti, F. and Ruiz, T. (2023), The Recovery and Resilience Facility as marble cake to strengthen European social citizenship? The case of childcare policies, EuSocialCit Working Paper, March 2023. Doi: 10.5281/zenodo.7705402

Corti and Ruiz (2023) go beyond this idea pointing to the fact that the EU's role in the production of social rights is not limited to the provision of individual power resources but also includes the coproduction of policy outputs. Without the mobilisation of adequate financial and organisational resources for output production, as well as the design of the operational procedures for access on the side of rightsholders, social rights risks are deemed to remain on paper, especially when it comes to social investment services. Policy outputs are the 'ropes' that must be attached by the state administration to identify and attract potential users and 'pull' them towards the benefits to which they are formally entitled (Sumarto et al., 2000).

The role of the EU in the production of social policy outputs is not negligible and has traditionally been associated with the use of Structural and Investment Funds (Fargion and Profeti, 2016). With the launch of the Recovery and Resilience Facility (RRF) in 2021, under Next Generation EU, however, the EU put in place creative and innovative modes of output-oriented enactment and implementation of rights, through reform conditionality attached to financial assistance.

Ferrera et al. (2023) highlight that the Recovery and Resilience Facility (RRF) conditionality has a direct impact on the goals and contents of social rights, the creation of legal resources, and the timing and quality of implementation (output production). An innovative aspect of the RRF is its governance structure. Member States seeking funds present detailed plans for investments and reforms, aligning with the European Semester's country-specific recommendations (CSRs). The European Commission evaluates and approves the plan based on its alignment with the challenges identified in the CSRs. Moreover, the RRF introduces a performance-based approach, tying financial support disbursement to compliance with an operational arrangement between the Commission and the national government. This arrangement outlines specific milestones and targets (M&Ts) to be achieved within a fixed timeframe.

Corti and Ruiz (2023) ask the crucial question of whether the RRF enhances the EU's role in shaping social rights, particularly in the context of ECEC policies. The underlying idea, borrowed by Ferrara et al. (2023), is that the EU and its member states system is a "marble cake". The metaphor is adapted from the literature on US federalism and refers to a policy system where different levels of government are intricately intertwined, making it challenging to discern responsibility at each level. In such systems, social citizenship is 'multilevel,' and certain domains are so blended that citizens may lose awareness of the levels contributing to the benefits provided. Against this background, Corti and Ruiz (2023) test whether the RRF is leading to a new pattern with a growing EU's contribution to the construction of social rights, but without direct intervention. Their focus is on ECEC policies.

The RRF Regulation pays specific attention to ECEC. Investing in the accessibility, affordability, quality, and inclusiveness of ECEC features prominently in the sixth pillar of the RRF, dedicated to policies for the next generation. In its guidance to Member States, the Commission invites Member States to explain how their plans will promote policies for the next generation, in particular on ECEC, and thus how they will implement the objectives of the Child Guarantee (CG), one of the key aims of which is to 'guarantee effective and free access to high-quality childhood education and care [including] at least one healthy meal each school day' (Council Recommendation (EU) 2021/1004, Article 4). Yet,

compared to the previous EU initiatives in the domain of ECEC policies, the RRF marks a step forward, as for the first time it explicitly links soft recommendations like those included in the CG, with EU funding. This poses the question of whether such a new mechanism can reinforce the EU's capacity to steer national reforms and introduce new forms of social entitlement through positive fiscal conditionality.

To address this question, the authors evaluate ECEC policy interventions outlined in the National Recovery and Resilience Plans (NRRPs) of six EU member states: Belgium (Wallonia), Germany, Italy, Poland, Portugal, and Spain. They specifically analyse key ECEC-related interventions, including both investments and reforms, as outlined in their respective plans. The evaluation focuses on assessing the expected relevance, effectiveness, and coherence of these measures, aiming to discern the concrete contribution of the EU, through the RRF-related national plans, to the construction and fortification of European social citizenship.

The overall findings indicate positive outcomes, particularly in terms of investment. The RRF appears as a transformative force in Italy, where the influx of EU financial resources has created opportunities to fund infrastructural projects that might otherwise have remained unrealized. Similarly, Spain has allocated RRF funds to enhance its public service provision, addressing territorial disparities. Poland and Belgium also emerge as positive case studies, as they consider the territorial dimension in allocating RRF investments. However, mixed assessments are noted in the cases of Portugal and Germany, where the commitment to increasing public ECEC places lacks attention to the territorial distribution of funds, potentially widening existing internal asymmetries.

Regarding reforms, the analysis presents a mixed picture. Poland stands out for committing to a significant reform aimed at revising the financing framework and introducing binding minimum education and quality standards for childcare facilities. Spain is adopting measures to support disadvantaged children and ensure their free access to childcare, recognizing it as an educational service and introducing quality standards. However, the other countries studied do not appear to be committed to extensively addressing structural issues within their childcare systems, at least within the framework of the RRF. Italy and Belgium are engaging in crucial reforms through other EU initiatives like the Child Guarantee, which may raise a concern about coherence between reforms and investments within the RRF.

In summary, the RRF seems to provide the EU with a new mechanism to exert influence on national reforms through positive conditionality in the form of EU funds. While some changes are promising, it is still too early to conclusively determine the effectiveness of this mechanism.

10.6 Conclusions

Social investments can contribute to empowering citizens and the power resource framework provides critical intellectual guidance to rationalize and analyse this process along with the role of policies.

Social investment approaches across EU member states often involve recalibrations between social protection and social investment, responding to specific risks rather than being guided by grand plans. Nevertheless, governments have progressively implemented measures to address emerging challenges over the years. Further research is necessary to comprehend how these social investment strategies correlate with welfare regimes and their associated outcomes.

Within the realm of social investment policies, the ECEC should be recognised as playing a pivotal role in achieving empowerment and have the potential to differentiate social investment strategies in the EU. Yet, additional research is required, particularly in measuring the output and impacts of ECEC policies.

Despite social investment policies being a clear national competence, with the EU historically playing a limited role in supporting citizens' rights, the recent RRF may offer a blueprint for a new mechanism where the EU can also indirectly contribute to the construction of EU social rights. As the national plans under the RRF are gradually implemented, new research will be needed to understand whether the mechanism is working and delivering.

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11. The future of European social citizenship: What is the citizens' view?

Marius Busemeyer, Gianna Maria Eick and Brian Burgoon

11.1 Introduction

The future of European social citizenship is a contested issue, and expert observers disagree to some extent whether the project of Social Europe is making progress or not. On the one hand, the necessity of strengthening the social dimension of the European integration process has long been recognized by policy-makers – for instance by former EU Commission President Jean-Claude Juncker, when he emphasized his ambition to achieve a ‘Social Triple A’ rating for the EU in a speech to the European Parliament in 2014 (Zeitlin & Vanhercke: 162). Recent policy initiatives in this regard include the Social Investment Package (2013), the strengthening of the employment and social policy dimension in the European semester and, more recently, the enactment of the European Pillar of Social Rights (EPSR) in 2017. To critics, these initiatives amount to window-dressing rather than genuine progress towards the establishment of Social Europe. Looking at actual regulations rather than policy initiatives, Graziano and Hartlapp (2019) note a decline of Social Europe, which they associate with a transformation of the overall balance of political power in the EU from the center-left towards the right. De la Porte and Natali (2018) also note a similar decline, which they explain with the departure of a number of policy entrepreneurs who had been instrumental in promoting Social Europe in earlier periods. In contrast, Zeitlin and Vanhercke (2018) adopt a more optimistic perspective as the new initiatives and the re-modelling of the ‘European semester’ offers new opportunities for policy learning and genuine, though gradual progress towards Social Europe. This cautiously more optimistic perspective is also reflected in more recent contributions to the debate about the implementation of the pillar (Keune et al. 2023; Kilpatrick 2023), even though some remain skeptic whether the pillar can change the fundamental logic of European integration privileging market-enabling rather than market-correcting policies (Keune and Pochet 2023).

Much of the debate about the future of Social Europe takes place at the level of political elites, both at the EU and at the national level. But what are citizens' views on these issues? Do they see progress or decline in the development of Social Europe? Would they want the EU to play a stronger role in the provision and financing of social policy in the first place? And if yes, do they associate particular social policy types (e.g. social investment) with the EU and others (e.g. traditional compensatory social policies) with national welfare states? And lastly, what do citizens think about the role of the EU in facilitating access to social citizenship rights at the national level?

In the next section, we review a still very recent, but growing literature on the study of public opinion on Social Europe, which has started to produce important insights into these issues. However, given that research in this field works with quantitative survey data, it has inherent limitations that are partly related to the quality of the available data as well as the (necessarily) selective approach of how attitudes towards Social Europe are measured in surveys. This paper provides a complementary perspective by enriching quantitative data with qualitative data from focus groups, which were conducted in four European countries (Germany, the Netherlands, Poland and Spain) in the spring of 2022. The qualitative data adds perspective and depth to the findings from quantitative studies, because they give researchers a more fine-grained and comprehensive perspective on citizens' attitudes on Social Europe.

To shortly preview our main findings: Firstly, on the one hand, the focus group data mirrors previous findings from quantitative surveys that document widespread support for the concept of Social Europe throughout the European Union. On the other hand, however, digging a little deeper also reveals a significant degree of skepticism regarding the future of Social Europe. This skepticism is partly related to the EU's struggles in dealing with a series of mega crises (the economic and fiscal crisis, Brexit, Covid-19, and the Ukraine war), but also to lingering concerns about distributive justice and solidarity in the EU and the continued large divergence of welfare states. Secondly, the qualitative data also hint that citizens tend to associate social investment policies with the EU and more traditional, transfer-heavy social policies with national welfare states. This broad division of labour is also congruent with representative survey findings as well as the actual policy trajectories of social citizenship policy outputs (Eick et al. 2021; Eick et al. 2023a, see also Chapter 7 in this volume). Thirdly, our findings also show that many citizens are often ill-informed about the state of social rights in the EU, which may partly explain low take-up rates in some programs. Addressing the information deficit – both on the current state of social citizenship rights and the EU's role in securing these rights – could help to boost support for the EU as well as improve socio-economic outcomes.

11.2 Social Europe from the citizens' perspective: Review of the debate so far

The bulk of research on research on welfare state attitudes and preferences refers to the national level of social policy-making (see Svallfors 2012, Kumlin et al. 2021 for recent reviews). The body of scholarship that is particularly devoted to the study of public opinion on Social Europe has only begun to grow recently. Early studies in this field used data from the Eurobarometer (Beaudonnet 2013; Burgoon 2009; Mau 2005), complemented later on with data from the 2016 wave of the European Social Survey (ESS) which included an item on support for an EU-wide minimum income scheme (Baute & Meuleman 2020; Roosma & van Oorschot 2021; Eick 2023) and general perceptions of Social Europe (Baute 2022). Further studies collected their own survey data (Gerhards et al. 2016; Kuhn et al. 2020; Nicoli et al. 2020) or used national studies (Baute et al. 2018). There is also a range of studies that analyze support for fiscal and other forms of cross-national solidarity within the EU (Bechtel et al. 2014; Genschel & Hemerijck 2018; Ferrera & Pellegata 2018; Heerman et al. 2022; Kleider & Stoeckel 2019), including support for the EU's cohesion policy (Bauhr & Charron 2020).

Related to the last issue, a first important insight of this body of work is that attitudes relating to Social Europe are multi-faceted and multi-dimensional (Baute et al. 2018). Hence, the notion of Social Europe does not only and simply refer to the question at which level of decision-making competencies for social policy should be located (i.e. the national vs. the EU level). As Baute et al. (2018) find in their analysis, this dimension is actually less related to other dimensions of EU social citizenship even though it is at the center of academic research. For Baute et al. (2018), Social Europe also refers to transnational and interpersonal solidarity within the EU as well as the goal of harmonizing EU legislation and the “granting of social rights to EU citizens or a Europeanization of social rights” (ibid.: 356). This broader conception of Social Europe is also in line with EUSOCIALCIT’s conception of social citizenship rights as bundles of resources (Vandenbroucke et al. 2021, see Chapter 1 in this volume).

A second important finding in the existing survey literature is that overall, support for Social Europe is relatively strong. Gerhards et al. (2016) find high levels of support for EU provision of a range of social policies. Other studies find strong majorities in favor of introducing an EU-wide minimum income scheme (Baute & Meuleman 2020: 410; Roosma & van Oorschot 2021: 175) with two-thirds being in favor as well as strong support for an EU-level unemployment scheme, although particularities of policy design matter in this case (Nicoli et al. 2020; Kuhn et al. 2020). However, and this is a crucial limitation of quantitative surveys, respondents might not fully understand abstract concepts such as Social Europe and social citizenship rights and, if unsure, potentially express confirming opinions (i.e. the so-called social desirability bias). Hence, the support for Social Europe might be overestimated in quantitative surveys. This has also been highlighted in Eick (2023) who theorises/analyses the usual survey findings more critically and in light of “welfare Euroscepticism”, i.e. the opposition to the harmonization of social policies at the EU level. The added value of focus groups then is to probe deeper to what extent citizens really support strengthening the social dimension of the EU.

Third, regarding the determinants and correlates of support, studies find that individuals subscribing to left-wing post-materialist values and nurturing a strong European identity are generally more supportive of Social Europe (Gerhards et al. 2016; Nicoli et al. 2020). Support for Social Europe, therefore, correlates to some extent with the emerging transnational cleavage between opponents and supporters of European integration (Hooghe & Marks 2017). This ambivalence also shows up in the way the individual-level socio-economic background is associated with support for Social Europe. On the one hand, lower socio-economic status groups are found to be less supportive (Gerhards et al. 2016), arguably because they may be more Eurosceptic in general and fear resource competition between the national and EU levels. On the other hand, other studies have found lower socio-economic status groups to be more supportive of Social Europe, in this case of an EU-wide minimum income scheme (Eick 2023), for the simple reason that lower socio-economic status groups have greater needs for social assistance. Bringing these conflicting findings together, Kleider and Stoeckel (2019) note how individual socio-economic status, partisan ideology, and national contexts interact in complex ways: They find that economically left-wing poor citizens in poor countries are least supportive of fiscal solidarity within the EU, whereas economically left-wing high-income citizens in rich countries are most supportive (ibid.: 22). This finding highlights that the dynamics of public opinion on Social Europe are more complex and multi-faceted compared to attitudes on national welfare states.

Fourth, and related to the last topic, studies have found strong contextual effects on attitudes towards Social Europe. These contextual effects are quite consistent across a range of different studies. The gist of work on this issue is that national and EU-level social policy seems to be connected to some extent in citizens' minds (Burgoon 2009). People are generally more supportive of a strong EU social policy if their respective welfare states (are perceived to) perform less well (Beaudonnet 2013; Baute 2022; Baute & Meuleman 2020; Mau 2005; Roosma & van Oorschot 2021). Besides the welfare state regime, the economic context also matters (Beaudonnet 2013) as well as the level of domestic corruption (Bauhr & Charron 2020). As Bauhr and Charron (2020) show, perceptions of domestic corruption can increase support for EU action (acting as "a savior and a saint", *ibid.*: 509) in low-performing country contexts, but in well-performing countries, perceptions of domestic corruption can trigger anti-establishment attitudes and thereby also Euroscepticism as European integration is perceived as being strongly associated with the "establishment".

Fifth, in closing this short review, it is important to ask why public attitudes towards Social Europe should matter at all, in particular since the EU is often perceived to be (for good reasons) quite detached from the everyday experiences of individual citizens. As briefly indicated above, the progress of Social Europe at the level of policy-making is characterized by gradual incremental changes and persistent lingering imbalances between the economic and the social dimension of the European integration process (Graziano & Hartlapp 2019; de la Porte & Natali 2018; Scharpf 2002). Complex, multi-dimensional cleavage patterns have emerged on the future development of Social Europe (Vesan & Corti 2019), making progress dependent on agreement across a wide range of actors and issues. Against this background, broad support for the notion of Social Europe on the part of European citizens can become and serve as an important force for progressive change, legitimizing further integration steps at the EU level (Gerhards & Lengfeld 2013; Gerhards et al. 2016). However, if support for Social Europe is found to be lacking, e.g. if citizens prefer to keep the provision and financing of social policy in the hands of national governments and/or reject any notion of a European model of social citizenship rights, the legitimacy of further action on Social Europe would be severely circumscribed. Eventually, the level and kind of support for Social Europe is a matter for empirical investigation, which we turn to in the following sections.

11.3 Theoretical expectations and descriptive quantitative evidence: Measuring support for a social dimension with quantitative data

In this brief section, we turn from the more abstract review of existing research discussed in the previous case to some concrete empirical data on citizens' views about Social Europe, which in turn generate and motivate theoretical expectations for the focus group interviews. For the most part, we draw on the Special Eurobarometer 509 (Wave EB94.2) on Social Issues from 2020 (European Commission 2020), but we also add some insights from comparative surveys run by different groups of researchers on European solidarity and particular EU social policies (Ferrera & Pellegata 2018; Genschel & Hemerijck 2018; Heermann et al. 2022; Nicoli et al. 2020).

To start, the Eurobarometer (EB) data shows that overall, an overwhelming majority of EU citizens state that a social Europe – defined as “a Europe that is committed to equal opportunities and access to the labour market, fair working conditions, and social protection and inclusion” (European Commission 2020: 6) – is important to them. 46 percent state it’s “fairly” important, and an additional 42 percent say it is “very” important. The definitional characteristics of “a social Europe” mentioned in the question wording of the survey match well with the priorities of the European Pillar of Social Rights (EPSR). At the same time, 71 percent of respondents across the EU countries regard the current lack of social rights to be a “serious problem” (ibid.: 17). Hence, the message seems clear: A large majority would like to see a strengthening of the social dimension in the EU, but currently see rather a lack of genuine social rights.

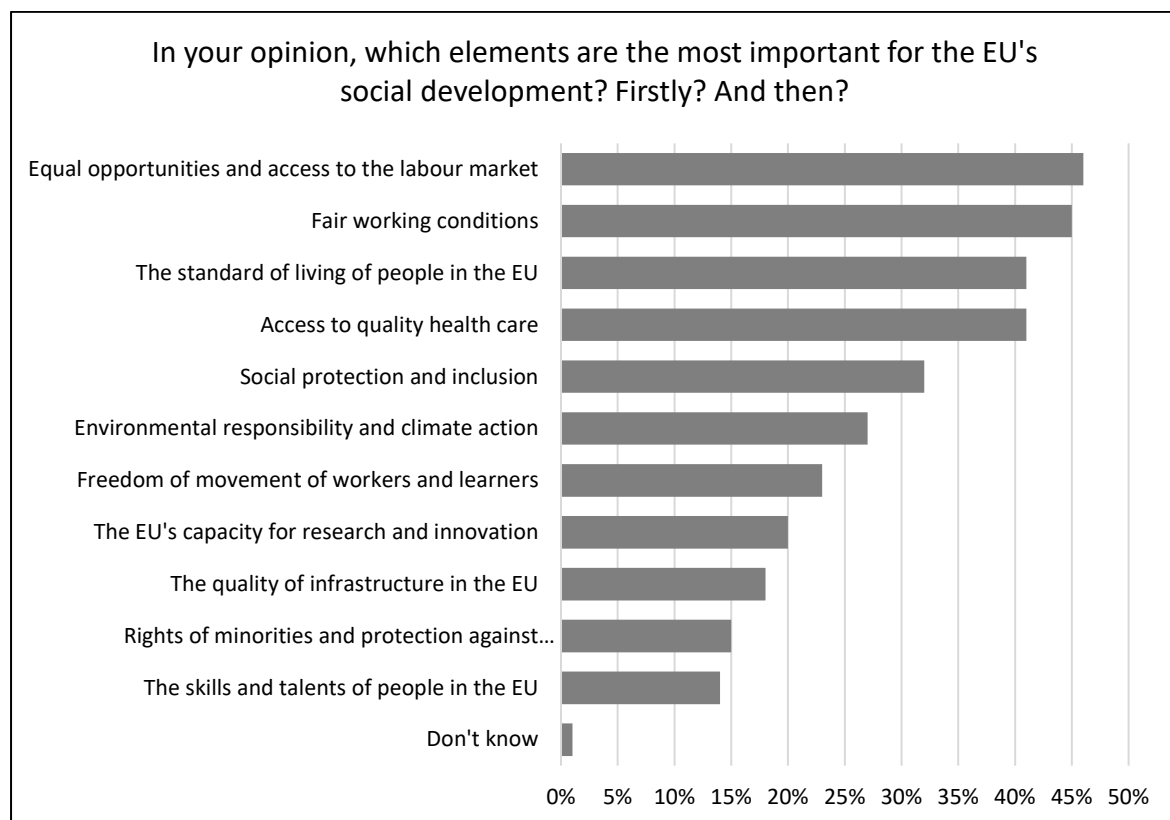
Of course, these questions remain at a rather abstract level and there is likely to be some social desirability bias in the responses as mentioned above. People may have vague and ill-defined attitudes on Social Europe more narrowly, but associate positive things with the policy goals included in the framing above. In spite of these limitations, there seems to be genuine support for a stronger social dimension in the EU as other surveys have come up with similar findings regarding the support for Social Europe. Probing respondents’ views on trans-national and inter-personal solidarity within the European Union, other studies have found similarly large majorities of EU citizens expressing positive attitudes towards EU-wide solidarity (Ferrera & Pellegata 2018; Genschel & Hemerijck 2018; Heermann et al. 2022), although in this case, solidarity depends on the issue area and is highest when supporting other countries to fight natural catastrophes, medical emergencies or military attacks and lower in cases of self-inflicted indebtedness and economic decline. Regarding concrete policy proposals, studies have found that average support for the introduction of EU-wide minimum income schemes is about two-thirds (Baute & Meuleman 2020), and support for a joint unemployment reinsurance mechanism may be as high as 70 percent, depending on policy design (Nicoli et al. 2020). These examples indicate a genuinely high support for some version of Social Europe across EU countries (cf. also Gerhards et al. 2016).

Now, the next question is of course, which version of Social Europe would citizens prefer? And does this version fit with the current direction of policy-making on the EU and the national levels? Again, the EB data yields some interesting insights. However, the quantitative data can only provide indicative evidence as the question wordings are partly open to different interpretations.

A first example are responses to the question about which elements would be the most important for the EU’s economic and social development from the citizens’ point of view. In this case, respondents could pick up to four out of the 11 items listed in Figure 11.1. Hence, the share of respondents selecting a particular item should be interpreted as an indication of the relative priority of that item compared to the others. The fact that these respondent shares stay below 50 percent in all cases implies that the viewpoints on social policy priorities are quite diverse. Nevertheless, some of the items that are ranked as high priority are to some extent reminiscent of the EPSR’s overall priorities, e.g. equal opportunities and access to the labor market, fair working conditions as well as social protection and inclusion. There are, however, some notable exceptions of policy priorities mentioned

by citizens that do not feature prominently in the EPSR, e.g. the standard of living of people in the EU or access to quality health care. Furthermore, the EB data also shows that very few respondents have actually heard about the EPSR. Merely 8 percent state that they have heard about it and know what it is; an additional 25 percent claim to have heard about this without knowing what it really stands for. Given that there is likely to be significant social desirability bias in these responses, it is fair to conclude that very few citizens have heard about the EPSR, even though they overall tend to support its priorities and goals, in particular when it comes policies that are related to the labor market such as equal opportunities and fair working conditions. The provision of access to quality health care may be to some extent a side effect of the Covid-19 pandemic, which was ongoing at the time of the survey, but the relatively high levels of support for this issue could also signal broader agreement with the pooling of health-related risks and resources at the EU level (Baute & de Ruijter 2021; Heermann et al. 2022). Tellingly, EU citizens regard “social protection and inclusion” of lesser importance for the development of the EU’s priorities in economic and social policy. This could indicate that citizens associate this responsibility with the national welfare states rather than the EU (see below), but it could also indicate a lower priority rank for this issue in general. The relatively high ranking of the item of the EU’s responsibility to maintain the standard of living of people, in contrast, signals that there is some support for EU involvement in creating a basic safety net for all EU citizens – in line with the reported findings on fictitious EU minimum income and unemployment reinsurance schemes.

Figure 11.1. Priorities of EU citizens for the EU’s economic and social development



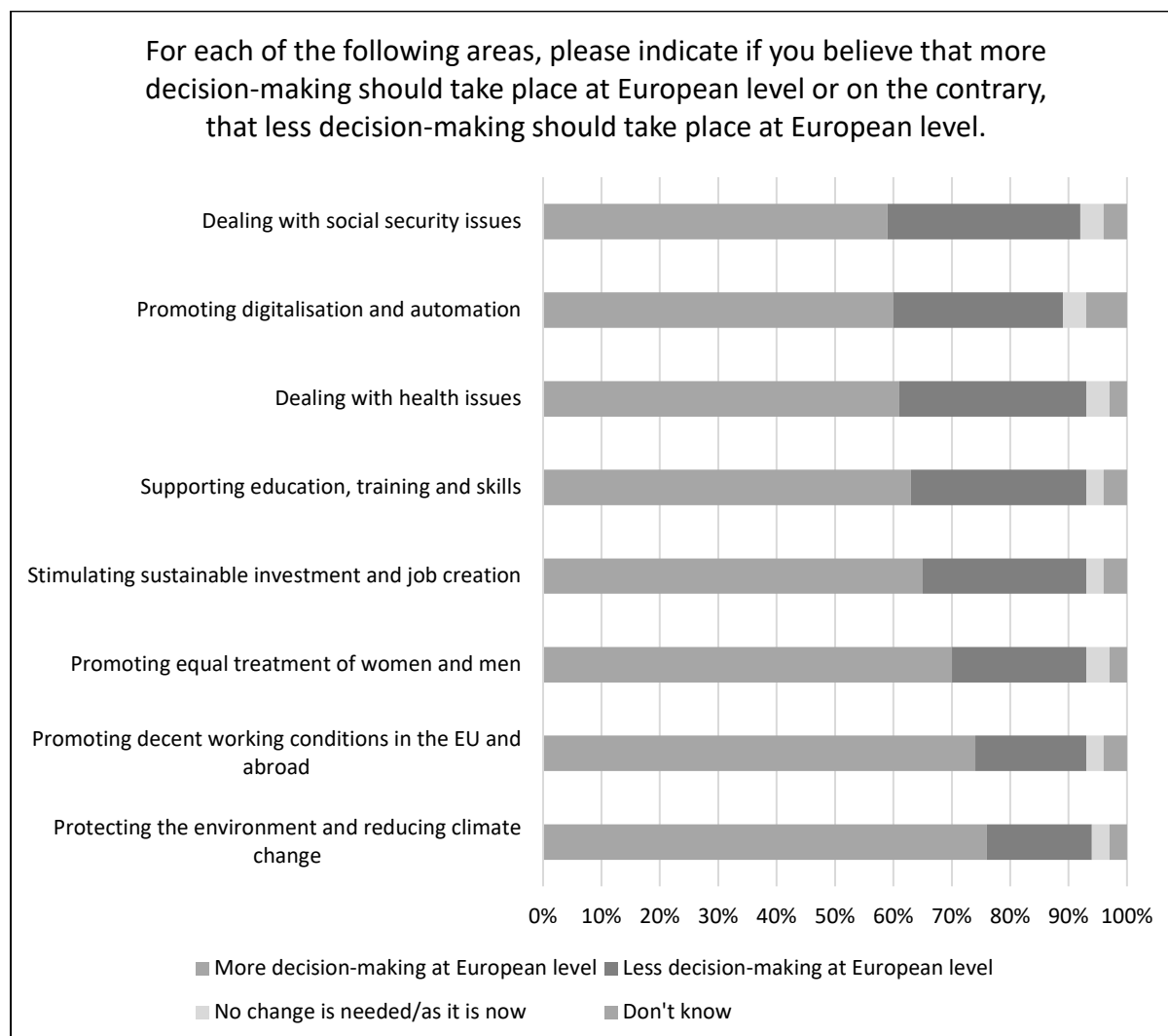
Data: Eurobarometer 509, 2020, N = 27,213.

In a related question, the EB survey asked respondents specifically for their views on the distribution of decision-making competencies between the European and national levels of government (Figure

2). At least implicitly, this question gives some insights into the question of which kind of Social Europe citizens would prefer. However, it should be read with caution as the question wording could also be interpreted as a statement about the need for more policy action in general for a particular issue (independent of the governmental level).

Just focusing on the issues that are primarily related to economic and social policy (i.e. excluding the issue of climate change), this figure shows that support for more EU involvement is highest for issues that are immediately related to labor market concerns, including working conditions. Hence, there is a certain link between issues that are regarded as important (Figure 1) and the EU's involvement in addressing these issues (Figure 11.2). Again, the promotion of decent working conditions comes out on top when it comes to strengthening the involvement of the EU (74 percent support more European decision-making on this issue), but also the issue of equal treatment of men and women, which has been an important element of EU social policy-making for a rather long time (Martinsen & Vollaard 2014). The same can be said for education and training policies (where 61 percent demand more European decision-making), although in this case – as Figures 11.2 and 11.1 jointly suggest – EU citizens are a bit less enthusiastic about putting the EU in the driver's seat, potentially because the provision and financing of education remains very much a local and regional issue in many countries. The last, but important thing to note is that, relatively speaking, fewer respondents would like to see more EU decision-making on social security issues, where a sizable minority of about 33 percent actually would like to see less EU involvement. Given the continued high support for the welfare state throughout the European Union, this relative lack for European decision-making on social security issues should arguably not be read as lack of general demand for policies on these issues, but as a cautious indicator of continued support for national welfare states to stay active in this area, even though the survey data cannot directly speak to that issue. The focus group data below therefore provide an important complementary perspective. Furthermore, more rigorous statistical analyses by Eick et al. (2023) confirm the hunch that citizens tend to associate social investment policies more with the EU level and more traditional policies with the national welfare states. Eick et al. (2023a) also find that higher socio-economic status and more generous welfare states are associated with more support for SI policies on both EU and national levels and vice versa, hinting again that respondents might have a hard time differentiating social policies provided by national and EU governments. Thus, in general, the findings from analyses using Eurobarometer data should be interpreted with caution.

Figure 11.2. Citizens' views on the distribution of decision-making competencies across the European and national levels of government



Data: Eurobarometer 509, 2020, N = 27,213.

Hence, even though these data provide some important insights, they suffer from a number of shortcomings, which are of relevance. For one, a general observation about the Eurobarometer data is that it is not a purely scientific project, but also an instrument in the hands of European actors, in particular the European Commission, to gather public opinion data on its current policy priorities and projects (Höpner & Jurczyk 2012). This ambivalence spills over to some extent to the particular question wordings used. A further shortcoming of the particular Eurobarometer data on Social Europe is that the wording of the items still – necessarily – remains rather abstract. “Dealing with social security issues”, for instance, might be about aligning social security systems to promote easier mobility of citizens and workers across European borders (which is likely to be widely supported) or about creating some kind of EU-level social insurance scheme (which is likely to be more contested). Furthermore, it is unclear to what extent respondents depending on their individual backgrounds understand different things when prompted to think about “social security issues”. Add to this ambivalences and uncertainties resulting from the translation of these items into the multiple

languages of the 27 EU member states and it becomes clear that there might be considerable measurement error – some of which can be mediated by the focus group data.

As mentioned above, another unfortunate limitation of the EB data used to measure relative support for EU vs. national-level decision-making is that the survey does not force respondents to choose between different levels, so that individuals responding positively to the question from Figure 11.2 can also respond positively to a similar question about whether the national government should do more (or less) in addressing policy issues. Due to this survey design, respondents might express support for taking action on an issue that is important to them on *both* the EU and the national level. This might be helpful for understanding citizens' views on the overall priorities of governmental decision-making, but less helpful when thinking about the different potential roles of the EU and the national governments in strengthening the social dimension of the European integration process.

11.4 Qualitative evidence from focus groups: Gaining a deeper understanding of citizens' views

The previous section presented some descriptive evidence on citizens' views on Social Europe, which is helpful in providing some general insights into this topic. This last section, however, also highlighted the general limitations of a purely quantitative approach. One of the main contributions of our work package to the overall EUSOCIALCIT project is to complement quantitative survey data with qualitative data derived from focus group interviews. In this section, we first briefly describe the method and process of data collection, and then findings from the focus groups regarding two issues related to the future of Social Europe: (1) the fundamental views on the future of social rights in the EU, and (2) the distribution of social policy competences between the EU and the national level.

11.4.1 Method and data collection

The added value of focus groups compared to the quantitative analysis of survey data is that they provide more context for group discussions among 'ordinary citizens', allowing these citizens to express their opinions in a more nuanced and differentiated manner as is the case in quantitative surveys (Taylor-Gooby & Leruth 2018). Directly comparing the findings from focus groups with results from quantitative surveys also allows us to probe the robustness of quantitative findings, in particular with regard to the potential risk of measuring 'non-attitudes' (i.e. forcing respondents to give a response even though they have no opinion on a particular matter), which is mitigated in group discussions (Goerres/Prinzen 2012).

For this project, focus groups were conducted in the capitals of four European countries in April and May 2022: Germany (Berlin), the Netherlands (Amsterdam), Poland (Warsaw), and Spain (Madrid). A fuller and much more detailed description of the methods and the research process can be found in Eick et al.(2023b). To provide a short overview: In each country, we conducted 4-5 focus groups with 6-10 participants each (134 participants in total). The overall coordination of the focus groups was handled by a team of researchers at the University of Konstanz; each of the partner institutions

(University of Amsterdam, Warsaw School of Economics and Universidad Carlos III de Madrid) was responsible for the recruitment of their focus group participants, using a country-specific mix of offline and online recruitment and – if necessary – professional recruitment from an external service provider. Each participant received a small compensation for his/her participation in the form of an Amazon voucher. Focus group discussions were recorded on video and audio, transcribed in the respective national language, and translated into English.

The focus groups were moderated by a lead and co-moderator, following a previously developed semi-structured interview guide (see Appendix in Eick et al. 2023b). An alternative would have been to update and fine-tune the questionnaire after each focus group discussion, but this approach was not feasible in our project due to time constraints and the need to coordinate among many partners. Standardizing the interview guide, however, ensures that all participants receive the same prompts and questions. Generally speaking, the moderator takes on a rather passive role, focusing on keeping the group discussion going and encouraging speakers to contribute. Different focus groups varied systematically according to their socio-economic composition, aiming at relatively homogenous groups for the most part, but also including some decidedly mixed groups. The criteria applied were age, educational background, and family status (see details on number of groups and their composition in Eick et al. 2023b).

Once the transcribed and translated data was available, the material was hand coded, according to a previously agreed coding scheme. This coding scheme includes the two topics mentioned above (social rights in the EU and national vs. EU social policy competencies) as well as three additional categories (income inequality and redistribution, provision of resources related to social rights, and the role of the EU in managing crises), which are not analyzed in this particular chapter but are discussed in Eick et al. (2023b). Individual participants are pseudonymized, i.e. they receive a unique identification that allows them to match quotes from the focus groups with responses from the background questionnaire. To facilitate readability, when quoting respondents in the following, we use made-up names (i.e. not respondents' actual names). Quotes have been lightly edited without changing their meaning in order to improve readability and understanding.

11.4.2 Views on the future of social rights in the EU

The first issue to be discussed focuses on the question of the universality of social rights in the European Union. The prompt given to participants in the focus groups invites them to reflect on whether all EU citizens should be given the same social rights, independent of which EU country they live in, or whether differences between national welfare states should be maintained in terms of social rights. Responses to this question likely capture to some extent the participants' willingness to support the principle of basic social rights. The prompt focuses on EU citizens, but as will become clear below, participants often extended the question to the rights of non-EU citizens, in particular refugees, which is likely due to the fact that countries like Germany and Poland were dealing with large influxes of Ukrainian war refugees at the time of the focus group interviews.

A first basic insight is that in the abstract, the notion of universalism in social rights was very much supported by the respondents throughout. As Horst from Germany put it: "I think that we should do it all the same. If we are going to have a Europe where we all want to be equal, we should have the same social rights." Kalle from Germany stated: "I would not make a difference in human terms, because I don't care which culture, which country you come from, which religion. I don't know what gender. I don't care at all. People should all be treated equally, otherwise, it would actually be a class principle."

However, these generally positive and sometimes enthusiastic expressions for the notion of universal social rights in the EU were often followed by plenty of skepticism regarding the feasibility of implementing the universalist principle. For example, Ana from Spain argued: "It is a bit of a utopia to imagine. Right now, the economies of each country [have] very different social rights, social security, and public health." In a similar vein, Manuela from Germany said: "I wonder how it is supposed to work. I worked in the social sector for a long time, in the benefit sector. I can also think of 18 different types of benefits, for example, from parental allowance to education and participation, education allowance, sickness benefit, unemployment benefits one and two, basic security, and integration assistance for the disabled." And Teun from the Netherlands emphasizes the difficulty of setting common standards amidst radically different work cultures: "We Dutch tend to be 'work, work, work till you 70th and go, go, go, and this varies lots per country, is really different in other places. So I think that such standards need to be looked at and perhaps limited per country. For instance, say you're in Greece, and if you retire when you reach your 50th rather than your 75th here. That complicates matters."

Partly in response to the foreseen difficulties in implementing universal social rights in the EU, some participants expressed support for a more differentiated approach, such as Heinz from Germany: "I think it would be good if there were at least such a legal framework in the EU that you basically have a right to benefits. The level and scope of benefits should then be regulated at the national level until further notice, because there is no other way." This way, a set of universal social rights at the EU level (e.g. right to a minimum income) could be combined with country-specific implementations (e.g. varying levels of this income): "I am also of the opinion that there must be uniform basic principles. But that does not mean, let's stay with the minimum wage, that the minimum wage in Poland does not have to be 12 Euros in order to achieve an adequate standard of living, as it is in Germany. But all in all, every state would have to ensure certain minimum standards for its employed workers in the first place. These could still deviate at the national level, which is why the EU exists, in order to harmonize them, but over a period of years." (Miriam from Germany)

In spite of the relative majority expressing support for universal social rights, there were also voices that remain critical in principle, such as Zuzanna from Poland: "Every country has a specific approach to certain services, to certain aspects, spheres of life, right? When it comes to culture, and customs, so there are completely different countries, so here, the so-called basic rights I think each country should work out for itself." Furthermore, another example from Marianne (Germany) showed that universal basic social rights do not necessarily imply free movement of (EU) citizens across borders, at least for some: "[The same social rights for everyone] is a beautiful vision. [...] But then everyone could

stay in their own country or not everyone would want to come to Germany. I have nothing against migrants, but then perhaps the flood, which will also increase, would be distributed throughout Europe.”

A further issue is the question of the boundaries of (social) citizenship. For many, the notion of universalism in terms of social rights went along with support for an equally universal conception of citizenship that in some cases would even go beyond the boundaries of the European Union in the sense of basic human rights. Mariana from Germany put it like this: "That would be ideal, of course, if everyone [EU citizen/non-EU citizen] were equally well off and had the same resources. [...] If someone from Romania or Estonia moves to Latvia, they should have the same rights. Everywhere." Heike from Germany had a similar opinion: "I would not make a distinction at all. Simply for the reason [that] every human life is worth the same. And just because I change my residence, why shouldn't I have the same social rights?"

However, the boundaries of citizenship rights seem to be somewhat more contested than basic support for the notion of universalism in the abstract. Contrasting the view of fully-fledged 'universalists' such as Mariana and Heike cited above, there were quite a few participants who differentiated between different 'levels' or layers of citizenship. They distinguished between basic social rights often related to minimum income and basic human needs, which should be granted unconditionally, on the one hand, and social benefits and transfers on the other. The granting of the latter should be, according to the views of a significant number of participants, more conditional on a person's long-term residence in a country and his/her ability and willingness to contribute to the labor market.

This duality between unconditional basic needs and more conditional social benefits is expressed nicely in these two statements: "First of all, there has to be a needs orientation. And this need is given to everyone, if it is given. It is independent of citizenship or European membership. And in this respect, I would agree with this from the moment of arrival, because the need is simply there." (Heiko from Germany) "But like [someone else] said, to get social benefits... You can't expect, I come to Germany and sleep in the next day and make money. You should already go to work, for a certain time. Of course, this would all have to be regulated and checked by law. But it is also important to give people a work permit." (Waltraud from Germany) The conditionality of social rights on the condition of employment (and thereby reciprocity) seemed to be particularly strong in the case of Germany, as the following quote also shows: "If people fulfill the same obligations when they come here, of course, they also have the same rights.[...] Five years of contributions are at least required to get the same social rights. [...] So work for at least five years, fulfill the same obligations as a German citizen with paying taxes and everything. Then very gladly. Then we'll talk about rights." (Walter from Germany)

This quote from Spain also nicely demonstrates the idea of having different layers of social citizenship: "I would say, first of all, the minimum living wage, a basic insertion income, because from there the building can be built. Then we can include unemployment aid, but the fundamental thing is that there are no children, or families, who do not have electricity to go to school. The minimum income or the minimum living wage is fundamental, and then unemployment, but regulated." (Lucia from Spain) A

Polish participant applied similar reasoning, but mentioned the fact that the provision of minimum income schemes might also be conditional on the availability of resources, signaling concerns about potential resource competition: “It is necessary to cover these people with some kind of basic care, at least, some kind of minimum, if Poland can afford it, some kind of minimum allowance, to give care to children, to give some basic conditions for surviving the situation in which these people find themselves at the moment. Of course, I am not talking about some very good or exceptional conditions, but basic ones, so that these people can survive this worst period, and later, if any of these people would like to stay here, they must, of course, fulfil all the additional conditions that need to be fulfilled.” (Natalia from Poland) Another participant from Poland put the same idea in a harsher words: “I would cut you off. Sorry. You don't [...] eat in that case. If you are not working, if you are not willing to work, earn money, return to the common piggy bank, we say sorry.” (Julia from Poland)

11.4.3 EU vs. national level of social policy-making

Next, we analyze citizens’ views regarding the distribution of social policy-making competences across the EU and national levels. This question also provides answers with regard to which kind of Social Europe citizens would like to see. As mentioned above, existing work using quantitative data suggests that citizens tend to be more supportive of the EU being in charge of social investment-type policies, whereas more traditional compensatory policies are supposed to be handled by the national welfare state. However, it could also be the case that citizens, in general, are skeptical about the delegation of social policy competences to the EU level as they have become attached to national welfare states. In order to complement the rather abstract discussion about the future of social citizenship rights in the EU with more concrete examples, we probed citizens’ views regarding the distribution of competencies for three concrete policies: minimum income policies, education policy, and unemployment policy. Looking ahead, we also asked them about their vision regarding the role of the EU 30 years from now. We discuss each of these sub-themes in turn.

Regarding the implementation of an EU-wide minimum income scheme, most views were generally positive, but often immediately came along with doubts about the feasibility of implementing this policy. For Jorge from Spain, implementing an EU-wide minimum income scheme is a “key thing”. Markus from Germany agreed: “So I think [an EU-wide minimum income] sounds all good, [it] should be implemented that way. Because by making it more uniform, then there's not so much of an urge or desire within the EU to have to change to another EU country at all, because they're all more similar.” As did Peter from Germany: “Education policy and minimum income for all of us who are already in the EU or have arrived, who are already contributing, should be raised to a similar level.”

However, as mentioned above, there was a lot of skepticism regarding the feasibility of implementing an EU-wide minimum income scheme. Aleksandra from Poland expressed this view: “In my opinion, it is not possible, but it is possible to even out these differences to some extent, so that the basic income that some people have is not so low.” Similar to the more abstract discussion above, a number of participants came up with the idea of defining EU-wide standards and combining these with different ways of implementing these standards nationally. Jana from Germany put it like this: “It's not about everyone having the same standard, but that there is a general package of rules, which then of course

differ depending on the country. This means that I cannot compare the minimum wage in Germany with Bulgaria, where the cost of living is completely different.” Or Katrin from Germany: “I think the EU should set the framework, that is the standard and the concrete design of the standard. [...] How much is paid in the end in minimum wage or how much is paid in the end in unemployment benefits etc., that's a national matter.” There were, however, also some individuals who question whether the setting of joint standards is desirable, let alone feasible. As Daniel from the Netherlands put it: “There may be a United Europe, and that is whole, but there must be a difference in view of [social welfare standards]. Portugal is not the same as Finland and I think, If you want to make everything the same, all the same laws as that could possibly be, I can't imagine how. What a bureaucracy you would need to have [...]. Now it's already ridiculously hard with food and trade regulations – a Banana must have a curvature of a particular percent? ... No, I say ‘*vive la difference*’.”

In the case of education, responses from focus group participants were generally more optimistic and enthusiastic about the EU playing a greater role in this area, in particular when it comes to issues such as promoting cross-border mobility and the recognition of educational credentials. See, for instance, this quote from Maria from Spain: “In the education system, I believe that it would not be difficult to unify criteria at the European Union level, to unify education criteria from the beginning, from *kindergarten*, like the one the Germans have, which is wonderful. Here we have a lot to learn and a lot to advance.” On a similar note, Mirko from Germany stated: “There's no question about education. Certain things can be stringently specified, or at least certain things can be made more binding than minimum wages or labor policy. I think it's rather easier there.”

Quite a few participants were aware of the EU's existing policies in the education area, in particular the Erasmus program, and were therefore also more positive about the EU's role in this domain: “As far as education is concerned, this is actually already happening, yes, there is Erasmus, there are research projects underway, yes, and there are diploma supplements, so it seems to me that to some extent we have a common education policy.” (Izabela from Poland) In a similar vein, Heinrich (Germany) stated: “I also did an Erasmus and for me what is described there is actually like the Bologna reform only new again. So I already have [a situation where] the degrees count the same and that there are similar standards. That is now somehow only that I advance the research and the science even further, that the youth somehow take with them into the future.”

In spite of these generally positive assessments, there were also some critical voices such as the one by Katrin from Germany: “I think education policy is a difficult topic. Maybe it also has something to do with Germany. That it's a matter for the states [*Bundesländer*] anyway, and the states insist on their own characteristics and their own school systems. And the attempts to Europeanize that, and what that always means is that you have to agree on some common denominator, I think that will be very difficult, because the education systems are also very, very different. So I don't see the EU in the steering role.” Potentially, Germany is a special case among the four countries in our study because of its decentralized and federal education system, but the local and regional level is also influential in the governance of education in other countries. Hence, the comment by Katrin hints at the fact that different aspects of education policy (i.e. those that are related to cross-border mobility) are easier to transfer to the EU level than those that refer to the governance of education at the local level.

Furthermore, regarding unemployment policy, we found generally more skepticism regarding the role of the EU in this policy domain. As Maja from Poland says: “I don't see precisely the areas that are supposed to be somehow firmly regulated by the European Union's policy on [...] fighting unemployment. Indeed, I would say more that here we should go in the direction of aid, or [...] providing work, or even commissioning projects in markets where there is high unemployment [...].” Or, as bluntly put by Daniel from Germany: “I honestly don't know exactly how that is going to work.” And again, even if it is possible to agree on joint standards, participants are doubtful about the implementation of these standards in different country contexts. Mateusz from Poland, for instance, says: “[Having a joint EU policy on unemployment] is a difficult question, because if we establish standards that would make unemployment benefits comparable in different countries, it is a big problem to establish these standards and, as I understand it, also in terms of amounts, because the differences in income are very large.”

Interestingly, one participant explicitly noted the difference between passive and active labor market policy and argued that the EU's role should be stronger in the case of the latter: “[Unemployment] benefits are not only financial payments, but also offers for professional qualification and integration into the labor market. In this respect, I am absolutely in favor of harmonizing standards across Europe, so to speak, also in the context of retraining and so on. There are many reasons why people can no longer practice a profession or no longer want to practice a profession, because they may have decided at 17 or 18 to do a job that they realize at 32 is not for them. And to bring in flexibility and also changes in the labor market, which will be passed on, the standards are still very different, as far as I know.” (Walter from Germany)

Finally, focus group participants also offered their views on the long-term prospects of Social Europe and the European Union as whole. In this case, opinions differed strongly between optimists and pessimists. To some extent, for both groups, the futures of Social Europe and the European Union are intertwined. As aptly put by Mariana from Germany: “If you create added value for the people again, especially in terms of rights, basic rights or minimum income, education policy, unemployment policy, then there could be a change in people's minds, a change that they say, hey, the EU is important and we have to protect and preserve it.” From this perspective, the expansion and further development of the social dimension of the EU is crucial for its long-term survival in terms of political legitimacy. In a similar tone, Irene from Spain appealed to the sense of the European community: “We have come out of the pandemic together, and we are fighting the war together. So, I think this is the European message; maybe this is the way forward with regard to rights, social rights, and labor rights as well, and also the way forward regarding the rights of the poor.”

However, there were also some decidedly pessimistic voices. Katrin from Germany, for instance, was mindful of the tensions between the EU and the national levels of social policy-making when she stated: “I doubt that governments will let social [policy] competences leave their hands. And at the end of the day, it's also just what wins elections. And that's just such a national issue that I doubt that they're going to let the scepter be taken out of their hands.” Emma from Spain was more pessimistic: “I am becoming more and more disenchanted every day. I find it very difficult to think about the future

of social rights in the European Union. It always seems, for some reason, that things don't move forward, so thinking 30 years down the line is difficult.”

11.5 Summary and discussion

Before moving on to the conclusions, we would like to briefly summarize the main takeaways from the focus group interviews in light of the above-mentioned theoretical expectations in the form of four theses.

First, the focus group interviews confirm that at least in our groups, there is widespread support for the idea of Social Europe on an abstract level. There are very few who doubt the validity of this project in principle. However, the focus groups also reveal additional layers of complexity: Opinions differ, for instance, with regard to whether Social Europe should be primarily about harmonizing standards or about promoting cross-border mobility. Many participants also expressed doubts about the feasibility of implementing joint social policies – even though desirable – given the large differences between countries. At the same time, quite a few participants referred to the possibility of defining joint standards and rights at the EU level and adjusting the implementation to national contexts (which is in fact more or less the way EU directives work).

Second, there are more notable differences with regard to the definition of boundaries of citizenship. The fully-fledged ‘universalists’ support granting social rights on the basis of human (basic) needs and do not differentiate between different types of citizenship. However, the conditional view received overall more support, which ties the granting of social rights to particular conditions. Legal citizenship does play a certain role in this regard, but it seems that the dominating conditioning factor is whether people have worked and contributed to society or not. In any case, there is relatively widespread support for universal social citizenship rights regarding basic needs, both within and beyond the European Union, but support becomes more conditional in the case of social benefits and transfers.

Third, differentiating between policy areas, the focus group data confirm that citizens tend to be more in favor of the EU playing a larger role with regard to social investment policies compared to more traditional compensatory policies, which is largely in line with the previous quantitative evidence summarized above. Participants were much more in favor (and regarded this also as more realistic) of the EU taking on responsibility in the case of education compared to minimum income and unemployment policies. Regarding minimum income, there is slightly more support for an EU-wide approach, whereas critical views dominate in the realm of unemployment policy. This might be because the notion of minimum income comes closer to the idea of basic needs, for which most participants regard the EU as being responsible, and minimum income levels can be adjusted quite easily to national economic contexts. In the case of unemployment policy, it is not just a matter of recalculating the benefit level; instead, welfare states also differ with regard to the overall generosity of benefits, which may be the explanation for why participants see even less leeway for a joint social policy approach here.

Finally, regarding the long-term vision for Social Europe, the responses from the focus groups suggest that in many ways, Europe stands at a crossroads (again). On the one hand, there are optimists who believe in a further strengthening of the European Union as well as its social dimension. On the other hand, the pessimists doubt the ability of the EU to successfully deal with the multiple challenges it faces. Interestingly, for both the optimists and the pessimists, the future of Social Europe seems to be deeply intertwined with the future of the EU as a whole, which confirms the crucial role of social policy in legitimizing political orders.

11.6 Conclusion and outlook

This paper has shown the usefulness of complementing quantitative survey data with qualitative data from interviews or – in this case – focus groups. Even though focus group data may not be as precise in measuring attitudes as quantitative data, it adds color and nuance to findings based on quantitative research. For example, the focus groups showed that the relatively high support for Social Europe expressed in quantitative survey data needs to be contrasted with an equally high degree of skepticism regarding the feasibility of strengthening the social dimension of the EU. A second example is that focus group participants quite clearly distinguish between basic social needs (and associated rights), for which there is considerable support for a universal provision, and social benefits which are more tied to reciprocity concerns. This distinction tends to get lost in quantitative survey data on Social Europe which at best distinguish between different policy areas only.

Furthermore, a significant limitation of quantitative surveys on Social Europe is that they entail the risk of measuring non-attitudes as citizens might not fully comprehend abstract concepts such as social citizenship rights. The added value of the focus group approach is to somewhat mitigate this risk by allowing researchers to give more context to the discussion and to be available to answer questions of understanding. In providing context and explanations, the focus group approach in turn runs the risk of potentially biasing and priming respondents, which is less of a concern in quantitative studies. Hence, it is exactly the combination of these two different methodological approaches in a mixed-methods research design that promises to yield the best results.

Still, in conclusion, it is important to note some general limitations of our approach. A first limitation is that in spite of the large number of focus group participants across the four countries and the significant efforts undertaken in getting a balanced representation of different social groups, it is still clear that biases do exist. For instance, those with higher educational degrees are heavily overrepresented – to some extent in the groups themselves, but also in the response patterns as the highly educated are typically better at voicing their opinions. The bias is less pronounced in the case of age and gender. Still, the bias towards the higher educated who typically also hold more pro-European views might lead us to overestimate the support for Social Europe to some extent. Furthermore, participants may still not fully comprehend the notion of Social Europe in its entirety; the risk of measuring non-attitudes is mitigated in focus group settings, but not eliminated. We paid particular attention to including the views of individuals from different socio-economic backgrounds in this analysis, but overall, the focus group is not sufficiently fine-grained and precise in order to derive robust and generalizable statements about the impact of individual-level factors on views and

attitudes as precisely as quantitative research is able to do. A second limitation is that there is limited variation in views across countries – which is again due to the overall limited number of cases. There are, however, some tendencies with participants in Poland being, for instance, more skeptical regarding the potential of Social Europe compared to those in Southern Europe who are more optimistic.

Regarding policy implications, our focus groups have revealed (or have confirmed, depending on personal priors regarding this issue) the limited knowledge of European citizens about the European integration process and about the state of Social Europe in particular. Even though many are strongly supportive of Social Europe, they remain generally doubtful of the feasibility of integration measures, even though at least some of these measures are already in place (e.g. regulations regarding the transferability of social security claims or the equalizing of working conditions for men and women). It is, therefore, crucial to mitigate existing information deficits in order to tap into the latent support for a stronger Social Europe, which – as the focus groups also show – is critical in maintaining the cohesion and long-term sustainability of the EU as a whole (see also Eick et al. 2023b).

From a more methodological point of view, our findings also raise serious doubts regarding the validity of some quantitative measurements of attitudes towards Social Europe, in particular regarding those questions and items that assume a certain degree of knowledge about the state of affairs regarding European social citizenship rights. Hence, looking forward, a combination of quantitative and qualitative research perspectives continues to be important in order to gain a deeper understanding of the state and future of EU social citizenship. Having said that, a further refinement of existing quantitative measures and the collection of time-series data are also of top priority.

A second important policy implication of our findings is that the current focus on social investment policies rather than compensatory policies at the EU level is broadly in line with citizens' views and preferences. The EU's role in promoting education, active labor market policies, and similar social investment policies related to labor market mobility is widely perceived and supported. In contrast, when it comes to more traditional social transfers and benefits, citizens rather see national welfare states in charge (and would like to keep it this way). Overall, as our research shows, politicians competing in the upcoming 2024 European elections would be well-advised to take social policy matters seriously.

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12. Conclusions: The State of European Social Rights and European Social Citizenship

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12.1 Introduction

This report has presented the results of the research of the EuSocialCit project about the state of EU social rights and social citizenship. This research took place in the period 2019-2023, a period in which, as argued in the introduction of this report, the European Pillar of Social Rights (EPSR) became the reference point for a whole new series of EU social rights and social policy. At the same time, the introduction raised a series of questions concerning EU social rights and social citizenship, including the extent to which EU social rights do indeed improve the live of citizens, and of which citizens, concerning the balance between the various areas of social rights, or concerning the view of the citizens concerning EU social rights and social citizenship. These conclusions recapitulate the main contributions of EuSocialCit's research concerning the state of EU social rights and social citizenship that emerge from the chapters in this report.

12.2 The nature of EU social rights and social citizenship

A first major contribution of EuSocialCit has been a new conceptualization of social rights and EU social citizenship (Chapters 2 and 4). Social rights are conceptualized as bundles of individual power resources that allow an individual to obtain a certain cash or in-kind benefit. Such bundles of power resources are composed of three distinct types of resources (normative, instrumental and enforcement), which enable the right holder to concretely assert his/her right. Normative power resources come in two types: normative deontic power resources (like constitutions, charters) provide moral principles and broad justifications and establish a political obligation on institutions (governments, European Commission) to promote their application; and normative legal power resources, laid down in laws or collective agreements, provide a detailed and operational definition about who holds a certain (social) entitlement - the right-holder -, the content of the (social) entitlement, and the institutional counterpart which has the duty to provide the content of the entitlement.

Enforcement power resources consist in judicial procedures and channels for dispute settlements and the application of rules (courts, inspectorates, arbitration bodies). They allow individuals to obtain compliance from the respective public authority in case it does not deliver on the legal content of rights.

Where the first two types of power resources are traditionally seen as the two main elements of (social) rights, our conception includes also instrumental power resources, i.e. resources which facilitate effective access to benefits. Such resources are meant to assist individuals in overcoming obstacles that can prevent a right-holder from accessing rights. They may include quality information and awareness raising, user-friendly application procedures, practical help in filling out forms and engaging in direct contacts with pertinent administrations, guidance, counselling, mentoring, etc.

This conception of social rights first of all draws the attention to the actual access to social rights, a major problem across the EU as demonstrated by, for example, the high levels of non-take up of social assistance or the problems many migrant workers in low-skilled jobs face in accessing labour rights. Instrumental resources can play a decisive role in improving access to social rights at four critical junctures: awareness about social rights and social benefits, claim making, acquisition of the benefit and problem solving (mediation, legal assistance and advocacy advice).

A second advantage of this conception of social rights is that it helps us to picture and understand how, within the EU's multi-level governance structure, social rights increasingly have multiple institutional anchors, with some resources developed at the EU level and others at the national or local levels, and some provided by social partners and other intermediary associations. This has led to the emergence of a new marble cake pattern of social rights' production (Ferrera et al. 2023).

12.3 Instrumental resources, access to social rights and upward convergence

The above-outlined conceptualization of social rights was applied across EuSocialCit's empirical research. This confirmed the importance of due attention to the role of instrumental resources (in particular Chapters 5, 6, 7 and 10). Having a right does not necessarily mean effectively enjoying a right's benefits and instrumental resources indeed substantially influence access to social rights. They are pivotal in shaping the outcomes of social rights in terms of, for example, poverty, employment or work-life balance. Also, instrumental resources matter more for disadvantaged groups who have less capacity to navigate the system of social rights and social benefits, including the elderly, migrants, or the low skilled. In this way they help understanding why access to social rights may be limited, how such access may differ between social groups and how this may lead to inequality.

Similarly, instrumental resources may help to understand differences or inequality in social outcomes between countries. Countries where citizens are offered more instrumental power resources are likely to experience a higher respect for social rights and a higher take up of social benefits. They are therefore likely to see better social outcomes than countries where less instrumental resources are provided. The availability of instrumental resources is also often higher in countries with many and strong civil society organizations and trade unions, which often actively provide instrumental resources to certain weaker groups.

From an EU perspective, instrumental resources then influence the extent to which upwards social convergence within and between countries, one of the key goals of the EU, materializes. The same can be said for more particular goals like those defines in the EPSR Action Plan concerning poverty, employment and training. Still, the EPSR and EU social rights overall give only limited attention to instrumental power resources. To effectively foster and strengthen upward convergence and European social citizenship, instrumental resources should be considered part and parcel of social rights.

12.4 The unbalanced implementation of the EPSR

The EPSR consists of a broad range of principles and values related to equal opportunities and access to the labour market, fair working conditions and social protection and inclusion. It does however not create actual social rights, it rather depends on political actors to translate its values into laws and regulations. In this report, it has been shown that the EPSR has indeed become the reference point for the adoption and implementation of an important number of new EU social rights. At the same time, there is a lack of balance in this implementation (chapters 3, 8 and 9).

Of the 20 principles proclaimed in the EPSR, four refer to equal opportunities and access to the labour market, six refer to fair working conditions and 10 refer to social protection and inclusion. However, the accent in the implementation of the EPSR has been on the first two areas, where most new measures have been taken. They focus mainly on social investment and labour market regulation aimed at, among others, providing individuals with the skills in demand in the labour market and for the digital and green transition, increasing gender equality and reducing precariousness in work. Much less attention has been given to measures related to social protection and inclusion and in particular housing has been neglected. Also, most of the social Directives adopted inspired by the EPSR deal with work related issues and a minority with social protection and inclusion.

This lack of balance in the implementation of the EPSR continues the longer-term discrepancy in EU policies between the ample space given to employment and gender issues and the marginal treatment of social protection and minimum income. At the same time, the EPSR's Action Plan has as one of its major goals to lift 15 million people out at risk of poverty or social exclusion. As shown in this report, it is very unlikely that this goal will be reached as long as social protection and inclusion are not given proper attention, also because fostering employment growth and gender equality has proven insufficient to reduce poverty.

The issue of balance is also relevant when considering towards which citizens EU social rights are oriented. On the one hand, the EPSR creates more balance as it overcomes the traditional bias of EU social rights towards cross-border mobile citizens to include the stayers as well. It also continues to foster gender equality. On the other hand, the implementation of the EPSR has largely been directed towards workers' rights, and, through social investment, to workers-to-be, with only minor attention to adults not in work, the excluded, the old, and those lacking appropriate housing or care. As a result, where the EPSR proclaims social rights for all, in its implementation not all benefit equally.

12.5 Public opinion and Social Europe: limited awareness, strong support and substantial skepticism

The relationship between the EU and its citizens is a complex one (Chapter 11). On the one hand, EuSocialCit shows that few EU citizens are aware of the social role played by the EU and of the EU social rights and social policies that exist. There is a substantial information gap here obstructing the reliable forming of opinions about the social dimension of the EU. From the perspective of the EU this is also unfortunate since more awareness of EU social policies tends to increase support for the EU integration project (Natili et al. 2023).

However, on the other hand, the abstract notion of Social Europe enjoys high levels of public support across the EU, albeit with substantial differences concerning what Social Europe should be about (e.g. harmonizing standards or promoting cross-border mobility) and who should enjoy benefits (all citizens or only those that have worked and contributed to society). Also, there is more support for EU level social investment policies or minimum income policies than for EU unemployment policy and preferences differ between socio-economic groups.

To complicate things further, in spite of overall support, there is quite some skepticism concerning the further development of Social Europe. On the one hand this is because there are widespread doubts about the feasibility of joint social policies given the large differences between national welfare states. Also, more in general, there is a substantial group of pessimists that doubts the ability of the EU to successfully deal with major crises like the financial crisis, COVID-19 or the Ukraine-Russia war, as well as with basic problems related to distributive justice and solidarity in the EU. Finally, chapter 11 concludes that for all, the future of Social Europe seems to be deeply intertwined with the future of the EU as a whole, which confirms the crucial role of social policy in legitimizing political orders.

12.6 The future of the EPSR

As demonstrated by most chapters in this report, the EPSR has played a prominent role in the revival of Social Europe and in putting the strengthening of EU social rights and social citizenship on the political agenda. It has been the starting point of a range of new social rights and forms of financing social policy. At the same time, it remains a non-binding set of principles and the extent to which it will continue to be the inspiration and justification for new social rights, as well as the quality of these rights, is subject to political struggles and therefore uncertain. The recent near-failure to adopt the Platform Work Directive and the watering-down of the Corporate Sustainability Due Diligence Directive are cases in point here. Also, considering that the European Parliament has been a protagonist in translating the EPSR into formal social rights, the upcoming European elections and the predicted shift towards the right may well reduce the support to EU social rights and EU social citizenship in the coming years. Hence, the continuity of the revival of Social Europe is not a given and will depend on the political entrepreneurship and political power that will sustain it.

References

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