

THOUGHTS ON THE EU'S EMPLOYMENT POLICY, OR IS THE ROLE OF THE EUROPEAN PUBLIC ADMINISTRATION RELEGATED TO THE BACKGROUND?!*

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ABSTRACT: *In terms of European public administration, we can certainly talk about a specific and perhaps unfairly rarely spotlighted topic, which may be mainly behind it. That with regard to employment policy, the Union primarily transfers responsibility and authority to the governments of the member states, the common legislation emerging in this area is also of extreme importance.*

The objectives of the European employment strategy defined in the field of the common employment policy go back to 1997, which implemented "soft coordination" between the member states through the elaborated follow-up process and financing instruments. The most important objective of Europe 2020 was to improve the number and quality of jobs. Among the goals to be achieved by 2030, the focus is placed on the area of skills and social protection (EU Briefings on employment policy).

KEYWORDS: *special public administration; EU; co-ordination; employment policy.*

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1. INTRODUCTION. THE QUESTION OF THE LEGAL BASIS

The Union designated Article 3 (3) of the Treaty on the European Union (hereinafter: TEU) as the legal basis related to employment policy, which states that the Union will create an internal market. The Union works for the sustainable development of Europe, which is based on balanced economic growth, price stability and a highly competitive social market economy aiming at full employment and social progress, coupled with a high degree of protection and improvement of the quality of the environment. The Union promotes scientific and technical progress.

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In addition, Articles 8–10, 145–150, 156–159 of the Treaty on the Functioning of the European Union (hereinafter: TFEU) are also cited as a legal basis. and 162–164. articles.

Article 8 of the EUTMS (which corresponds to Article 3(2) of the former TEC) includes the elimination of inequalities and the promotion of equality between women and men. Article 9 deals, among other things, with the promotion of a high level of employment, the provision of adequate social protection and the fight against social exclusion. Article 10 contains the fight against discrimination on the basis of protected characteristics, which principle was transposed into the domestic regulations by Act CXXV of 2003 on equal treatment and the promotion of equal opportunities. can be found in the Act (TORMA,2015).

The former Article 125 of the TEC, which currently corresponds to Article 145 of the EU Treaty, states that, in order to achieve the objectives set out in Article 3 of the Treaty on European Union, the Member States and the Union shall strive to develop a coordinated strategy for employment in accordance with this title, and especially in terms of the development of skilled, trained and adaptable workforce and labor markets that can respond to economic changes. The Member States must contribute to this objective through their employment policy in a manner that is consistent with the overall economic policy guidelines of the Member States and the Union's economic policy issued by the European Council (TEU,2007).

It is an important principle that the member states consider the promotion of employment as a matter of common interest, taking into account the national practice regarding the obligations of the social partners, and coordinate their actions in this direction in the Council in accordance with the following provisions:

- Based on the joint annual report prepared by the Council and the Commission, the European Council annually examines the employment situation in the Union and adopts conclusions on it.

- Based on the conclusions of the European Council, the Council, on the basis of the Commission's proposal and after consultation with the European Parliament, the Economic and Social Committee, the Committee of the Regions and the Employment Committee, annually develops guidelines that the member states take into account in their employment policies.

- Each Member State submits an annual report to the Council and the Commission on the main measures it has taken to implement its employment policy in the light of the employment guidelines.

- On the basis of the aforementioned reports and after receiving the opinion of the Employment Committee, the Council annually examines the implementation of the employment policy of the member states in the light of the employment guidelines. Based on the Commission's recommendation, the Council may make recommendations to the member states if it deems it appropriate following the investigation.

- Based on the results of the investigation, the Council and the Commission jointly prepare an annual report for the European Council on the employment situation in the Union and the implementation of the employment guidelines (TFEU,2007).

In addition to all this, the Union contributes to a high level of employment by encouraging cooperation between the Member States, supporting and, if necessary, supplementing their activities. In doing so, it respects the powers of the member states. It

is important to take into account the objective of high-level employment for EU measures (TORMA-RITÓ,2021).

Encouraging cooperation between Member States is a particularly important objective due to the development of the exchange of information and best practices. The Union tries to support innovative approaches and the implementation of pilot projects. For this, the European Parliament and the Council adopt measures in the framework of the ordinary legislative procedure, but these measures do not include the harmonization of the laws, regulations and administrative provisions of the member states.

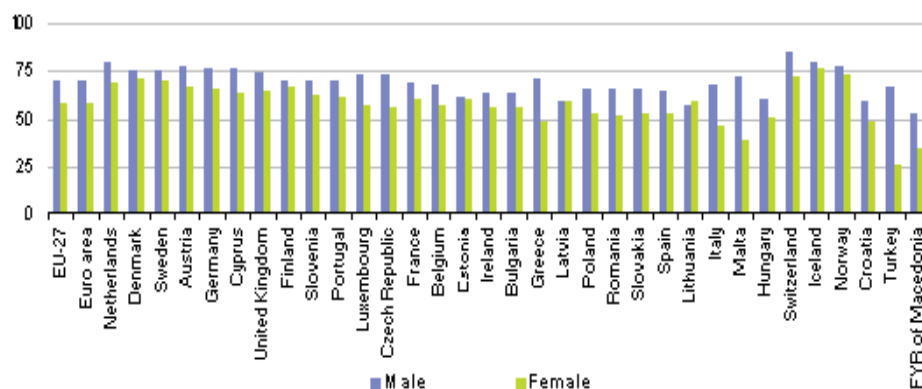
The above-mentioned Employment Committee, which has advisory powers, is established by the Council with a simple majority to promote coordination between member states in the field of employment and labor market policy. The Commission is tasked with monitoring the employment situation and employment policy in the Member States and the Union; develops opinions; provides assistance in the preparation of employment-related activities. During the performance of his duties, he consults with the social partners. Each Member State and the Commission delegate two members (TORMA-SZABÓ,2011).

In connection with the above-mentioned basic principles, it is also necessary to talk about the following areas in which the Commission encourages the cooperation of the Member States, and these are:

- employment,
- labor law and working conditions,
- basic and higher level vocational training,
- social security,
- prevention of workplace accidents and occupational diseases,
- workplace health protection,
- the right of association and collective bargaining between employers and employees.

In order to achieve this goal, the Commission prepares studies, issues opinions, and conducts consultations at the level of both national and international organizations.

The equal remuneration of men and women for work of equal or equal value appears as a mandatory element, but the practical realization of this is still a problem in most states, including Hungary, however, equal pay between the sexes is already implemented in the public sector following the legally defined set of conditions. However, in some sectors - mainly related to having children, which causes women to become economically active later and to a lesser extent - differences can still be found.



(1) The figure is ranked on the average of employment rates for males and females.

Source: Eurostat (online data code: lfsi_emp_a)

Source: Eurostat

In the wording of the TFEU, equal remuneration without discrimination based on gender means that in the case of performance pay, the remuneration for the same work is established on the basis of the same unit of measure; and in the case of hourly wages, the same remuneration applies for the same position. However, remuneration is only one segment of the principle of equal opportunities and equal treatment. In order to ensure that these principles are effectively ensured, Member States may adopt measures providing certain advantages for the underrepresented gender to facilitate the pursuit of professional activities and to prevent disadvantages for them in their professional advancement.

Among the member states' efforts is to maintain the existing equivalence of the regulatory systems for paid leave.

In order to achieve the above objectives, it is necessary to prepare an annual report on the development of the demographic situation and the progress in achieving the objectives (TORMA,2015).

2. CREATION OF THE EUROPEAN SOCIAL FUND

The European Social Fund was created in order to improve the employment opportunities of employees in the internal market and thereby contribute to raising the standard of living, the purpose of which is to facilitate the employment of employees within the Union, to increase their geographical and occupational mobility, as well as their adaptation to changes in the industrial and production system facilitating, especially through vocational training and retraining.

The Fund is managed by the Committee, assisted in its task by another committee led by the Committee's president and composed of representatives of governments, trade unions, and employers' organizations.

The implementing regulations relating to the Fund are adopted by the European Parliament and the Council, after consultation with the Economic and Social Committee and the Committee of the Regions, in the framework of an ordinary legislative procedure (TORMA, 2015).

3. OBJECTIVES OF THE EUROPEAN UNION

Article 3 of the Treaty on the European Union - as I mentioned in the previous chapter - aimed at full employment and social progress. The horizontal provision contained in Article 9 of the EUMS states that the definition and implementation of policies and measures must be taken into account with the objective of a high level of employment.

It is the joint task of the Member States and the Union that the EUMS no. Based on the provisions of Article 145, strive to develop a coordinated strategy in the field of employment, and especially the development of skilled, trained and adaptable workforce, as well as labor markets that can respond to economic changes (TORMA-SZABÓ, 2011).

4. THE ACHIEVED RESULTS

The article available on the website of the European Parliament discusses the development of employment policy divided into five areas, these are as follows:

1. From the beginning (between the 1950s and the 1990s) to the post-2020 strategy
2. Strengthen coordination and follow-up
3. Binding legal acts - EU legislation
4. Coordination through recommendations and other policy initiatives
5. EU funding instruments providing support

Proceeding along this system, I will analyze the achieved results by taking the mentioned elements one by one.

4.1. From the beginnings (between the 1950s and the 1990s) to the post-2020 strategy

In the 1950s, industrial restructuring threatened the jobs of those working in the coal and steel industries. That is why it became necessary to provide transition support, which was realized at this time in the European Coal and Steel Community (ECSC).

The European Social Fund (ESF), established in the 1960s, played a prominent role in the fight against unemployment.

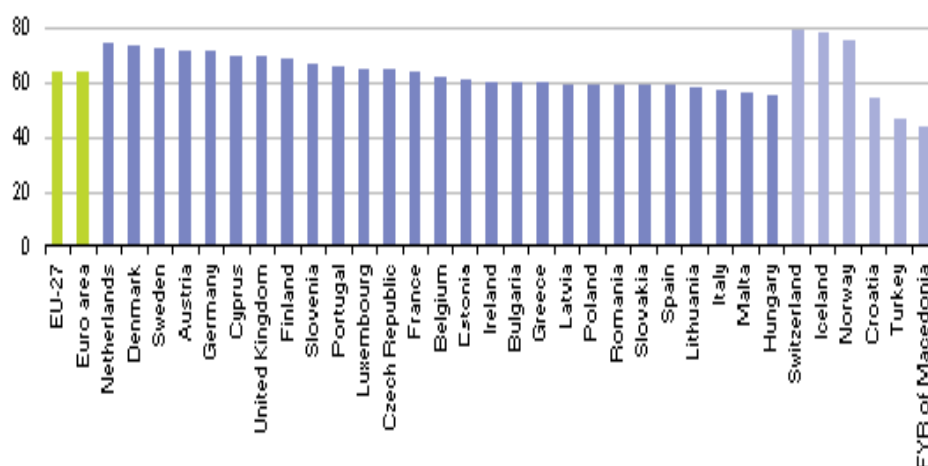
In the 1980s and early 1990s, employment action programs focused on specific target groups and established a number of monitoring and documentation systems.

During this period, in connection with the high unemployment affecting the EU member states, the white paper started a debate on the EU's economic and employment strategy and - which was unprecedented - put the issue of employment at the top of the European agenda.

The new chapter of the Treaty of Amsterdam (1997) on employment served as the basis for the European employment strategy and the establishment of the permanent Employment Committee with advisory powers, with the aim of promoting coordination between member states in the field of employment and labor market policies. At the same time, as I have already mentioned, employment policy still primarily falls within the

competence of the Member States. The inclusion of the "protocol on social policy" in the contract increased the participation of the social partners (TORMA-SZABÓ,2011).

Labor market statistics have played a central role in EU policies since the 1997 Treaty of Amsterdam added an employment chapter. The employment rate, i.e. the percentage of the employed in relation to the working-age population, is a key social indicator.



Source: Eurostat (online data code: *fsi_emp_a*)

The extraordinary summit on employment held in Luxembourg in 1997 together with the open coordination method launched the European employment strategy, i.e. the so-called Luxembourg process, the annual cycle for the coordination and control of national employment policies, which is based on the commitments made by the member states to establish common tasks and goals. is based on. The European employment strategy equated a high level of employment with the macroeconomic goals of growth and stability (TORMA,2015).

In 2000, at the meeting of the European Council in Lisbon, an agreement was reached on the new strategic objective of the EU becoming "the most competitive and dynamic knowledge-based economy in the world", defining full employment as the overarching goal of employment and social policy, and to be implemented by 2010 established specific goals, known as the Lisbon Strategy.

Following the 2007-08 financial crisis, the Europe 2020 strategy was adopted in 2010, and the European Semester was introduced as a mechanism for financial and economic policy coordination. This ten-year strategy for employment and smart, sustainable and inclusive growth has for the first time set out priority targets, such as increasing the labor market participation of the population aged 20-64 to 75% by 2020. The member states had to translate all priority goals into national goals (TEU,2007).

European Pillar of Social Rights: presented by the Commission in 2017. It defines 20 key principles and rights to support the renewed convergence process aimed at improving

living and working conditions. The pillar is complemented by a "social scoreboard" to monitor progress. At the Social Summit in Gothenburg in November 2017, the Parliament, the Council and the Commission underlined their joint commitment to adopt a joint declaration on the European Pillar of Social Rights (TFEU,2007).

The 2021 Action Plan for the Implementation of the European Pillar of Social Rights sets out three new priority EU targets to be achieved by the end of the decade, including in the following areas:

- Employment: by 2030, at least 78% of the population aged 20–64 should be employed;
- Skill development: at least 60% of adults must participate in training each year (SZABÓ,2020).

4.2. Strengthen coordination and follow-up

Components of the annual monitoring cycle of employment policies within the European Semester:

- employment policy guidelines drawn up by the Commission and adopted by the Council after consultation with the Parliament;
- the joint employment report published by the Commission and adopted by the Council;
- national reform programs;
- country reports and country-specific recommendations compiled by the Commission, the latter of which must be accepted by the Council.

The four employment policy guidelines defined in Article 148 formulate strategic objectives for national employment policies and contain policy priorities in the fields of employment, education and social inclusion. The employment policy guidelines are part of the eight integrated guidelines that are part of EUMS no. They also contain four additional broad economic policy guidelines contained in Article 121.

The employment policy guidelines have recently been aligned with the principles of the European Pillar of Social Rights and incorporated elements related to the consequences of the Covid19 crisis (SZABÓ,2022), the green and digital double transition, the justice of the green transition, the UN Sustainable Development Goals, and the Russian invasion of Ukraine.

The Commission proposed a revised social scoreboard in agreement with the member states. This is a key tracking tool. This was necessary because the political priorities and measures defined in the action plan can be better reflected in this way.

The social scoreboard consists of 17 main indicators – adopted by the Council – which evaluate the employment and social performance of the Member States in three broad dimensions:

- I. equal opportunities
- II. fair working conditions
- III. social protection and social inclusion.

4.3. Binding legal acts - EU legislation

These instruments are also referred to as "hard law" because they effectively enhance coordination between member states.

Based on the provisions of the EUMS relating to employment and social affairs, the guidelines, decrees and decisions adopted in order to ensure uniform minimum requirements:

- occupational health and safety; general and specific rights and obligations, work equipment, specific risks, such as hazardous substances, carcinogens;
 - equal opportunities between women and men: equal workplace treatment, pregnancy, maternity leave, parental leave;
 - protection against discrimination based on gender, race, religion, age, disability and sexual orientation;
 - working conditions: minimum wages, part-time work, fixed-term contracts, working hours, employment of young people, information and consultation with employees;
 - support services: increased cooperation between state employment services.
- Other EU legislation supports the fundamental freedoms governing the movement of persons, services and capital within the Union:
- free movement of workers: equal treatment, access to social benefits;
 - posting of workers: duration, salary, affected sectors (TFEU, 2007).

4.4. Coordination through recommendations and other policy initiatives

These are instruments of "soft law", which include council recommendations without binding legal force and other policy initiatives introduced by the Commission.

- European Youth Guarantee: its aim is to ensure that all young people under the age of 30 can receive a high-quality job offer within 4 months of losing their job or finishing formal education, or receive further education, apprenticeships or traineeships.
- Council recommendation on labor market integration of long-term unemployed persons: focuses on registration, individual detailed assessments and labor market integration agreements for registered long-term unemployed persons.
- European Skills Agenda: contains 12 measures focusing on skills for jobs to ensure that the right to training and lifelong learning is realized across Europe. To tackle skills shortages in the Union and to promote a mindset that prioritizes retraining and upskilling, 9 May 2023 to 8 May 2024 has been declared the European Year of Skills to help people develop the right skills for quality jobs.
- The commission's recommendation on effective and active support for employment issued after the Covid-19 crisis outlines a strategic approach for the gradual transition between the emergency measures taken to preserve jobs during the pandemic and the new measures necessary for job-creating recovery.
- Occupational health and safety strategic framework 2021-2027: includes the key challenges and strategic objectives related to occupational health and safety and presents the most important measures and tools to address them.
- European care strategy: it aims to provide high-quality, affordable and accessible care services throughout the Union and to improve the situation of both those receiving care and those who care for them, whether professionally or informally.

4.5. EU funding instruments providing support

Many EU funding programs provide support in the field of employment. The main EU instrument for investing in people is the European Social Fund Plus (ESF+), which combines several funds and programs:

- the ESF,
- the youth employment initiative,
- the European aid fund supporting the most needy persons,
- the program of employment and social innovation.

The purpose of ESF+ is to overcome the socio-economic consequences of the Covid-19 pandemic, to promote a high level of employment, to build social protection, and to create a skilled and resilient workforce prepared for the transition to a green and digital economy.

- European Globalization Adjustment Fund: It serves to support laid-off workers, supports those who lose their jobs due to structural changes in world trade, digitization, automation and the transition to a low-carbon economy.

- Recovery and Resilience Building Instrument: A central element of NextGenerationEU, a temporary instrument to support reforms and investments undertaken by Member States between February 2020 and December 31, 2026. It aims to mitigate the economic and social impacts of the Covid-19 crisis, and to make European economies and societies more sustainable and resilient, and better prepared for the challenges and opportunities of the green and digital transition.

- REACT-EU (Recovery Aid for Cohesion and European Territories): complements the programs of the Structural Funds for the period 2014-2020 and complements the cohesion appropriations for 2021-2027. Extends and expands crisis response and recovery measures implemented under the Coronavirus Response Investment Initiative and the Expanded Coronavirus Response Investment Initiative.

- SURE (Emergency Unemployment Risk Mitigation Support): provided financial support to member states during the Covid19 crisis, enabling reduced working hours and similar measures to protect jobs and workers.

- Just Transition Fund: aims to alleviate the social and economic costs resulting from the transition to a climate-neutral economy by helping people adapt to the changing labor market. The Fund is the first pillar of the just transition mechanism that is part of the European Green Deal (SZABÓ,2022).

5. THE ROLE OF THE EUROPEAN PARLIAMENT IN THE FIELD OF EMPLOYMENT POLICY (TORMA, 2015)

The role of the Parliament gradually developed and became increasingly important in this area. With the entry into force of the Treaty of Amsterdam, it introduced the need to consult the Parliament regarding the employment guidelines before they are adopted by the Council. The open coordination method provides a greater role for national parliaments.

Within the framework of the Europe 2020 strategy, the Parliament took several initiatives aimed at combating youth unemployment with regard to the EU youth guarantee program and the minimum standards for professional internships.

In its resolution on youth employment of 17 July 2014, the Parliament called for the creation of an EU legal framework that sets minimum standards for the implementation of the Youth Guarantee, including the quality of vocational training at work, and which also covers 25-30 year olds.

Parliament condemned the institution of unpaid traineeships and urged the Commission to review some existing European instruments, such as the Quality Framework for Traineeships and the European Framework for Quality and Effective Apprenticeships. It also insisted that offers to young people should include quality criteria, including the principle of fair remuneration for trainees, access to social protection, sustainable employment and social rights.

The Parliament's 2019 resolution on the European Semester emphasized that the European Union's social goals and commitments are just as important as its economic goals. Since the outbreak of the Covid-19 epidemic, the Parliament has been trying to alleviate the negative consequences of the crisis, especially on the labor market. In their 2020 resolution on guidelines for EU employment policies, MEPs called for radical measures to mitigate the shock of the pandemic, including a review of the guidelines and the need to tackle youth unemployment through an improved youth guarantee scheme.

In its 2020 end-of-year resolution on a strong, social Europe serving a fair transition, the Parliament called for the provision of social rights enforceable by law and the achievement of certain specific social objectives by 2030.

6. CLOSING THOUGHTS

Overall, it can be said that the European Union pays more and more attention to the coordination of the employment policies of the member states, but the main decisions are still in the hands of the national governments. At the same time, it is a good direction to encourage cooperation between member states in this area in order to promote the practical implementation of the principles laid down in the statutes.

The actualization of the ever-changing needs of the labor market in connection with political and social changes can also be observed at the national level - as can be seen from the integration process and its current results. This constantly changing area therefore justifies the examination of current events both from the point of view of public administration and labor law.

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