

# Editorial

## A Christmas Carol

CONTRIBUTOR Zef Even

Although written in 1843, Dickens' *A Christmas Carol* remains contemporary. This widely-known tale follows Scrooge in his supernatural journey through past, present and future. The probable reason that the tale remains contemporary is that the 'present' always shifts. The story has been adapted and retold numerous times, as I'm sure we will see on the television in the weeks to come. The bottom line, however, is always the same. The tale conveys a charitable message: *'a moral paradigm that is communal rather than individual, joyous in the face of loss or pain rather than nostalgic for brighter times, and – most importantly – a spirit that should permeate the whole year rather than a mere twelve days at its end'* (see: Dickens Society Blog, Past, Present, and Future: The Dickensian (Christmas) Spirit).

The draft joint report from the Commission and the Council accompanying the Communication from the Commission on the annual Growth Survey 2019 of 21 November 2018, COM (2018) 761 final, somewhat reminds me of *A Christmas Carol*. Current unemployment and poverty rates are compared with the 'pre-crisis level', the spirit of the past. The spirit of the present is in better shape than Scrooge was. We're overall doing quite well in terms of *i.a.* employment, wealth, wage growth and participation, with exceptions in some Member States and with regard to some groups of society, such as low-skilled workers. The spirit of the future is formed by referring to the European Pillar of Social Rights, and also constitutes the moral paradigm. The report states we are making progress. But we are not there yet: *'The current economic upswing provides an opportunity for stepping up reforms aiming at improving the inclusiveness, resilience and fairness of labour markets and social protection systems, thus fostering convergence towards better living and working conditions in the EU. However, there are also downside risks to the recovery, which make it urgent for Member States to seize this opportunity.'*

The report makes clear that there are some tough nuts to crack before we can attain a 'joyous' future. Let me address three topics. Firstly, technical developments

and related transformation are changing the working environment. The report makes clear that this requires upskilling and reskilling the working population. This is a challenge, as more than 40% of the adults in the EU do not have basic digital skills, with peaks of 70% in some Member States. Secondly, although the incidence of atypical work is rather stable at EU level, high labour market segmentation remains an issue for a number of Member States. The share of employees working on fixed term agreements is about 14% on average. Most of them would prefer a contract for indefinite duration. Besides this, there are issues concerning the self-employed. Around 25% of all self-employed people are vulnerable or invisible. Growing numbers of workers earn their income through platform work. Member States try to reform their legislation against this backdrop and strive to achieve a better balance between flexibility and security, at the same time avoiding segmentation. In my experience these goals are difficult to attain. Lastly, the report notes that a proper working social dialogue is a key element in the European social market economy. Unfortunately, the degree and impact of the involvement of social partners is weak in various Member States.

I'm not convinced that the European Pillar of Social Rights can adequately counter these challenges. Both national and European employment law, preferably including law relating to self-employed persons, must, in my view, be reformed in order to adequately deal with the impact of new technology and the consequences of atypical work – itself partly a consequence of new technologies, such as platform work. The classical route to modifying social law in many Member States is through social dialogue. This route, however, seems to have lost some of its effectiveness. We need to re-invent it.

In the meantime, we need to deal with the problems we face using our existing legal toolkit, even though it is clear from a number of the cases we have reported on in EELC this year that this is increasingly difficult to do. Our tools may (just about) work for now, but we need sample some ways of dealing with these challenges now before we get a nasty foretaste of the future. Having said that, let us now concentrate on the present: please enjoy both the holidays and this magazine!

Zef Even, editor