



European Federation of Public Service Unions (EPSU) submission to the Party of European Socialists for PSE European Parliament Manifesto 2009

Quality Public Services – Quality of Life

Introduction:

This submission is intended to propose legislative initiatives that promote and protect public services within the EU. EPSU supports the broad progressive approach of the Party of European Socialists (PSE) and is proud to have built a solid and constructive relationship with the party.

EPSU can most usefully contribute to the PSE in two ways; firstly, by outlining a programme of action for public services for the European Parliamentary term 2009 – 2014, and; secondly, by making a coordinated effort to mobilise our 8 million strong membership to vote for candidates committed to putting public services at the heart of the EU policy agenda.

EPSU representatives are acutely aware that the delivery of quality public services in the EU depends not only on good policy making, but also on political acknowledgement that without adequate funding, quality cannot be guaranteed. The issues of fair taxation within EU member states, and targeted funding from central EU sources are major pillars of the debate.

EPSU supports the aim of the European Trade Union Confederation (ETUC) in calling for social justice to take precedence over market principles and in particular, the call for a social rights clause.

1. Rights and duties for all – the individual active *in* society

Legislative initiative :

- Horizontal framework for Public Services (Based on Article 14 and the attached protocol, and article 3A of the Lisbon treaty) which includes strongly articulated quality criteria based on the aims of these services

This framework will need to be further supported by the charter of fundamental rights. EPSU recommends that this support be realised by a concerted strategy by the trade unions and the PSE to apply 'test cases' to give solid legal personality, through rulings in the European Court of Justice (ECJ), to principles in the Charter. EPSU recommends that cases before the ECJ should be



rigorously assessed for social and public service implications (positive and negative).

Result:

A clear 'EU policy space' for public services and a balance to the internal market. A balancing of policies within the European Union.

General comments

As recognised by the PSE, [public services](#) need a specific horizontal framework to counterbalance the internal market within the EU. There should be a **moratorium** on any further sectoral initiatives, *before* the horizontal foundation for public services is established.

The Lisbon Treaty – once ratified by all EU Member States – will create an improved basis for public services in primary law. The provision in the EU Treaty on 'services of general economic interest', i.e. public services, has been amended. Article 14 makes reference to article 3a, mentioning the respect of the Union for the "essential State functions" of member states. Article 14 will also provide a legal basis for EU regulations (by 'ordinary procedure') that establish principles and set conditions "to provide, to commission and to fund such services." EPSU considers the implementation of these provisions in concrete legislative terms (through a horizontal framework) to be *the* priority goal of the European Parliament 2009 – 2014, ([5 reasons why action is needed now to promote public services in Europe](#)).www.epsu.org/a/1219

The PSE should continue to call for a horizontal legal framework at EU level for public services, based on the public services protocol annexed to the Lisbon Treaty. It should set out concrete objectives and targets for improving public services at different levels, based on the public services values and principles of solidarity-based funding, quality standards and criteria, participation of workers and citizens, and evaluation. It should be extended also to the European Neighbourhood Policy (ENP) countries and be accompanied with monitoring and support instruments that encourage public authorities to develop solidarity-based public services, ([EU neighbourhood policy: implications for public services and trade unions](#)) www.epsu.org/a/1764 .

This could take the form of a package of horizontal legislative measures with regulations and / or agreements on specific issues, in order for example to:

- ✓ broaden the definition of what counts as 'in-house' provision of public services
- ✓ encourage public-*public* cooperation, such as inter-communal cooperation



- ✓ give more scope for the inclusion of social and environmental criteria in public procurement contracts
- ✓ tackle corruption and underpin good administration, transparency, democratic control, and the participation of workers and their representatives and users in the delivery of quality public services
- ✓ underpin the responsibility of governments to strengthen universal and fundamental rights, for example the right to healthcare, energy, water, and for every child to have access to quality childcare
- ✓ improve the quality of work, for example through life-long learning and competence development, measures to support gender equality and equality of opportunities for all
- ✓ develop productivity indicators that take into account quality and not only economic performance

Sectoral initiatives

Any European sectoral initiatives, must take the horizontal legal framework as a departure point. They must regard the principles of a horizontal definition of public services and their practical application, as the fundamental starting point. They should be clear in the areas of health services, water, and local government. Retrospective evaluation of the Energy sector (electricity and gas) should be undertaken so that these sectors are in line with the horizontal approach, ([self-assessment or public debate? evaluating the liberalisation of network services in the EU and USA](http://www.epsu.org/a/3235)) www.epsu.org/a/3235 .

e-Government is increasingly used by national, regional and local public authorities as a way to rationalise links with public service users. e-Government initiatives are increasingly based on public – private partnerships. The general interest in these arrangements however, has so far been neglected with far reaching consequences for democratic control, protection of user data and accountability. Equal access to e-Government services has to be ensured through provision of public computer stations in libraries and other public spaces. The PSE should pick the area up for future work and propose adequate legislation, for instance on data protection.

2. Full employment – fulfilling employment

Legislative initiative :

- European Parliament to agree to statutory minimum wage in EU member states (where it exists) to be at least 60% of average wage (and 70% of average when agreed through collective bargaining).
- Implementation of the CERCAS report on working time
- European employment strategy to take the concept of 'quality work' rather than 'flexicurity' as the starting point



Result:

A definition of full employment, which includes fair working conditions, representation and rights and a departure from the tacit acceptance that precarious work and ‘grey’ economy jobs are somehow valid means of job creation.

General comments:

Full employment means employment with full rights and representation. The Viking, Laval, and Ruffert rulings by the European Court of Justice have resulted in an ‘EU charter for social dumping’. The PSE needs to do more than disassociate itself from these developments. It must provide political leadership which signals that the right to collectively negotiated fair pay agreements in any region of the EU is as fundamental a right as any of the four freedoms. Minimum wage targets should be agreed, where, for example the target of all minimum wages in the EU member states being at least 60% of the average wage of that member state, by 2015 and 70% by 2020. Please find EPSU statement on minimum wages here; www.epsu.org/r/264 .

Sectoral initiatives:

European standards, including working time and fair working conditions, and collective bargaining rights have to be further developed. This is as much the case for commercial entities operating in areas formally described as public services.

3. Investing in people – gaining through training

Legislative initiative :
Directive on promotion of life-long learning as a central part of working life
(based on Article 14 of charter of fundamental rights)

Result:

A higher, more adaptable skill base among EU workers.

General comments:

If the European Union is serious about producing a high-skilled, innovation based economy and about the provision of essential services to facilitate this, a genuine commitment to life-long learning is needed. The privatisation of education facilities therefore needs to be halted. Investment in primary, secondary and university education is as necessary as proper recognition and investment into vocational education facilities. The European legislator could promote life-long



learning initiatives by providing incentives for social partners to negotiate on life-learning, by for instance a framework regulation on educational leave.

Sectoral initiatives:

PSE support for the developments in the hospital sector would be welcomed. The social partners have recently agreed a text addressing the issue of future skill needs in the hospital sector.

4. Inclusive societies – no one left behind

Legislative initiative :

- Public Procurement directive that includes a strong social clause
- Recognition of the value of state-aid in supporting essential services and in revitalising marginalised regions
- A European wide quality evaluation on the effects of Public private partnerships on public service delivery

Result:

A reduction in the wealth gaps within the EU and a reduction in those excluded from essential services.

General comments:

Political convention has allowed the phrase ‘no one left behind’ to become a catch-all feel good slogan. However, there is little evidence that the flip side of this debate is being considered. Namely, how do we encourage those who are far ahead *to wait* until those left behind can catch up? A functioning society is by its nature collective. An inclusive society is one which sees any evidence of marginalisation as a stark critique of its failings. Over the last decade the EU has seen increased wealth gaps, and increased legitimisation of these gaps. Meanwhile, huge corporate, and individual, riches have been allowed to amass. The PSE must take the political lead and unequivocally acknowledge that market forces, unchecked and unregulated, exacerbate these wealth gaps. Re-affirming the responsibilities of those who are far ahead to a shared society is the way to ensure genuinely inclusive societies: www.epsu.org/a/1219 . One way to ensure inclusive societies is to guarantee equal access to quality public services, ([Statement of EPSU steering committee on state aids](http://www.epsu.org/a/982)) www.epsu.org/a/982 .

Sectoral initiatives:

EPSU has called strongly for the following to be addressed at the EU level;
Energy sector: *Fuel poverty and European Charter on the rights of energy consumers* – EPSU position: www.epsu.org/a/3210 .



National Administration: *Prison overcrowding and consequences for rehabilitation rates* www.epsu.org/a/3180

Healthcare: promoting realistic active ageing policies in the hospital sector www.epsu.org/a/2282 .

Local Government: *the active inclusion of those furthest from the Labour market* www.epsu.org/a/3657 .

5. Universal childcare and Universal healthcare

Legislative initiative :

- Until the horizontal framework for public services is fully articulated at EU level there should be a refusal to undertake *any* European initiative in the health service sector. Any subsequent initiative must take as core values the principles of universality, affordability, accessibility and solidarity.
- A directive on access to childcare as a fundamental right

Result

A development of core principles to decrease disparities in access to quality healthcare in the European Union. A decrease in the disparity of services provided in EU member states, particularly between recent member states and founder member states, ([EPSU – HOSPEEM joint declaration on health services](http://www.epsu.org/a/3615)) www.epsu.org/a/3615 .

General comments

At the European level, the absence of a clear policy on healthcare, which takes universal principles (as stated above) as the departure point, has allowed the European Court to incrementally introduce marketisation elements to the sector based on individual case law. EPSU deplors this gradual erosion of universal healthcare principles. A strong horizontal foundation for public services is required to ensure that any subsequent policy debate on healthcare services is framed correctly – i.e.; on principles and not ‘market obligations’.

The European Commission has heavily promoted the flawed concept of ‘patient choice’; It has never even attempted to explain that under their draft proposals the only choice available is based on the ability to pay.

Sectoral initiatives

EPSU has cemented its role as the voice of health workers in the European Union. Reflecting the will of those voices, it is resolutely committed to keeping health services in the European Union under direct public management.

6. Equal rights for men and women – Equality through example

Legislative initiative :

We work for you!
European Federation of Public Service Unions (EPSU)

- A strengthening of Directive 92/85/EEC to provide for improved maternity protection.
- A strengthening of the Parental leave directive

Result:

A genuine commitment to achieving equality in the workspace, www.epsu.org/a/2596.

General comments:

A significant percentage of public service jobs are carried out by women working for low wages. Lack of maternity support and parental leave increases the barriers to equality. A concrete commitment to improve child care and dependant care provisions is long overdue. The PSE draft paper has a target to reduce the gender pay gap to 10 % until 2015.

Sectoral initiatives:

EPSU has negotiated joint statements with employers on equality in the energy www.epsu.org/a/2626 , local government www.epsu.org/a/3541 and national administration www.epsu.org/a/1692 sectors and has undertaken actions in care and water sectors.

7. Social Dialogue – essential services need essential support!

Legislative initiative :

- A concrete commitment by the PSE to bolster European sectoral social dialogue.
- A pledge by the European Parliament to insist that sectoral social partners are **jointly** consulted at the drafting stage of any legislation that will have a social impact on the sector in question.
- A commitment to giving the social partners a formal evaluation role on the social impact of any sectoral EU legislation/ initiative.
- A commitment that explicit support for sectoral social dialogue is essential for the post of European Employment and Social Affairs Commissioner. (and a reflection of this in European Parliamentary hearings).
- An awareness raising campaign highlighting the existence of these committees, particularly in the essential services of Energy, Local Government, National Administration and Hospitals.

Result:

A clear signal to European employer organisations in the essential services of energy, local government, hospitals and national administration, that the



European institutions expects full and constructive engagement of sectoral social partners in the production of concrete social initiatives.

General comments:

EPSU has full European social dialogue committees in the following sectors:

Electricity www.epsu.org/a/3239, **Gas**, **Local Government** www.epsu.org/a/2558, and **Hospitals** www.epsu.org/a/2282. It also has a formalised process in the National Administration sector www.epsu.org/a/3615. Each sector is integral to a fully functioning Social Europe. EPSU is proud to have played the central role in establishing these committees. However, for these committees to result in tangible improvement for public service users, long-term political support is needed.

The PSE have pledged to strengthen social dialogue by improving EU labour law on information and consultation, improve the European Works Council system and relaunching tripartite social dialogue. However, an even stronger commitment needs to be made to the system of sectoral social dialogue in the EU. The European Parliament needs to put direct pressure on the European Commission as a whole, to *directly facilitate* the process. This does not mean a vague commitment to 'civil dialogue'. Over the last five years, we have seen that European social dialogue only works if there are policy based 'push factors' applied. In other words, the employers must be made aware that the process of social dialogue is the most constructive option.

8. Making diversity and integration our strength -

Legislative initiative :

- A directive on equal treatment, which includes concrete anti – discrimination measures outside the field of employment, which gives strong reference to articles 34-36 (social services, health and public services) and 41 (right to good administration) of the Charter of fundamental rights.

Result:

Anti-discrimination legislation that recognises the role of public services in meeting the needs of those at risk of discrimination, and the role educating and enforcing anti-discrimination laws.

General comments

Quality public services are the motor of good integration. Through good social services, childcare, immigration services, healthcare services and housing, they are very often the frontline in the battle against discrimination. Often public services workers do this job in the face of over-stretched resources, lack of training and personnel, and under considerable stress. Recognition of the value

of these services to society as a whole must be reflected in strong legislation to promote quality, www.epsu.org/a/3715 .

9. Sustainable societies – tackling climate change

Legislative initiative :

- A European Parliament recommendation stating that access to clean water is a fundamental right (and that water management and delivery should be in public hands)
- A commitment to public investment in renewable and low-carbon technologies
- A European commitment to the ‘Proximity principle on waste management
- A mainstreaming of ‘just transition’ principles into EU environmental policy
- Public-public partnerships should be promoted for the water and waste sector including in development policy

Result: A genuine reflection of the management role of public services in achieving sustainable, environmentally sound policy.

General comments

The need for public regulation and management of waste and water sectors should be recognised by now: www.epsu.org/a/3210 . Increasing environmental concerns have underlined the need for strategic coordination. Public, accountable structures are the only transparent manner in which this can be guaranteed. The European Parliament should commit to ‘water remaining in public hands’ www.psir.org and to the proximity principle in waste management. It should set out targets and deadlines for cross-border export of waste.

10. An active Europe for people -

Legislative initiative :

- **Legislative commitment to transparency with EU institutions, including funding and management of EU agencies**

Result:

Stronger awareness of process of EU decisions.

General comments:



The European Union cannot be built on the internal market and competition. Quality employment, quality public services and infrastructures are vital ingredients to foster social inclusion, equality and solidarity. EU citizens want a Social Europe. EPSU supports the PSE proposal to make the social mainstreaming of legislative proposals an obligation for European policy makers, based on the horizontal clause in the Lisbon Treaty.

***Comments and Queries to epsu@epsu.org or bsynnott@epsu.org
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