

# Editorial

## Social protection as the answer to EU scepticism?

According to Eurobarometer 86, Autumn 2016, 36% of Europeans trust the European Union. That is, in my view, not an awful lot. The image of the EU is predominantly positive in just seven countries. Ironically, one of these countries is the UK. If we combine that information with the fact that important elections are forthcoming in France and Germany – countries in which some political parties have rather anti-EU sentiments – it is not surprising that some say that these elections may have significant consequences for the future of the EU.

A possible means to restore faith in the EU is perhaps to focus on social rights. Here, the so-called European Pillar of Social Rights may be important. It is structured around three main headings: (i) equal opportunities and access to the labour market; (ii) fair working conditions; and (iii) adequate and sustainable social protection. The message is clear: the EU doesn't just have an economic, but also a social answer to many questions.

Although EU law has certainly not always worked in favour of employees in each and every Member State, employees regularly call on the protection they receive from it. As we can see in this magazine, that is especially the case when it involves (perceived) discrimination. Age discrimination is a topic that we often cover. For example, the Austrian Supreme Court has held that the selection of employees for redundancy based on their entitlement to an early retirement pension constitutes unfair dismissal on grounds of direct age discrimination. However, the exact scope of age discrimination is not yet fully clear. The Hungarian Supreme Court has held that length of service is not a protected ground for the purposes of age discrimination.

It is likely that we will see many more discrimination cases in future. It seems equally that decisions about the contracts governing new forms of working relationships, such as those of Uber drivers will also feature. Are these drivers 'workers' or 'self-employed contractors'? The answer to this question matters because whether drivers benefit from employment protection depends on it. In many cases only workers or employees enjoy protection

from EU employment law. In the UK, the Uber drivers were considered to be 'workers', and therefore they were entitled to basic protection, such as the national minimum wage, paid holiday (under the Working Time Directive) and protection against retaliation for 'blowing the whistle' on wrong-doing.

Let's see where the future takes us. But first, I hope you will enjoy the content of this magazine.

Zef Even, editor