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NOTE

From: Presidency
To: Delegations

Subject: Draft Council conclusions on Inclusive labour markets: Improving
employment of those in a weak labour market position

With a view to the meeting of the Social Questions Working Party on 28 October 2019, delegations will find attached a set of draft Council conclusions on the above subject, as prepared by the Presidency.

Council conclusions on inclusive labour markets:

Improving the employment of people in a vulnerable position in the labour market

The Council of the European Union

ACKNOWLEDGES that:

1. Enhancing employment opportunities for all is a recognised objective of the European Union¹; in particular, the European Pillar of Social Rights underlines the right of everybody to assistance to improve employment or self-employment.
2. Shortages of skilled workers have a negative impact on economic growth and Europe's competitiveness. Therefore, it is important to consider how to promote the employment of people who are currently outside the labour market or not fulfilling their potential due to their disadvantage. People in a vulnerable position in the labour market are often an under-utilised resource; their integration into the labour market can be a way of achieving a higher overall employment rate.
3. Employment provides income and creates a specific social role of being an employee or a self-employed person. Yet some specific groups of people continue to be in a vulnerable position in the labour market. There are particular challenges related to the participation of, for example, persons with disabilities, older workers, low-skilled people, young people, including those not in education, employment or training (NEETs), and people with a migrant background, in particular legally residing third country nationals.
4. For people in a vulnerable position in the labour market and, in particular, for people with disabilities, labour market access may be particularly important, because they may experience greater social isolation, stigma, and financial burdens compared to people without disabilities or to people in a better labour market position. Moreover, accumulating disadvantages further increases the risk of long-term unemployment.

¹ Consolidated Treaty on European Union, Title I, Article 3(3) and the Charter of Fundamental Rights of the European Union, Title II, Article 15.

5. With regard to people with disabilities, Article 27 of the Convention on the Rights of Persons with Disabilities² obliges the State Parties to ‘safeguard and promote the realisation of the right to work’ and thus to improve opportunities for both employment and self-employment. In addition, principle 17 of the European Pillar of Social Rights states that ‘people with disabilities have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs’.

STRESSES that:

6. Due to the diversity of the challenges these people face, an active inclusion approach emphasising tailor-made measures is required. It is important to provide services on a multi-sectoral and multi-professional basis ensuring access to a variety of quality, affordable and accessible employment, health and social services, including housing, childcare and social protection, as well as education and training. It is also important to focus on preventative approaches, including early warning systems. In particular, the public employment services have a pivotal role in providing individualised and holistic support early on.
7. Single points of contact are crucial for all users, in combination with outreach activities for those furthest from the labour market; effective coordination requires information-sharing and cooperation between different services and actors, particularly civil society.
8. Access to lifelong learning is particularly important in the continuously changing world of work. Solutions to help people in a vulnerable position in the labour market to access employment could include assessing existing skills, identifying upskilling and reskilling needs, enhancing the validation of acquired knowledge and skills and providing career guidance and counselling. In addition, targeted entrepreneurship training and start-up support can be effective for vulnerable people. It is also worth considering financial incentives to take up work and the removal of benefit traps.

² The Convention on the Rights of Persons with Disabilities and its Optional Protocol (A/RES/61/106) adopted on 13 December 2006

9. Employers may benefit from help and support to employ people in a vulnerable position through, for example, awareness-raising, development of diversity skills, identification of workplace adjustment needs, advice on ensuring accessibility and post-placement support services. Particular attention could be paid to the availability of and access to assistive technologies and IT solutions for employers. The promotion of non-discriminatory recruitment processes, such as anonymous job applications, can improve the chances of people in a disadvantageous position.
10. The potential of new technology, digitalisation and, in general, changes in the world of work should benefit all. It is important to identify how digitalisation is affecting workers and jobseekers in a vulnerable position in the labour market position, including their possibilities of upskilling and reskilling. In the case of disability, new technologies, including the use of artificial intelligence, have great potential if they are accessible and disability-inclusive and do not lead to discriminatory practices.
11. Forms of work, including self employment, which provide flexibility in terms of workload, work schedule and work location may allow for better compatibility with disability and daily life. Moreover, the platform and gig economy may create new job opportunities for people in a vulnerable labour market position, while job quality and sustainability should be ensured.
12. The social economy, and particularly social enterprises, may be of particular value in employing people in a vulnerable position in the labour market. In addition to offering jobs, they can provide upskilling, thereby building up these persons' employability in mainstream businesses.
13. Public authorities can enhance the employment of different groups of people in a vulnerable position in the labour market by implementing employment criteria in public procurement processes.
14. EU funds, in particular the European Social Fund, are of key importance to reach and help those in a vulnerable position with a view to their inclusion both in the labour market and in society, in particular through the promotion of social innovations and through the implementation of multi-sectoral initiatives.

INVITES THE MEMBER STATES, in accordance with their competences, and taking into account national circumstances, while respecting the role and autonomy of the social partners:

15. to continue developing inclusive, comprehensive and active labour market policies that pay attention to people in a vulnerable position in the labour market and to the needs of labour markets, including regional, local and sectoral labour markets;
16. to design such policies in an integrated and comprehensive way, and in a manner that focuses on early intervention, thus preventing those in an already vulnerable position in the labour market from becoming more disadvantaged, and to promote the interaction of earnings and social benefits in a way that lifts people out of inactivity and makes work pay;
17. to ensure the availability of multisectoral, multiprofessional and low-threshold services, for example one-stop-shops, and individualised services, for example job coaching, to people in a vulnerable position. This requires improved coordination and stronger partnerships between the different actors, including public and private employment services, education and training providers, health and social services providers, social partners, both for outreach and in pre- and post-placement phases;
18. to ensure capacity-building of different services working with people in a vulnerable position in the labour market, including persons with disabilities, and to encourage policy experimentation with employers, relevant public services and civil society organisations;
19. to strengthen their efforts to implement the Recommendation on Upskilling Pathways and to promote tailor-made training and career guidance and counselling for persons in a vulnerable position in order to facilitate continuous learning, in particular on the job, and thus provide opportunities to update skills relevant to the labour market, including entrepreneurial career options, and promote employers' engagement in upskilling and reskilling;
20. to promote awareness among employers and develop services that could help them to increase job offers and on-the-job training opportunities for people in a vulnerable position, in particular persons with disabilities,, including through job carving and making working environments accessible;

21. to make full use of relevant EU funding instruments, in particular the European Social Fund, in the implementation of active inclusion strategies and in improving the labour-market integration of people in a vulnerable position, including persons with disabilities.

INVITES THE MEMBER STATES AND THE EUROPEAN COMMISSION, in accordance with their respective competences, and taking into account national circumstances, while respecting the role and autonomy of the social partners:

22. when implementing the European Pillar of Social Rights, to consider how to improve the inclusiveness of labour markets and the situation of those in a vulnerable position in the labour market, in order to give everyone a possibility to improve their skills and their employment prospects;
23. to better involve the social partners and civil society in the design, planning and implementation of policies and strategies that aim to ensure the sustainable labour market inclusion of people in a vulnerable position including person with disabilities;
24. to raise the awareness of all, in particular employers and employment services, about how to improve the inclusiveness of labour markets, for example by providing positive examples;
25. to provide information on how to make recruitment processes more inclusive and how to improve employment services and job matching with this purpose in mind. Where appropriate, to provide information on available financial incentives;
26. to explore the potential of new technologies and ways of working, including platform work, in creating new opportunities for the labour market inclusion of people in a vulnerable position, while paying attention to the quality of working conditions;
27. to support the development of social enterprises and improve their framework conditions, including, where appropriate, the conditions related to their legal environment and access to finance; and to give greater visibility to the social economy;
28. to consider further measures and positive actions, including socially responsible public procurement procedures, to encourage the recruitment of those in a vulnerable position in the labour market;

29. to further enhance the implementation of all relevant recommendations, including the Recommendation on the integration of the long-term unemployed into the labour market and pay particular attention, in the implementation of the Youth Guarantee, to reaching young people from disadvantaged backgrounds, such as migrants, persons with disabilities, or those with caring responsibilities;
30. where appropriate, to improve data collection as regards the employment situation of those in a vulnerable position in the labour market, in particular people with disabilities.³

Invites the European Commission:

31. to pay particular attention to people in a vulnerable position in the labour market in all relevant policies and initiatives, including in the context of any future European strategies for employment and growth and in the European Semester, as well as in the context of the various funding instruments, in particular the European Social Fund;
32. to continue to support mutual learning and the sharing of good practices among Member States;

Invites the Employment Committee and the Social Protection Committee:

33. to use the available information in their work on the employment situation of those in a vulnerable position, including in thematic surveillance and statistical analysis;
34. to continue carrying out thematic and country-specific multilateral surveillance, where appropriate, on Member States' performance and policies concerning people in a vulnerable position in the labour market, including people with disabilities.

³ EU statistics have opted for a definition of disability based on self-reported disability and its limitations on activities. While such a definition has been used in ad hoc modules in the labour force survey (LFS), it is not included in the regular LFS survey. The lack of comprehensive and recent data limits comparisons between many reforms and initiatives. Other definitions are used in national surveys, for example.

References

1. EU interinstitutional

- Interinstitutional Proclamation on the European Pillar of Social Right signed on 17 November 2017 (13129/17)

2. Council

- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation prohibits discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation
- Council Recommendation of 19 December 2016 ‘Upskilling Pathways: New Opportunities for Adults’ (2016/C 484/01)
- Council Recommendation of 15 February 2016 on the integration of the long-term unemployed into the labour market (2016/C 67/01)
- Council Recommendation of 22 April 2013 on establishing a Youth Guarantee (2013/C 120/01)
- Council conclusions on moving towards more inclusive labour markets, adopted on 9 March 2015 (7017/15)
- Council conclusions on the promotion of the social economy as a key driver of economic and social development in Europe, adopted on 7 December 2015 (15071/15)
- Council conclusions ‘Towards making-work-pay strategies’ of 15 June 2017 (9647/17)
- Council conclusions ‘Combating Poverty and Social Exclusion: an Integrated Approach’ of 17 June 2016 (10434/16)

3. European Commission

- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘Towards Social Investment for Growth and Cohesion – including implementing the European Social Fund 2014-2020’ of 20 February 2013 (COM(2013) 83 final)
- Communication on the ‘European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe’ (COM(2010) 636 final)
- Recommendation 2008/867/EC of 3 October 2008 on the active inclusion of people excluded from the labour market