

Policy brief summing up the results of the Comparative analytical report with policy proposals to implement EPSR's principles

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Table of contents

Table of contents	3
Introduction	4
Executive summary	5
PART I Instruments and policies to prevent in-work poverty: main findings	12
I.A. Policies and instruments concerning levels of remuneration for work: minimum wages	12
I.B. Policies and instruments to foster employability	14
I.C. Policies and instruments related to social benefits	15
I.C.1. In-Work benefits	15
I.C.2. Unemployment benefits	16
I.C.3. Guaranteed minimum income schemes	18
I.C.4. Benefits related to economic, family or health reasons	19
I.C.5. Benefits for structural income support	22
Part II Policy Proposals to implement EPSR's principles	24
II.A. Improving the policy status and awareness of IWP	24
II.B. Improving the assessment of IWP indicators	27
II.C. Ensuring access of low-skilled workers and non-standard workers to learning and training	29
II.D. Improving social protection of vulnerable workers	31
II.E. Including IWP as a cross-cutting issue in a wider consensual debate on social investment and the future of work and social protection	32
Bibliography	34

Introduction

The purpose of this deliverable D5.3 of the WorkYP project is to make general policy recommendations for the European Union to tackle in-work poverty (IWP), building on the main findings of the project, and considering the European Pillar of Social Rights (EPSR) principles, which point to key issues in the enhancement of EU social citizenship.

This deliverable is structured in two parts. Part I presents the main results of the WorkYP project in terms of selected policies and instruments to combat IWP. These results are drawn from the 'Comparative analytical report (models)' (Deliverable D3.5, Hießl 2022a). This report presents a detailed comparative analysis of the social protection policies and arrangements that influence the IWP risk of vulnerable groups (VUP) in the seven countries considered in the project: Belgium, Germany, Italy, Luxembourg, Netherlands, Poland, and Sweden. Additional information is drawn from the 'Comparative VUPs groups reports' (Deliverable D3.4, Hießl 2022b). The latter provides a comparative overview of the exposure to IWP of various groups of vulnerable workers specifically considered in the WorkYP project: low-wage and/or low-skilled workers (VUP group 1); self-employed solo workers (VUP group 2); workers with atypical contracts (fixed-term, temporary, part-time) (VUP group 3); and workers with casual work or open-ended contracts working in the platform economy (VUP group 4). Part I is structured around three categories of instruments and policies: policies and instruments concerning wage levels, policies and instruments to promote employability, and policies and instruments concerning social benefits.

The policy recommendations are presented in Part II. They are based on the main findings of the project as highlighted in Part I, and on the expertise of the European Social Observatory in the comparative analysis of European social policies, including IWP. The recommendations focus on five lines of action: improving the policy status and awareness of IWP; improving the assessment of IWP indicators; ensuring access of low-skilled workers and non-standard workers to learning and training; improving social protection of vulnerable workers; and including IWP as a cross-cutting issue in a wider consensual debate on social investment and the future of work and social protection.

Executive summary

Part I presents the main results of the WorkYP project in terms of selected policies and instruments to combat IWP, with a view to highlighting the issues faced by the vulnerable groups investigated in the project.

All the WorkYP countries apply a minimum wage, either legally determined or set through collective bargaining.

Five WorkYP countries apply a generally binding statutory minimum wage. Coverage is comprehensive for employees including atypical workers, albeit with exceptions in some countries. Statutory minimum wage regulation applies to the self-employed only in exceptional cases, but minimum wage coverage has recently been extended to certain subgroups of self-employed workers in the Netherlands and Poland. In Italy and Sweden, while there is no statutory minimum wage, the minimum wage level is de facto set in sectoral collective agreements. Not all collective agreements provide protection against low wages, particularly for VUP Groups as derogations are common in several countries and may sometimes affect wage levels. In all WorkYP countries, minimum wages generally suffice to protect one single adult against poverty, but provide less complete protection to households, especially if not all the working age adults are working full-time and/or if the household includes children or dependent persons.

Vocational education and training schemes have crucial potential to enable and encourage workers to obtain relevant skills and find employment that matches their level of qualification.

Active labour market policies, with their emphasis on activation and enhanced employability, play a role in bringing people back onto the labour market and reducing the risk of IWP while they are out of work. In all WorkYP countries, job-search assistance and active labour market policies (ALMPs) are heavily focused on recipients of cash benefits, failing to reach jobseekers who are no longer entitled to unemployment benefits and those who are reluctant to claim benefits. Companies are increasingly engaged in training their staff without focusing on those most in need of training. Recent trends in ALMPs show that in all WorkYP countries (except Italy), coordination between the training policies/initiatives of enterprises and the labour market authorities has been strengthened in various ways. The social partners play a key role in setting vocational education and training (VET) policy priorities and in organizing and implementing VET programmes. This could be potentially detrimental as workers from some groups of VUPs are unlikely to be covered by such a system, especially former self-employed. Wage subsidies that partially cover the wage burden of employers are generally questioned as they allow employers to offer low-paid jobs to the target group.

From an IWP perspective, in-work benefits are likely to have regressive redistributive effects.

The systems of all WorkYP countries contain elements of targeted reductions in taxes and/or social security contributions, which have the aim or effect of improving the wage levels of low-paid workers. In most countries, the family situation is taken into account while child deductions are common in all countries, with sometimes specific reductions for single parents. Incentives for employers to take occupational social protection initiatives include deductibility of investments in supplementary social insurance protection from their taxable income and in-kind bonuses. In-work benefits are likely to have

regressive redistributive effects. Corporate social protection measures tend to be concentrated in big companies where wage levels are on average higher and rarely benefit those workers most at risk of poverty. Statutory provisions may be most likely to benefit the working poor in the same way as other workers but may still be less available to low-paid workers and atypical workers.

Qualifying periods required to access unemployment insurance may lead to the exclusion or unfavourable treatment of workers in certain VUP groups.

While unemployment benefits are generally based on compulsory insurance, and cover all or most employed workers, some workers in VUP Groups 3 and 4 may be excluded. The self-employed are covered by compulsory insurance as employees only in Luxembourg, whereas this is the case for only certain sub-groups of self-employed in some other countries. Part-time workers with very low working hours may be denied unemployment benefits as such in some countries although they have contributed to the insurance scheme. Some countries allow workers to temporarily combine benefits with part-time work which is important for part-time workers with very low working hours but does not apply to the self-employed. The rules for standard employees apply to VUP Group 3 workers but is more difficult for them to fulfill the qualifying period requirement. The granting of unemployment benefits is always conditional on an obligation to actively seek employment and a requirement to accept a suitable job. This requirement may have two negative effects: firstly, low-paid workers may be pushed into a job with an even lower wage; and secondly, activation measures can push highly skilled people into accepting lower-paid jobs.

Guaranteed minimum income schemes can also help to reduce IWP among VUP Groups workers by allowing them to supplement low working incomes.

Means-tested guaranteed minimum income or social assistance schemes are available in all the WorkYP countries. These are generally non-contributory, and tax financed. These schemes are in principle accessible to all citizens, whether they are able to work or not, including atypical workers and the self-employed. In all countries, access to the guaranteed minimum income schemes is conditional on active job search requirements for individuals capable of working. This is usually done through compulsory registration of beneficiaries with the public employment services (PES). The problems raised by the compulsory activation of recipients of the guaranteed minimum income are similar to those discussed in relation to activation of the unemployed. Moreover, the fear of activation constraints may mean that more vulnerable people who are entitled to the guaranteed minimum income do not claim this right.

Benefits related to economic, family or health reasons provide some degree of temporary wage replacement, but certain VUP groups may not necessarily be eligible.

All WorkYP countries, except Poland, already applied short time working (STW) before 2020, allowing employers to reduce working time in a company due to an emergency. Only the Belgian system allows a complete suspension of the activities of the workers concerned. STW benefits are paid as a percentage of the employee's salary at the same level or at a higher level than the replacement rates for unemployment benefits except in Sweden. Some VUP Group 3 workers remain excluded from STW benefit schemes in Germany and Poland. In response to the Covid-19 crisis, all countries modified the existing systems and often added additional measures, including more flexible eligibility conditions and more generous benefits. The social partners manage the introduction and use of STW, which can be problematic in view of the low representation of VUP workers in trade unions. Except in Belgium,

support systems for the self-employed were created from scratch, without any link to the system for employees or the existing schemes for the self-employed during the Covid-19 crisis.

In all WorkYP countries, absences for health reasons are covered by income replacement schemes. High levels of sickness benefits are paid by the employer for a period that varies across the countries. Entitlement to benefit is in principle acquired after a period of employment equal or similar to the maximum duration of sick pay. A longer duration of benefit and/or higher replacement rates are often provided for in sectoral collective agreements. Sickness insurance coverage extends to self-employed extensively in some countries. In others, only certain sub-groups are covered. Insurance benefits are generally conditional on the completion of long periods of insurance, a condition that is difficult to meet for part-time and casual workers. A waiting period is sometimes imposed on the self-employed. Incapacity for work may hit workers in certain VUP groups harder, notably the self-employed and intermittent workers, even when they are basically covered on a par with standard employees.

In all WorkYP countries employees are entitled to paid maternity leave at relatively high rates of wage replacement. Short-term, but generally well-paid paternity leave is granted to fathers. These entitlements are usually conditional on prior insurance periods. Belgium has a separate standard for seasonal, intermittent and part-time workers. All countries envisage some form of maternity allowance for the self-employed. Parental leave entitlements vary considerably from country to country as well as between economic sectors (due to the crucial importance of collective agreements). The length of service requirements sometimes imposed for entitlement to benefits may be difficult to meet for some VUP groups.

Benefits granted structurally without work or job search criteria are intended to compensate for households' specific expenses such as housing, family-related and health and long-term care costs.

Housing-related costs are frequently supported in various ways at regional or municipal levels or through tax credits. The Dutch allowance subsidises monthly rental expenses irrespective of work or income while the Swedish allowance is strictly income related. As the income thresholds are set very low, eligibility is limited to households with incomes well below the poverty line.

Family and child benefits are generally designed as universal and sometimes means-tested benefits. All WorkYP countries except Italy grant families universal residence-based flat-rate benefits to compensate for childcare costs, without additional conditionality. Italy has developed its benefit system based on allowances initially reserved for employees and later (partially) extended to groups of self-employed. In some countries, income-related and disability criteria must be met by families. Other benefits available in some countries include in-kind benefits, maintenance payments and means-tested family benefits.

Among the WorkYP countries, the Dutch, Italian and Swedish systems offer residence-based health care coverage, while other systems are based on the insurance principle. Germany limits the social insurance system, with automatic compulsory coverage of employees and recipients of social security benefits, while the rest of the population is obliged to take out private insurance. The share of out-of-pocket expenditure in current health care expenditure is among the lowest internationally (in most countries except Poland and Italy). Long-term care is treated as a complement to the health insurance system, but under a separate scheme, with generally much higher co-payments.

Part II presents the policy recommendations based on the main findings of the project as highlighted in Part I, and on the expertise of the European Social Observatory in the comparative analysis of European social policies, including IWP. The recommendations focus on five lines of action:

Improving the policy status and awareness of IWP

The Revised Social Scoreboard (RSS) of the EPSR should be enhanced to better highlight IWP

- As such, the IWP rate should be placed among the headline indicators of the RSS, and not as a secondary indicator in the 'Fair working conditions' section.
- It would be desirable to add an indicator on the share of involuntary part-time work.
- Similarly, it would be desirable to include in the RSS more indicators related to upward transitions; this would bring a more dynamic perspective to the monitoring of the implementation of the EPSR.

Tackling IWP should be a key cross-cutting concern mainstreamed in the EPSR and in core structural employment and social policy reforms in the European Union and its Member States

- IWP should be more prominent as a key transversal challenge in the other principles of the EPSR, when relevant, and not referred to solely with regard to the issue of fair wages in principle 6.
- In implementing the EPSR, synergies on tackling IWP should be fostered with the existing EU social policy instruments and governance processes such as the European Semester
- Given the multifaceted, complex nature of IWP, a holistic approach is necessary to grasp the issue in a policy perspective and in all its complexity at European and national levels.
- This holistic perspective should be combined with targeted approaches to specific groups of citizens and workers who are more vulnerable to IWP, such as those considered in the VUP groups of the WorkYP project but also, for instance, single-parent households, migrants, the poorly educated and the low skilled, or homeless persons.
- The in-work poor should also be added to the list of vulnerable groups eligible for actions supported by EU funding.
- The European Social Dialogue at cross-industry and sectoral levels should include the multifaceted nature of IWP and its intricate relationship with poor job quality patterns among the issues to be debated between European social partners.

A more gender-sensitive, individualised poverty approach is needed to resolve the gender paradox of IWP

- This individualised approach should be integrated into the assessment of (in-work) poverty, in order to consider the individual's employment-related characteristics in the context of their individual situation in terms of disposable income and work intensity.
- The calculation method of the EU-SILC Indicator on IWP rate by sex needs to be revised, based on individual income rather than household income.

Improving the assessment of IWP

EU social indicators and data sources should be enhanced to provide a more in-depth assessment of IWP

- Further work is needed to better assess in the main EU data sources certain aspects of IWP as well as specific features of employment that are important to understand IWP, notably among specific vulnerable groups of workers and citizens, but also to better reflect the hidden dimension of women's IWP.

More attention should be paid to the dynamics of IWP and notably the persistence in IWP situations

- As done with the persistent at-risk-of-poverty indicator¹ used in European social scoreboards, the EU set of IWP indicators could usefully be complemented by an indicator of persistent IWP.

The Commission and the European bodies could usefully continue to develop certain features related to understanding and measurement of non-standard employment and particularly of precarious employment and the so-called new forms of employment

- Flexibility through atypical work should be a voluntary choice of the worker. This is why it is important to deepen the understanding and measurement in the European data sources of the reasons motivating atypical work in order to better distinguish between a choice by the worker and a situation constrained by the circumstances of the job offer.
- The WorkYP findings also highlight the need to address the weaknesses or gaps in the European data sources concerning the assessment of certain forms of non-standard work:
 - casual work;
 - zero hours contracts;
 - on-call work;
 - (very short) part-time work;
 - self-employment, particularly bogus self-employment.
- The focus in WorkYP on certain groups of citizens and workers who are particularly vulnerable to IWP but relatively invisible in the statistics highlights the need to improve the representativeness of these groups in European surveys and data sources.

Enhancing information related to the abovementioned matters could be supported through different channels at EU level

- The European Commission should continue to foster these needed improvements, through specific European bodies (Eurostat, indicators sub-groups of the Employment Committee and the Social Protection Committee).

¹ The persistent at-risk-of-poverty rate (Eurostat indicator ilc_li21) is defined as the share of people who are currently poor and were poor also 2 out of the 3 previous years. (Source : Eurostat web site) https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:At-risk-of-poverty_rate

- Full use should be made of the opportunities offered by several European regulations to enhance the data in the European surveys by enabling the Member States to add administrative data on income and labour market situation.
- Scientific research on precariousness of work and intersectionality of disadvantages should be further encouraged through the funding of dedicated EU research projects.

Ensuring access of low-skilled workers and non-standard workers to learning and training

The access to and availability of life-long learning (LLL) and VET for non-standard workers should be considered as a cross-cutting challenge in all strategies related to the acquisition and development of skills by vulnerable groups

- The inclusion of non-standard workers in LLL and VET opportunities should be added as a cross-cutting concern in the European Skills Agenda and its flagship initiatives.
- The scarce or non-existent access of non-standard workers to LLL and VET should also be taken up as a cross-cutting concern in the structural reforms undertaken by Member States as part of the European Semester process.
- The peer review processes used in the social and employment open methods of coordination (OMCs) should include the issue of problematic access to LLL and VET of various types of non-standard workers.
- The European Commission and social stakeholders should seize the opportunity brought by the 2013 European Year of Skills to communicate, debate and undertake targeted actions at European and national level on the issue of skills.
- EU social partners at interprofessional and sectoral levels should begin debating a resolution or a framework agreement concerning the problematic access to LLL and VET of various types of non-standard workers, including those in 'new forms of employment', to encourage their national members to act on this issue.

Improving social protection of vulnerable workers

- By way of effective implementation of the EPSR, it would be advisable to put the 'European Unemployment Reinsurance Scheme' (EURS) back on the table and to launch consultations for its approval; this would ensure a European financial instrument of solidarity enabling Member States to allocate unemployment benefits of an amount and duration that allow for a decent life.
- Following on EPSR Principle 14 on minimum income and the Recommendation on adequate minimum income ensuring active inclusion, it would also be desirable to introduce a European solidarity-based financial instrument to support Member States in improving their guaranteed minimum income schemes and progressively raising the amount allocated to the level of a national poverty threshold equivalent to 60% of median disposable income.

Including IWP as a cross-cutting issue in a wider consensual debate on social investment and the future of work and social protection

- The effective implementation of the social rights enshrined in the EPSR should be plainly included as a cross-cutting issue in the internal organisation and work of the European Economic and Social Committee (EESC).
- The resources existing at European level should be used to support and feed into this broad national dialogue, notably in terms of communication, organisation of meetings/seminars, research funding or support to participants, but also through current tools such as the peer review processes enshrined in the various OMCs at European level.
- The European social dialogue, through non-binding acts such as joint resolutions, can help to encourage and consolidate the participation of the social partners in national debates.

PART I Instruments and policies to prevent in-work poverty: main findings

This first part presents the main results of the WorkYP project in terms of selected policies and instruments to combat IWP, with a view to highlighting the issues faced by the vulnerable groups investigated in the project.

These results are drawn from the 'Comparative analytical report (models)' (Deliverable D3.5, Hießl 2022a). This report presents a detailed comparative analysis of the social protection policies and arrangements that influence the IWP risk of vulnerable groups (VUP) in the seven countries considered in the project: Belgium, Germany, Italy, Luxembourg, Netherlands, Poland, and Sweden. Additional information is drawn from the 'Comparative VUPs groups reports' (Deliverable D3.4, Hießl 2022b). The latter provides a comparative overview of the exposure to IWP of various groups of vulnerable workers specifically considered in the WorkYP project: low-wage and/or low-skilled workers (VUP group 1); self-employed solo workers (VUP group 2); workers with atypical contracts (fixed-term, temporary, part-time) (VUP group 3); and workers with casual work or open-ended contracts working in the platform economy (VUP group 4).

Section 1 describes policies and instruments concerning wage levels, focusing on minimum wages. Section 2 provides an overview of policies and instruments to promote employability. Section 3 describes the various policies and instruments related to social benefits. These include in-work benefits, unemployment benefits, guaranteed minimum income, temporary benefits without work or job search criteria, and structural income support benefits.

I.A. Policies and instruments concerning levels of remuneration for work: minimum wages

The course of action most associated with preventing IWP in the seven countries under scrutiny in the WorkYP project is the application of a minimum wage, be it legally determined or set through collective bargaining.

Five WorkYP countries apply a generally binding statutory minimum wage. In Italy and Sweden, while there is no statutory minimum wage, the minimum wage level is de facto set in sectoral collective agreements (Eurofound 2022a). According to Garnero *et al.* (2015), the combination of sectoral minima and high collective bargaining coverage can be regarded as the functional equivalent of a binding statutory minimum wage, at least for earnings inequalities. **In all five countries with a statutory minimum wage, coverage is basically comprehensive for employees, albeit with exceptions in some countries** (such as workers employed in a family business under the exclusive authority of a parent or guardian, and persons who have been employed in their current job for less than a month in Belgium). The minimum wage rules usually apply also to casual or intermittent workers² (except for voucher workers in Italy and those in flexijobs in Belgium). However, Schoukens *et al.* (2022) point out that this

² This is different for platform workers when they are self-employed: in that case the rules on minimum income will not apply.

obligation is not always respected in practice in the case of casual and platform workers, to whom the minimum wage does in fact apply.

Statutory minimum wage regulation applies to the self-employed only in exceptional cases (e.g. hetero-organised workers in Italy). However, minimum wage coverage has recently been extended to certain subgroups of self-employed workers in two countries (self-employed persons working under a mandate or similar contract in the scope in Poland; non-entrepreneurial self-employed persons in the Netherlands). The same wage level as for employees apply to the self-employed in all three countries. The applicability of statutory (and collectively agreed wage standards) to VUP Group 4 will depend on the workers' legal classification as employees or self-employed.

Collectively bargained minimum wages reach the workforce to widely varying degrees among European countries. However, **as some employees are not covered, they may not be entitled to any minimum wage**. All the WorkYP countries apart from Poland have comparatively high coverage rates³. However, the unionization rate for employees belonging to VUP groups is considered to be generally low or even virtually zero. **The same is true for the self-employed**. As highlighted by the Comparative VUP Groups Report, while trade union representation of the self-employed is an emerging phenomenon in all countries studied except Luxembourg, its significance in terms of establishing protective standards based on collective agreements remains limited (Hießl 2022b). Important collective agreements for the self-employed in individual sectors or occupations are found in Germany, Italy, the Netherlands, and Sweden. Not all collective agreements provide protection against low wages, particularly for VUP Groups ⁴ as **derogations are a common element of collective agreements in several countries, and may sometimes affect wage levels** and increase poverty risks (e.g. the derogations from the equal pay principle in Germany and Sweden). In addition to the express derogations from the equal pay standards, seniority-based remuneration set in the collective agreements may also be particularly detrimental for those working fixed-term periods for different employers)(Hießl 2022b).

Data for January 2022⁵ show that the level of statutory minimum wages in the WorkYP countries, measured by purchasing power parities, secures a comparatively high degree of protection against severe poverty, especially in Luxembourg, Germany, the Netherlands, and Belgium. However, in all countries, including the WorkYP countries, workers earning the minimum wage are de facto low-wage workers, with earnings below the threshold of 66% of the median wage. Data on minimum wage earners also show that the share of low-wage workers among all employees is twice higher in Poland, Germany, and the Netherlands (around 20%) than in the other WorkYP countries. Low wages are much more frequent among workers with temporary contracts than among their counterparts with open-ended contracts in all countries, notably in the Netherlands, Germany, Poland and Luxembourg (around 35% for temporary workers)⁶. When comparing the net income at minimum wage level with the EU 60 percent at-risk-of-poverty threshold, Marchal et al. (2018) show that **minimum wages generally suffice**

³ With the majority of the workforce being covered in six of the seven countries, see the European Commission's impact assessment accompanying the proposal for a directive on adequate minimum wages in the EU. However, these statistics generally relate to dependent employees only, and thus do not depict the coverage of the self-employed – who constitute roughly a seventh of the European labour force and whose coverage by collectively bargained standards for remuneration is generally very low or non-existent.

⁴ For instance, the introduction of a minimum wage in Germany forced social partners in individual sectors to renegotiate exorbitantly low wage rates for some low-skilled occupations. "Pirate" collective agreements (signed by non-representative unions) with inadequate wage scales emerged in Italy (Hießl 2022b).

⁵ See Eurostat data at https://ec.europa.eu/eurostat/databrowser/view/EARN_MW_CUR__custom_2479786/default/table?lang=en.

⁶ See Eurostat data at https://ec.europa.eu/eurostat/databrowser/view/EARN_SES_PUB1T__custom_3751639/default/table?lang=en.

to protect one single adult against poverty, but provide less complete protection to households, especially if not all the working age adults are working full-time and/or if the household includes children or dependent persons.

I.B. Policies and instruments to foster employability

The role of ALMP and VET policies

As underlined by Hießl (2022a), skills are directly linked to the degree to which an employee appears disposable to a company; this affects both the stability of his/her employment situation and his/her bargaining power in relation to the level of remuneration. Systems regulating VET have crucial potential to enable and encourage workers to gain relevant skills and find employment that matches their level of qualification. ALMPs, through their focus on enhancing employability and their gradual extension as a mandatory feature to all adults capable of work belonging to groups other than the unemployed covered by social protection schemes (e.g. minimum income recipients), are also playing a role in (re)integrating people into the labour market.

In the WorkYP countries, the PES are legally obliged to promote (re)integration into the labour market, by providing counselling, job placement, coaching, improvement of basic and job search skills, or peripheral support activities to enable labour market participation. Hießl (2022a) notes a general trend towards individualisation of support in recent years: an individual reintegration plan drawn up in cooperation with the institution is both a right and a precondition for access to benefits.

In all the countries, national provisions set out a general framework for mandatory and discretionary measures for jobseekers and employees, as well as various programmes for specific groups such as parents, migrants, young or older jobseekers or people with disabilities. **In all the countries, job search assistance and ALMPs are strongly focused on recipients of cash benefits.** This can lead to difficulties for jobseekers who are not or no longer entitled to unemployment insurance benefits, but whose household income or assets are still above the eligibility threshold for means-tested benefits. Furthermore, PES support measures are unlikely to reach people who are reluctant to claim benefits.

A sign of the challenges facing labour market and skills policies is the persistence of long-term unemployment, which indicates that vulnerable groups are systematically excluded. The skills mismatch is particularly mentioned in Germany, where the shortage of medium-skilled labour contrasts with the fact that the majority of workers in low-skilled jobs are overqualified for their current tasks (partly due to activation measures pushing them to take any available job, regardless of the required level of qualification) (Hießl (2022a).

Training

All the WorkYP countries adopt an approach to vocational training that involves support both outside and within the job, to promote skills upgrading and renewal. These policies aim to address skills shortages and enable workers to improve their employability as a central element in the fight against in- and out-of-work poverty. In all the countries, an individual assessment of each beneficiary registering with the PES is required in order to identify those for whom support measures beyond job matching assistance seem reasonable and necessary. In several countries, the support given to beneficiaries depends on the type of benefit to which they are entitled. **Access for jobseekers who are not entitled to any type of benefit is generally more limited and fragmented,** with no right to a full

individual assessment of their potential vocational educational training or skills improvement needs (Hießl (2022a)).

Companies are increasingly engaged in training their workforce without focusing on those most in need for employability reasons. In all WorkYP countries but Italy, coordination between the training approaches of companies and labour market authorities has been strengthened in various ways in more recent approaches to ALMPs. Most of the countries do not prescribe a specific amount or form of training to be provided by employers, but as pointed out by Hießl (2022b), early retraining to avoid dismissal is indeed mandatory to some extent in most countries (e.g. Belgium, Netherlands, Sweden). Employers can also voluntarily offer apprenticeship training. While apprenticeship as an institution is regulated in most countries, especially in Germany, its practical importance and integration into the overall labour market policy strategy varies, being especially weak in Italy.

The social partners, especially at sectoral level, can play a key role not only in an advisory function for the determination of VET policy priorities, but also in organising and delivering VET. However, Hießl (2022a) underlines a **potential risk that some workers may be excluded from schemes designed by the social partners, as workers from certain VUP groups are unlikely to be covered** (especially if they are formally self-employed). By contrast, the establishment of training structures based on collective bargaining in a context where workers' bargaining power is quite strong may be important for vulnerable groups whose individual bargaining power would not allow them to obtain support from their individual employer for their upgrading or retraining.

Subsidised job placement schemes

Subsidised jobs are generally intended to overcome the reluctance of employers to hire the target group of beneficiaries. Wage subsidies that partially cover the wage burden of employers are generally questioned as **they allow employers to offer low-paid jobs to the target group**. Nevertheless, Hießl (2022a) notes that policy makers in all countries agree that a well-targeted subsidy system can be crucial for the labour market integration of the most marginalised groups. The criteria for granting subsidies are complex in all countries, with the main aspects taken into account being the duration of unemployment, age and disability.

I.C. Policies and instruments related to social benefits

I.C.1. In-Work benefits

In-work benefits are permanent work-contingent tax credits, tax allowances or equivalent work-contingent benefit schemes, designed with the dual purpose of alleviating IWP and increasing work incentives for low-income workers. They mainly aim at increasing employment by creating additional financial rewards for remaining in work or for taking up a low paid job and are also designed to increase the income of disadvantaged groups of workers and their families (Peña-Casas *et al*, 2019).

All WorkYP countries have progressive tax systems allowing low earners to be either tax free or to pay less tax than people with higher incomes. In contrast, social security contributions are levied as fixed percentages that are the same for all workers. The systems of all WorkYP countries contain elements of targeted reductions in taxes and/or social security contributions, which have the aim or effect of improving the wage level of low-paid workers. For example, Belgium has various programmes targeting either vulnerable groups (e.g. based on age or occupation) or particular situations due to the

circumstances of the enterprise (new businesses, etc.). In most countries, the family situation is considered: in Germany, Luxembourg and Poland, spouses are taxed more favourably in a joint assessment. While these mechanisms can have an important poverty reduction effect for households where one partner can contribute little or nothing to the family income, **they may have a negative impact on gender equality** as this type of mechanism potentially reinforces involuntary part-time work in the broad sense, as the lower earning spouse (usually a woman) is strongly discouraged from increasing his or her working hours and thus income (EIGE 2016). Child deductions are common in all countries, with **specific reductions for single parents** in Luxembourg and Poland. This is relevant for the in-work poor, as poverty rates for lone parents are three times higher than for couples with children on average ((Hießl (2022a).

Explicitly work-related statutory benefits are rare in the WorkYP countries. Examples of such fringe benefits include compensation offered to working parents for the cost of formal childcare in the Netherlands or housing allowances in Germany.

Incentives for employers to take occupational social protection initiatives include the deductibility of investments in supplementary social insurance protection from their taxable income (e.g. tax exemptions for life and pension insurance in Germany and Luxembourg) and in-kind bonuses. Collective agreements often require employers to offer certain benefits (such as end-of-year allowances in Luxembourg or childcare facilities in the Netherlands). Finally, employers may on their own initiative offer benefits to top up the salary (such as luncheon vouchers).

As highlighted in the Comparative Analytical Report, **from the perspective of IWP, in-work benefits are likely to have regressive redistributive effects**. Corporate social protection measures, to the extent that they are not mandatory, tend to be concentrated in large companies where wage levels are on average higher, and rarely benefit those workers most at risk of poverty. Besides, as already stated, the coverage of collective agreements is considerably low in VUP groups. Statutory provisions may be most likely to benefit the working poor in the same way as other workers, but they may still be less available to low-paid workers (if calculated as a percentage of earnings) and atypical workers. To be useful, in-work benefits should be specifically designed to target low-wage workers or should provide services that are particularly useful to them (Hießl 2022a).

I.C.2. Unemployment benefits

Unemployment benefits include support to improve the labour market situation of the beneficiary; but they usually contain elements that motivate beneficiaries to seek and keep a job in order to stop depending on benefits. This may have an impact on the quality of the job accepted by these beneficiaries, as well as on its sustainability and the degree of protection it offers against IWP. The factors determining access to unemployment insurance may also lead to the exclusion or unfavourable treatment of workers in certain VUP groups.

While unemployment benefits are generally based on compulsory insurance, and cover all or most employed workers, **some workers in VUP groups 3 and 4 are nevertheless sometimes excluded**. This is the case for mini-jobbers in Germany and small platform workers in Belgium. **The self-employed are usually excluded from unemployment schemes**. They are covered by compulsory insurance in the same way as employees only in Luxembourg, whereas only certain sub-groups of self-employed are

covered in Germany, Italy and the Netherlands⁷. In Belgium, there is no unemployment insurance for the self-employed similar to that of employees. They can however use the bridging right scheme (limited in time⁸ and only for specific reasons) which is less extensive than the protection granted to employees (Schoukens *et al.* 2022).

As for the eligibility for benefits, persons included in the scope of an insurance scheme and who contribute to it are also entitled to receive benefits in case of unemployment. However, some atypical workers from VUP 3 may be denied unemployment benefits as such. Unemployment benefits are denied to persons who have worked less than 12 or 16 hours per week in Belgium and Luxembourg respectively, or less than 50 hours per month in Sweden. This is a major concern for these part-time workers. As pointed out by Hießl (2022a), by including them in the scope of insurance, the systems avoid the problems raised by mini-jobs in Germany, where the use and abuse of mini-jobs by employers is encouraged by their exclusion from contribution obligations. However, they add financial pressure on a group of low-income earners, who contribute to the insurance scheme but who can only rely on means-tested benefits once unemployed.

Eligibility for benefits is sometimes subject to certain age groups (in Germany, Luxembourg and Sweden), leading to the exclusion of young and older jobseekers. The exclusion of older workers can be damaging for the in-work poor, who may need additional years of employment to build up sufficient pension entitlement to avoid further poverty in retirement.

In most countries, benefits are in principle only paid in case of unemployment. However, **some countries allow employees to temporarily combine benefits with part-time work** in order to encourage the take-up of employment (usually up to certain income limits) (Schoukens *et al.* 2022). This possibility is important for part-time workers with very low working hours. The Netherlands and Sweden comprehensively recognise partial unemployment (i.e. involuntary loss of working hours compared to the previous employment situation) as a basis for claiming benefits. In Sweden, partial benefits are subject to a stricter time frame of 60 weeks, implying a risk of exhaustion over prolonged periods of involuntary part-time. Belgium, Germany and also Poland allow partial benefits to be received alongside involuntary part-time work under certain conditions. Taking up a mini-job in Germany is not taken into account when establishing unemployment. The Swedish system does not allow for a combination of partial unemployment benefits with part-time self-employed work, whereas a comparable combination is possible for employees (Hießl 2022b).

Entitlement to unemployment insurance benefits depends on previous work records and/or contributions paid. In particular, the unemployed are generally required to have a minimum work record, the exact definition and length of which varies across the countries covered by the WorkYP project (e.g. up to 12 months in Belgium and Germany). The same rules as those for full-time employees on an indefinite contract apply to part-time employees, fixed-term employees and temporary agency workers. **Yet, it is more difficult for this group of workers to fulfil the qualifying period requirement.** Schoukens *et al.* (2022) report that the tightening of the rules on qualifying periods in several countries makes it more difficult for workers (especially in VUP Group 3) to fulfil the qualifying period condition (e.g. because workers have to be insured consecutively or the number of hours/days required is quite

⁷ As for home workers in Germany and hetero-organised workers in Italy. In the Netherlands, since 2016, the categories concerned (home workers, musicians, artists, professional sportsmen and "other persons" who provide work personally for remuneration) have *de facto* obtained an opt-out possibility, so that their coverage can no longer be considered strictly mandatory.

⁸ While the employees are entitled to a basically unlimited right to unemployment benefits.

long, in particular for temporary workers). In Poland, for instance, claimants must have been insured for 365 days in a period of 18 months to be eligible for unemployment benefit. Italy stands out by setting the threshold at a low level: 13 weeks of insurance in the four years preceding the onset of unemployment is sufficient if 30 days of insurance have been completed in the last year. According to Hießl (2022a), this regulation may be relevant for groups vulnerable to poverty as it also allows workers with a fragmented work history to bridge a period without work and avoid continuing to pay contributions that do not give rise to any rights.

In all countries, in order to increase labour market participation, the granting of unemployment benefits is conditional on an obligation to actively seek employment; if this is not done, the person faces sanctions for non-compliance (temporary or permanent withdrawal of the entire benefit). **This is reflected in the requirement to accept suitable work, which is generally taken to mean any job.** This requirement may have two negative effects: firstly, low-paid workers may be pushed into a job with an even lower wage; and secondly, it can push highly skilled people into accepting lower-paid jobs⁹ (due to activation measures) (Schoukens et al. 2022).

In order to encourage active job search, the level of unemployment insurance benefits is designed to decrease over the duration of receipt in Belgium, Italy, the Netherlands, Poland and Sweden. As highlighted by Hießl (2022b), the natural downside of such incentives is that they cannot reasonably be targeted at those unwilling to make reasonable efforts and trade-offs to return to work and are likely to have the greatest effect on the most vulnerable beneficiaries and their risk of falling into IWP.

Depending on the country and the type of jobseekers' benefit, the criteria determining the amount received by the beneficiary may relate to the latter's previous wage level (in all WorkYP countries but Poland), the applicability of lump-sum entitlements (especially for self-employed), minima or maxima, the duration of insurance and unemployment, previous working time, the applicant's age, their household or family situation, their participation in ALMP measures, and finally their income and assets¹⁰. Schoukens et al. (2022) showed that in all the WorkYP countries, when the UB is calculated as a percentage of previous earnings, **the replacement rates are insufficient to secure a net income above the relative poverty line for single former full-time minimum wage earners.**

I.C.3. Guaranteed minimum income schemes

Guaranteed minimum income schemes can also help to reduce IWP among workers in the various vulnerable groups by allowing them to supplement low working incomes with an extra allowance to achieve the minimum necessary for a decent life.

All the countries studied in WorkYP have social protection arrangements which include means-tested guaranteed minimum income or social assistance schemes. These are generally non-contributory and financed by taxes. There are no eligibility conditions related to a contribution history or a specific status. These schemes are in principle accessible to all citizens, whether or not they are able to work, **including therefore atypical workers and the self-employed.**

Low labour income due to activity in non-standard forms of employment can be supplemented by a minimum income allowance to top up the income of the in-work poor to a monetary threshold

⁹ Some countries do set a minimum limit, which means that a wage cannot fall below a certain percentage (e.g. 90% of the unemployment benefit). See Schoukens et al. 2022.

¹⁰ For a detailed overview of criteria for benefit calculation, see the Comparative Analytical Report (Hießl 2022a).

expressing the minimum amount deemed necessary to allow a decent life in the country. Most European countries allow the inclusion of professional income – in whole or only a fraction – in the total income that will be subject to means testing (European Commission and Social Protection Committee 2022).

The WorkYP countries, like the other European countries, have systematically made **access to the guaranteed minimum income scheme conditional on active job search requirements** for individuals capable of working. This is usually done through compulsory registration of beneficiaries with the PES. The problems raised by the compulsory activation of recipients of the guaranteed minimum income are similar to those discussed earlier in relation to activation of the unemployed. Moreover, the fear of activation constraints may mean that more vulnerable people who are entitled to the guaranteed minimum income do not claim this right.

In addition, guaranteed minimum income schemes act as a last social protection safety net for inactive workers who have exhausted their right to unemployment benefits or other temporary income replacements.

I.C.4. Benefits related to economic, family or health reasons

Access to some benefits linked to economic, family-related and health-related reasons for work suspension or working time reduction is not conditional on ALMPs or job search requirements. These benefits provide temporary wage replacement but are not necessarily open to certain VUP groups discussed in the project.

I.C.4.1. Economic/work-related reasons: the short-time work schemes

All of the WorkYP countries except Poland already operated short-time work (STW) before 2020 (Baptista *et al.* 2021). To apply for in-work wage supplements due to STW the employer must demonstrate a need to reduce working hours in the undertaking due to a situation of urgency. This generally includes situations of force majeure, but in some countries (Belgium, Luxembourg), other emergencies and individual difficulties are recognised to very different degrees. Sweden applies a strict force majeure requirement: the allowance is due only in case of external events outside the control of the employer, which could not have been anticipated, and if other measures to reduce labour costs have been taken. Only the Belgian system allows for a complete suspension of the activities of the workers concerned. Other countries only set a minimum threshold for the reduction in working hours. In Poland, temporary agency workers were not included in the short time benefit schemes. In Germany, while these workers were included, mini-jobbers continued to be excluded from both unemployment insurance benefits and short time benefit schemes (Hießl 2022b).

STW allowances are paid at a percentage of the employee's wage, in proportion to the degree of working time reduction. These percentages are set at the same or a similar level to the replacement rates for unemployment insurance benefits (Germany, Netherlands) or at a higher level subject to certain conditions (Belgium, Italy, Luxembourg). Only the Swedish system is less generous than (wage-related) unemployment benefits.

To respond to the Covid-19 crisis, all countries amended existing systems and frequently added extra measures including relaxed conditions for receiving benefits and enhanced generosity of benefits.

Belgium is the only country which had envisaged **STW benefits for the self-employed** in case of temporary crisis even before the Covid-19 crisis. In the other countries, systems to support the self-employed were created from scratch, unrelated to either the system for employees or existing schemes for the self-employed. In the Netherlands, the crisis has launched a legislative debate about the need to protect the self-employed against income shocks in a more structural way.

The introduction and use of STWs has been and continues to be **handled by the social partners in all countries except Poland**. According to Hießl (2022a:96), given the low representation of VUP workers in trade unions, *“there is no guarantee that their jobs will not be “sacrificed” by union representatives in exchange for better conditions for the rest of the workforce. Yet their interests are presumably still more likely to be taken into account than if the decision were taken unilaterally by the employer”*. The Swedish system, for example, contains a legal obligation for employers to reduce labour costs, which effectively limits the scope of the social partners at company level to include these workers in protective measures. Another aspect reported as problematic for VUP workers in Sweden is the exclusion of temporary workers with less than three months' seniority (Hießl 2022a).

I.C.4.2. Health-related reasons

Absences for health reasons are covered by income replacement schemes in all the countries.

Employer sick pay is high and equivalent to 100% of pay for at least part of the workforce in all the WorkYP countries except Sweden. They are paid for a period ranging from only two weeks in Sweden to two years in the Netherlands. Entitlement to the benefit is usually triggered after a period of employment equal to or similar to the maximum duration of sick pay. Sectoral collective agreements often set a longer duration of sick pay (Germany), and/or higher replacement rates (Sweden). As underlined in the Comparative VUP Group Report, the general lack of coverage by employers' benefits for the self-employed affects sickness benefit entitlements in all countries but may have other consequences, in countries where supplementary benefits to social security entitlements are regularly provided through collective agreements (Hießl 2022b).

Sickness insurance generally extends to the unemployed, and Sweden also offers a flat-rate sickness benefit based on residence. The **self-employed are comprehensively covered in some countries** (e.g. Belgium, Luxembourg and Sweden¹¹) while in other only some sub-groups are covered (e.g. Netherlands, Germany, Poland¹²). In Italy, the scope of sickness benefit protection has recently been expanded to include all subgroups of independent workers except for the “entrepreneurial” self-employed.

Insurance-based benefits are regularly conditional on the completion of long periods of insurance (e.g. BE, PL, SE), **a requirement difficult to meet for part-time and casual workers**¹³.

¹¹ However, in Belgium, the self-employed are not covered by supplementary protection for accidents at work and in Sweden a supplementary system based on collective bargaining for work-related ailments is optional for the self-employed.

¹² In Germany, only the small group of home workers is included in social insurance, and in the Netherlands the same is true for home workers, musicians, artists, professional sportsmen and “other persons” who provide work personally for remuneration – unless the latter have chosen to opt out of coverage. In Poland, civil law contractors aged above 26 are included in the industrial injury insurance system but contribute based on the minimum wage or a declared amount. Mandataries and related subtypes of the self-employed can join the general sickness insurance scheme on a voluntary basis.

¹³ In Belgium, insurance must have covered 180 days in the previous year for standard workers, or 800 hours in 36 months for seasonal intermittent and part-time workers. In Poland, 30 days of continuous insurance (waived for employees with a seniority of 10 years) is required. Sweden requires an annual income of SEK 11,352 in the previous year.

Benefits are generally earnings-related and are payable for between one and two years. Wage replacement rates vary widely across the countries. The Belgian system is the only one that takes into account the poverty risks linked to low wages and household context, as it grants fixed amounts according to household composition but uses minimum wage-related entitlements – which vary according to household type.

For employees, the waiting days are not a problem since the initial period of illness is covered by the sickness benefit paid by the employer. This is not the case for the self-employed, if and when they are covered. In this respect, in Sweden, self-employed persons are subject to a default period of seven days (or more by choice). During the Covid-19 pandemic, these waiting days were covered by an entitlement to a lump sum payment.

In addition to the IWP risks related to the potentially prolonged reduction in usual income from work, a sensitive issue from an IWP perspective highlighted in the Comparative Analytical Report, is whether and when a disabled employee should be entitled, encouraged or forced to continue to (re)enter the labour market on different or adapted, and therefore most likely lower, terms. Hießl (2022a) notes that **conditions can be tougher in case of incapacity to work for workers of some VUP groups**, even when they are basically covered on an equal basis with standard employees. In the case of the self-employed, this incapacity may seriously affect their activity, and the return to work may be both more urgent and more difficult due to the absence of an employer who would be obliged to offer rehabilitation management. For casual workers, their work capacity is measured against the general labour market from the outset, making their claims for benefits much more likely to be rejected because of remaining usable capacity. To address the issues arising for intermittent workers, a reform has recently been proposed in Sweden.

I.C.4.3. Family-related reasons

All of the WorkYP countries provide for paid leave entitlements in connection with family-related reasons such as childbirth, family care, and family-related ad hoc situations of need. In case of childbirth, employees are entitled to comparatively high rates of wage replacement for a period ranging from 14 weeks to five months. Fathers and equivalent second parents may have short, but usually well-paid entitlements to paternity leave. These rights are generally conditional on prior insurance periods roughly similar to those for sickness insurance coverage). Belgium has a separate standard for seasonal, intermittent, and part-time workers, for whom the threshold is set at 400 hours within 6 months (compared to 120 days for standard employees).

All countries envisage some form of maternity benefit also for the self-employed, possibly with an alternative right to a qualified replacement (a lump-sum in Belgium; a flat-rate residence-based benefit for Swedish parents if no entitlement to insurance-based benefits exists).

Parental leave entitlements vary greatly among the countries as well as across economic sectors (due to the crucial relevance of collective agreement. **Seniority requirements for benefit entitlements may be difficult to fulfil for some VUP Groups** (e.g in Belgium with a requirement of 12 months of work for the same employer within the last 15 months before requesting leave). Seniority requirements are also common in collective agreements in the Netherlands for instance¹⁴.

¹⁴ For a short of overview of "Leave for sick children and measures related to the Covid-19 crisis", see Hießl 2022a:105.

I.C.5. Benefits for structural income support

When benefits are granted structurally without work or job search criteria, they are intended to compensate for households' specific expenses such as housing, family related and health and long-term care costs.

Housing-related costs

Housing costs are frequently supported in various ways at regional or municipal level or through tax credits. Examples include the Dutch allowance, which supplements monthly rental expenses according to the amount of rent, the age of the recipient and the composition of the household, irrespective of work or income, and a Swedish allowance that is strictly income related. It is restricted to households with at least one member up to the age of 28 and depends on the cost and size of the accommodation in relation to the size of the household. Additional elements are added for households with children. As the income thresholds are set very low, eligibility is limited to households with incomes well below the poverty line.

Family-related costs

Family and child benefits are generally designed as universal, sometimes means-tested benefits and are granted regardless of employment or self-employment status.

Universal residence-based flat-rate benefits to compensate for childcare costs without additional conditionality exist in all WorkYP countries except Italy. Families generally receive this benefit for children up to the age of 18 (16 in Sweden) and beyond if the child is in education (25 in Belgium, Germany, and Luxembourg, and 20 in Sweden). Italy has developed its benefit system on the basis of allowances initially reserved for employees and later (partially) extended to groups of self-employed¹⁵. In Poland, income-related criteria apply for families with one child. Income and disability considerations are also part of the Belgian formula. The German flat-rate benefit is described as having an overall regressive impact since high-income families receive it as a tax credit while the poorest do not benefit at all, since the amount is fully deducted from their welfare entitlement.

In-kind benefits include free childcare for three hours a day (Sweden), service vouchers for reduced rates and free hours of formal childcare (Luxembourg), the right to institutional childcare for all children aged one year and over (Germany). One-off benefits include the birth grant (Belgium, Luxembourg and Poland for low-income households, one-off annual grants at the beginning of each school year (Luxembourg, Poland), one-off benefits to alleviate hardship during the Covid-19 crisis (Italy).

Maintenance payments may play an important role in poverty reduction. In Germany and Poland, the system guarantees payment to the carer, regardless of whether the amount can be recovered from the other parent.

Means-tested family benefits are paid to parents in the Netherlands (with amounts which differ according to income and household composition), in Italy and Poland (with supplements paid during parental leave, education and rehabilitation, and for large families).

¹⁵ The universal components are a birth grant, paid for one year after the birth of the child, and a loan of up to €10 000, to be repaid over seven years.

Health and long-term care costs

All WorkYP countries have universal or quasi-universal compulsory systems of health care coverage. However, the Dutch, Italian and Swedish systems offer residence-based coverage, while the other systems are based on the insurance principle and are therefore not fully universal. Germany limits the social insurance system with automatic compulsory coverage to employees and recipients of social security benefits, while the rest of the population is obliged to take out private insurance. The share of out-of-pocket expenditure in current health care expenditure is among the lowest in international comparison (in most countries except Poland and Italy).

Long-term care is treated as a complement to the health insurance system, but under a separate scheme, **with generally much higher co-payments**. However, the Italian system is generally means-tested and is characterised by a heavy reliance on informal family carers and irregular migrant workers for the provision of home care. In Germany, the system only partially covers the costs of long-term care. As underlined by the German report mentioned by Hießl (2022a), this could increase the IWP risks for informal family carers (mainly women), who bear the brunt of long-term care at home.

Part II Policy Proposals to implement EPSR's principles

Part II presents the policy recommendations based on the main findings of the project as highlighted in Part I, and on the expertise of the European Social Observatory in the comparative analysis of European social policies, including IWP.

The recommendations focus on five lines of action: improving the policy status and awareness of IWP; improving the assessment of IWP; ensuring access of low-skilled workers and non-standard workers to learning and training; including IWP as a cross-cutting issue in a wider consensual debate on social investment and the future of work and social protection and improving the social protection for vulnerable groups.

II.A. Improving the policy status and awareness of IWP

The existence of IWP is a flagrant contradiction to the main objective of full employment underpinning the socio-economic model prevailing in the EU and its Member States. The findings of the WorkYP project confirm that IWP is also a significant and persistent challenge for European societies. Unfortunately, IWP can be expected to become even more prominent as a consequence of the major external shocks that European economies and societies have experienced in recent years – the COVID-19 health crisis, the subsequent surge in energy prices and an unprecedented escalation of inflation. This will further exacerbate the risk of IWP for some vulnerable groups who were already particularly exposed to it but may also encourage a slide into IWP for a substantial share of individuals and households who were previously not threatened by it (Eurofound 2022b).

The Revised Social Scoreboard of the EPSR should be enhanced to better highlight IWP

The findings of the WorkYP project confirm that IWP remains a central challenge in many Member States for the application of European employment and social policies and the vesting of social rights of European workers and citizens, especially those belonging to specific vulnerable groups.

- **As such, the IWP rate should be placed among the headline indicators of the RSS, and not as a secondary indicator in the 'Fair working conditions' section.**
- The secondary indicators of the RSS already include an indicator on the proportion of involuntary fixed-term work. It would be desirable **to add an indicator on the share of involuntary part-time work.**
- Similarly, it would be desirable to include in the RSS **more indicators related to upward transitions; this would bring a more dynamic perspective to the monitoring of the implementation of the EPSR.** These could be of course the transitions of people exiting IWP, but also the upwards transitions related to the labour market situations of the in-work poor (from unemployment to part-time or temporary work) and to their contractual situations (from temporary work to a permanent contract, from part-time to full-time jobs). At present, the RSS only includes a secondary indicator on transitions from temporary to permanent contracts.

Tackling IWP should be a key cross-cutting concern mainstreamed in the EPSR and in core structural employment and social policy reforms in the European Union and its Member States

The EPSR and its Action Plan are useful instruments for effectively monitoring the acquisition of a wide range of social rights that are key to avoiding IWP.

- **IWP should be more prominent as a key transversal challenge in the other principles of the EPSR, when relevant, and not referred to solely with regard to the issue of fair wages in principle 6.** Almost all the principles of the EPSR relate directly or indirectly to the various facets of job quality¹⁶ (European Commission and the Council 2021). The analysis carried out in WorkYP and the focus on particular VUP groups in the project highlight the intricate relationship existing between the multi-layered realities of IWP and the multifaceted features of poor-quality jobs (low income, low employment intensity of individuals and households, precarious and atypical work, poor working conditions, limited access to social protection, limited workers' rights, etc.). This complex interaction underpins the necessity to mainstream the issue of IWP into the European policy stream. Mainstreaming IWP implies that when designing, implementing and monitoring policies at national and European levels, their impact on IWP would be taken into consideration; this would allow an adjustment where necessary in order to mitigate negative outcomes or to increase their positive impact on reducing IWP. Such an approach would help to strike a 'virtuous balance' between various policy strategies (economic, fiscal, environmental, employment and social matters, equality and non-discrimination), to ensure that economic growth and increased employment do not result in a worsening of IWP and a deterioration of the rights of the in-work poor. Well-designed fiscal and budgetary policies must not only ensure a balanced budget, but also allow for adequate social investment in education, health, care and the provision of quality, affordable and accessible public services for all.
- **In implementing the EPSR, synergies on tackling IWP should be fostered with the existing EU social policy instruments and governance processes such as the European Semester** (incl. the Social Open Method of Coordination and the European Employment Strategy). Country-specific recommendations could be issued to Member States not only if a country had a high overall incidence of IWP or a recurrent upward trend, but also when a worsening of IWP is observed for particular groups, such as atypical workers, or as a consequence of structural reforms in other areas of the National Reform Programmes (IWP proofing). Peer reviews should regularly be dedicated to the issue of IWP in its multiple dimensions in order to encourage exchange between countries on strategies and policies implemented to counteract IWP and some of its aspects.

¹⁶ Chapter I – Equal opportunities and access to the labour market (education; training and life-long learning; gender equality; equal opportunities; active support to employment); Chapter II – Fair working conditions (secure and adaptable employment; wages; information on employment conditions and protection in case of dismissals; social dialogue and involvement of workers; work-life balance; healthy, safe and well-adapted work environment and data protection) and Chapter III – Social protection and inclusion (social protection; unemployment benefits; minimum income; health care; disability; access to essential services).

- **Given the multifaceted, complex nature of IWP, a holistic approach is necessary to grasp the issue in a policy perspective and in all its complexity at European and national levels.** IWP is at the crossroads of several policy domains with complex interactions. Hence, it is necessary to promote at European level and among the Member States a holistic approach to the policies which could help to eradicate IWP through integrated and coordinated strategies or programmes. The European Commission and other EU stakeholders could contribute to carefully design this approach through dedicated means
- **This holistic perspective should be combined with targeted approaches to specific groups of citizens and workers who are more vulnerable to IWP,** such as those considered in the VUP groups of the WorkYP project but also, for instance, single-parent households, migrants, the poorly educated and the low skilled, or homeless persons. As an individual and/or member of a poor household, the working poor may belong to several of these vulnerable groups at the same time. A female part-time worker may also be a low-skilled single mother, for example. This intersectionality of individual characteristics leads to an intersectionality of policies and measures targeted at these vulnerable groups. This dual intersectionality needs to be taken into account in a well-designed holistic approach to IWP in European and national policies.
- **The in-work poor should also be added to the list of vulnerable groups eligible for actions supported by EU funding,** from structural funds such as the European Social Fund Plus or the European Regional Development Fund, the Multiannual Financial Framework 2021-2027, the Social Investment Package, as well as temporary measures funded by the Recovery and Resilience Facility and included in the NextGenerationEU package.
- **The European Social Dialogue at cross-industry and sectoral levels should include the multifaceted nature of IWP and its intricate relationship with poor job quality patterns** among the issues to be debated between European social partners, in order to establish common positions expressed in Framework agreements or Resolutions. In the sectoral social dialogue, a bargaining process should be launched in sectors characterised by low quality jobs and high risks of IWP. Shared achievements at European level could help to foster awareness and bargaining at national level.

A more gender-sensitive, individualised poverty approach is needed to resolve the gender paradox of IWP.

The WorkYP project highlights the so-called **gender paradox of IWP**. A breakdown by gender of the IWP indicator does not enable us to establish a particular gender model, as the incidence of IWP for women and men seems more or less equivalent. This apparent gender neutrality of IWP seems counterintuitive, as abundant literature has shown that women suffer from multiple disadvantages in the labour market compared to men (De Micheli et al. 2021; European Institute for Gender Equality 2016).

This misleading gender similarity in the IWP risk is due to the fact that poverty risk is measured using aggregate household disposable income, rather than individual disposable income, based on the unrealistic assumption that all members of the household earn the same and resources are distributed equally among household members.

A simple disaggregation by gender of the IWP indicators is however useful and necessary. The disadvantaged situation of women is highlighted in individual employment characteristics, or when the focus is on the household status of women, through issues such as the impact of parenthood, the number of earners in the household or its work intensity. However, such a disaggregation does not reflect adequately the multiple barriers hindering women's full and successful participation in the labour market (horizontal and vertical segregations) inducing an increased risk of IWP.

For this reason, **a gender-sensitive and individualised approach to IWP should be developed** in order to resolve the above-mentioned gender paradox and to shed light on the issues and challenges faced by female workers in relation to IWP. In this respect:

- **This individualised approach should be integrated into the assessment of (in-work) poverty, in order to consider the individual's employment-related characteristics in the context of their individual situation in terms of disposable income and work intensity.** This complementary view should be promoted by the Commission and the European institutions in their approach to and their assessment of poverty and exclusion, notably in the social scoreboards used in the employment and social OMCs in the framework of the European Semester process and implementation of the EPSR. This individualised approach to income is also consistent with the promotion of an individualisation of rights. It is particularly useful for the gender paradox but could also be applied to other vulnerable groups (e.g. migrants).
- **The calculation method of the EU-SILC Indicator on IWP rate by sex needs to be revised, based on individual income rather than household income.** This alternative assessment of IWP could be used as an additional measurement in European social statistics on (in-work) poverty, enabling a sounder and more transparent analysis of the gender dimension of IWP¹⁷.

II.B. Improving the assessment of IWP indicators

The EU IWP indicators should be given more prominence in the assessment frameworks used to monitor the employment and social policies of the Member States and particularly the RSS used to monitor the implementation of the EPSR.

Indicators play a central role in the benchmarking of Member States, not only on a scientific level but also politically in the context of the 'soft' governance processes of national structural reforms implemented at European level (European Semester, Employment and Social OMCs). Agreed by the EU and its Member States, they are used not only to assess the situation in order to formulate recommendations to EU countries and monitor their application in national structural reforms, but also to set quantified objectives at European level and to evaluate the progress made in achieving these objectives. The indicators also serve as warning signals drawing attention to particular problems or developments, positive or negative, general or related to vulnerable groups. In this context, the RSS has become a central reference tool. It is not only used to monitor the implementation of the EPSR principles but is now also the reference tool of the Joint Employment Report used in the European Semester process.

¹⁷ For a discussion and a comparative analysis of EU countries using this individualised measurement of disposable income see for instance Ponthieux (2019). The results clearly highlight the greater exposure of women to the IWP.

EU social indicators and data sources should be enhanced to provide a more in-depth assessment of IWP

Further work is needed to better assess in the main EU data sources certain aspects of IWP as well as specific features of employment that are important to understand IWP, notably among specific vulnerable groups of workers and citizens, but also to better reflect the hidden dimension of women's IWP.

More attention should be paid to the dynamics of IWP and notably the persistence in IWP situations

An additional indicator on persistent IWP would identify a core group of long term in-work poor who would need more detailed attention as a particularly vulnerable group in order to design effective preventive policies.

- As done with the persistent at-risk-of-poverty indicator¹⁸ used in European social scoreboards, **the EU set of IWP indicators could usefully be complemented by an indicator of persistent IWP.**

The Commission and the European bodies could usefully continue to develop certain features related to understanding and measurement of non-standard employment and particularly of precarious employment and the so-called new forms of employment

The WorkYP project, by structuring its approach around certain groups of workers particularly at risk of IWP, highlights a number of issues on which the European data sources should be deepened or developed.

- Flexibility through atypical work should be a voluntary choice of the worker. This is why it is important to deepen the understanding and measurement in the European data sources **of the reasons motivating atypical work in order to better distinguish between a choice by the worker and a situation constrained by the circumstances of the job offer** (no alternative, low job quality) and/or individual obligations (care and childcare for instance) not supported by an adequate supply of affordable quality services. Notably, the reasons for (bogus) self-employment should also be better assessed in this perspective.
- The WorkYP findings also highlight the **need to address the weaknesses or gaps in the European data sources concerning the assessment of certain forms of non-standard work:**
 - casual work;

¹⁸ The persistent at-risk-of-poverty rate (Eurostat indicator ilc_li21) is defined as the share of people who are currently poor and were poor also 2 out of the 3 previous years. (Source : Eurostat web site) https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:At-risk-of-poverty_rate.

- zero hours contracts;
- on-call work;
- (very short) part-time work;
- self-employment, particularly bogus self-employment.
- The focus in WorkYP on certain groups of citizens and workers who are particularly vulnerable to IWP but relatively invisible in the statistics highlights **the need to improve the representativeness of these groups in European surveys and data sources**. This should be done not only to improve knowledge of specific groups with specific challenges but also to better understand the consequences of the intersectionality of these diverse layers of vulnerability for the (in-work) poverty and exclusion of European citizens and workers.

Enhancing information related to the abovementioned matters could be supported through different channels at EU level.

- **The European Commission should continue to foster these needed improvements, through specific European bodies** (Eurostat, indicators sub-groups of the Employment Committee and the Social Protection Committee) but also through joint work between European Agencies and also the Member States.
- **Full use should be made of the opportunities offered by several European regulations to enhance the data in the European surveys** by enabling the Member States to add administrative data on income and labour market situation.
- **Scientific research on precariousness of work and intersectionality of disadvantages should be further encouraged** through the funding of dedicated EU research projects.

II.C. Ensuring access of low-skilled workers and non-standard workers to learning and training

In 2000, the Lisbon Strategy set out its ambition to make the EU and its Member States the most competitive knowledge-based economies in the globalised context. Since then, the issues of skills acquisition and upskilling are at the heart of the European employment and social policy agenda. To increase labour market participation, ALMPs and their focus on improving employability have gradually been extended from unemployed jobseekers to various categories of social benefit claimants, provided they are able to work.

The first principle of the EPSR concerns the right to education, training and LLL and stipulates that everyone has the right to quality and inclusive education, training and LLL in order to maintain and acquire skills that enable them to participate fully in society and manage successfully transitions in the labour market (EPSR – Principle 1). The effective implementation of this EPSR principle is grounded in the ‘European Skills Agenda’ launched in July 2020, which includes no less than 12 flagship actions¹⁹ and

¹⁹ To name but a few of particular interest to the in-work poor: the Pact for Skills, the EU support for strategic national upskilling strategies, future-proof vocational education and training; the Skills for life action, the Initiative on individual learning accounts and the European approach to micro-credentials. (COM(2020)274 – European Skills Agenda for sustainable competitiveness, social fairness and resilience).

four EU quantified objectives to be achieved by 2025²⁰. This is accompanied by an extension of potential funding from the European structural funds (ESF+) or temporary funds (NextGenerationEU and the Recovery and Resilience Facility) to support the skilling and upskilling of all EU citizens and workers. Moreover, The EPSR Action Plan set a new EU target of 60% of adults participating in annual training by 2030. The Commission also recently published a proposal for a decision for a European Year of Skills 2023, indicating the high priority given to EU actions to address the significant challenge of low-skilled working-age adults. These skills correspond with skills for life: those supporting lifelong pathways but also, most relevant to this analysis, skills for jobs.

Inclusive LLL and VET policies could significantly contribute to reducing IWP. They are a prerequisite for improving the skills of the 'in-work poor' and their access to fairly and decently paid jobs. However, for many in-work poor considered in the VUP groups of the WorkYP project, access to and provision of LLL and VET is scarce and fragmentary. Temporary agency workers, part-time and fixed-term employees, self-employed people, casual workers and employees on zero-hour contracts have few or no options to acquire and certify new skills allowing them to exit IWP. Therefore, the access to and availability of LLL and VET for non-standard workers should be considered as a cross-cutting challenge in all strategies related to the acquisition and development of skills by vulnerable groups.

- **The inclusion of non-standard workers in LLL and VET opportunities should be added as a cross-cutting concern in the European Skills Agenda and its flagship initiatives**, notably in the Pact for Skills initiative but also in the support to national skills strategies and the Skills for Life initiative. The initiative related to individual learning accounts and the European approach to micro-credentials should allow non-standard workers to improve the portability of acquired skills when they transmit from one situation to the next in their work life course.
- **The scarce or non-existent access of non-standard workers to LLL and VET should also be taken up as a cross-cutting concern in the structural reforms undertaken by Member States as part of the European Semester process.** Specific Country-specific Recommendations could be issued to improve the access and uptake of learning and training for all vulnerable groups, including through a range of new institutional arrangements.
- **The peer review processes used in the social and employment OMCs should include the issue of problematic access to LLL and VET of various types of non-standard workers** as one of the themes for exchange of experiences and good practices between Member States.
- **2023 will be the European Year of Skills.** It will be an opportunity to communicate, debate and undertake targeted actions at European and national level on the issue of skills. The European Commission and social stakeholders more broadly should seize this opportunity to shed light on the difficulties faced by certain vulnerable groups in accessing learning and vocational training to progress in their professional and personal lives. The various types of non-standard workers mentioned in this project could usefully be highlighted as one of these groups.
- **EU social partners at interprofessional and sectoral levels should begin debating a resolution or a framework agreement concerning the problematic access to LLL and VET of various types of non-standard workers**, including those in 'new forms of employment', to encourage

²⁰ These quantified targets include the participation in learning of all adults aged 25-64 (50%), but also of low-skilled adults (30%) and the unemployed (20%). (COM(2020)274 – European Skills Agenda for sustainable competitiveness, social fairness and resilience).

their national members to act on this issue. It is also important to discuss inequality of access between low-skilled and more skilled workers to formal and informal training in enterprises, and particularly in SMEs.

II.D. Improving social protection of vulnerable workers

In the EPSR the right to access social protection is mentioned several times: in terms of non-discrimination in Principle 3 (Equal opportunities), of workers' right to safe employment in Principle 5 (Secure and adaptable employment) and of employees' and self-employed workers' right to social protection in Principle 12 (Social protection). Specific social protection schemes are also the object of dedicated principles, as in the case of unemployment benefits (Principle 13), minimum income (Principle 14), maternity and care benefits (Principle 9), pensions (Principle 15) and disability benefits (Principle 17).

However, while this right to social protection covers standard workers broadly, it does not cover some atypical workers, including the self-employed, and certain categories of standard workers who are considered in the project as being particularly exposed to IWP. The employment status of these vulnerable workers places them on a scale of access to social protection schemes ranging from equivalent social protection for standard low qualified workers in poor sectors (VUP group 1) to almost no social protection for workers occupied in casual employment and the platform economy (VUP group 4), but also for the self-employed and particularly the bogus self-employed (VUP group 2), as well as for workers in the particular atypical jobs discussed in VUP group 3 (temporary agency work notably). Social protection gaps for non-standard and self-employed workers have been identified in the countries screened in the WorkYP project regarding access to sickness and unemployment benefits, protection against accidents at work and occupational diseases, as well as maternity benefits (Hießl 2022a).

Various EU initiatives have been taken in the course of implementing the EPSR to extend the right to social protection to non-standard workers and the self-employed. The non-binding 'Council Recommendation on access to social protection for atypical workers and the self-employed'²¹ adopted in 2018 encourages Member States to bridge formal coverage gaps for both atypical employees and the self-employed and to promote adequate effective coverage by taking measures to ensure access to benefits. However, the Recommendation remains vague when defining the employment status of self-employed workers, neglecting the possibility that they are bogus self-employed. This shortcoming is remedied in the 2021 'Proposal for a Directive on improving working conditions in platform work'²², which includes measures to properly assess the employment status of people working through digital work platforms and new rights for workers and the self-employed in algorithmic management. In particular, it establishes a test for determining whether a base is a de facto employer. If it meets at least two of the five proposed criteria, the platform is considered to be an employer and people working for the platform are automatically reclassified as having employee status, which gives them access to the same rights as standard workers. The 'Directive 2019/1152 on Transparent and Predictable Working

²¹ Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (2019/C 387/01), OJ C 387, 15.11.2019, p. 1–8.

²² European Commission, Proposal for a Directive Of The European Parliament and of the Council on improving working conditions in platform work, COM(2021) 762 final, Brussels.

Conditions²³ ensures that workers' rights are effectively respected and protected for people in all forms of work, including those in the most flexible non-standard and new forms of work such as zero-hour contracts, casual work, domestic work, voucher-based work or platform work.

- As part of implementing the EPSR, in 2020 the European Commission announced in its initial work programme the intention to introduce a European Unemployment Reinsurance Scheme (EURS). The EURS was conceived as a solidarity instrument to support those in work and protect those who have lost their jobs because of external shocks, notably by supporting their reskilling²⁴. With the advent of the Covid-19 crisis and in the presence of diverging views between Member States, this proposal remained on the shelf and was not submitted to public and institutional consultation. Instead, the Commission introduced a temporary financial instrument (SURE) to lend money to Member States; this money would be used to finance the short-time working schemes introduced to cushion the impact of the Covid-19 crisis and allow workers and companies to stay afloat during the crisis²⁵.

By way of effective implementation of the EPSR, it would be advisable to put the EURS back on the table and to launch consultations for its approval; this would ensure a European financial instrument of solidarity enabling Member States to allocate unemployment benefits of an amount and duration that allow for a decent life.

- Minimum income guarantee schemes have an important role to play in countering IWP by making up for low wages and contributing to the income support of the most vulnerable workers with limited or no access to other social protection schemes. They can also be used, subject to means-testing, to supplement low in-work income, enabling the worker to escape poverty. In this spirit and following on from EPSR Principle 14 on minimum income and the Recommendation on adequate minimum income ensuring active inclusion²⁶, **it would also be desirable to introduce a European solidarity-based financial instrument to support Member States in improving their guaranteed minimum income schemes and progressively raising the amount allocated to the level of a national poverty threshold equivalent to 60% of median disposable income.**

II.E. Including IWP as a cross-cutting issue in a wider consensual debate on social investment and the future of work and social protection

EU and national implementation of the EPSR principles should be a participatory process involving all stakeholders, including social partners and civil society organisations. In a broader sense, the (r)evolution of social protection but also the world of work should be part of a more general perspective encompassing the green and digital transitions. These debates must take place gradually and be anchored in a multilateral dialogue involving all social actors and organisations (public authorities,

²³ Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union, OJ L 186, 11.7.2019, p. 105–121.

²⁴ European Commission (2020), Commission Work Programme 2020 – A Union that strives for more, Communication from The Commission to The European Parliament, The Council, The European Economic and Social Committee and The Committee Of The Regions, COM(2020) 37 final, Brussels, 29.1.2020.

²⁵ European Commission: Proposal for a Council Regulation on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak, COM/2020/139 final, Brussels.

²⁶ European Commission: Proposal for a Council Recommendation on adequate minimum income ensuring active inclusion, COM(2022) 490 final, Brussels, 28.9.2022.

trade unions and employers, civil society and citizens, academics, politicians) on the needs of citizens (e.g. professional and social security throughout life course, actual acquisition of labour and social rights), the challenges to be met (e.g. segmentation and precariousness of atypical employment, poverty and IWP, balanced sustainable financing) and the issues at stake (e.g. a harmonious balance between professional and social life, between chosen flexibility and security for workers and employers). This would encourage a convergence towards "social pacts" based on a comprehensive, consensual and legitimate foundation²⁷. The issues of poverty and IWP cut clearly across the strands of these debates.

- At European level, the EESC should be a place where social actors can meet to have this dialogue at European level and exchange views on national practices. The EU should also be encouraged to converge towards a model of socio-economic growth that is sustainable in the medium and long term, based on sound budgetary and fiscal policies that allow for adequate and sustainable financing of the social investment that the EU and the European countries must make to improve and guarantee the quality of life of their citizens. **In this perspective, the effective implementation of the social rights enshrined in the EPSR should be plainly included as a cross-cutting issue in the internal organisation and work of the EESC.**
- The national Economic and Social Committees (or their functional counterparts) should also be fora for this sort of societal dialogue in the Member States. **The resources existing at European level should be used to support and feed into this broad national dialogue, notably in terms of communication, organisation of meetings/seminars, research funding or support to participants, but also through current tools such as the peer review processes enshrined in the various OMCs at European level.** These European and national strategic dialogues could be used as input to the guidelines issued in the Annual Sustainable Growth Survey and the European Semester.
- **The European social dialogue, through non-binding acts such as joint resolutions, can help to encourage and consolidate the participation of the social partners in national debates.** Collective bargaining between social partners has a key role to play in this enlarged dialogue. The social partners can define common or unilateral positions, helping to develop points of convergence and alliances with other participants in the wider dialogue on social investment and the future of work and social protection.

²⁷ "Social pacts – that is, peak-level agreements between governments, trade unions, employers' organizations, and sometimes other civil society organizations (the latter generally with an ancillary role) – are effective tools to reconcile the objectives of economic growth, social cohesion, and equitable distribution" (Bacarro and Galindo 2017:1).

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