



MAIN FINDINGS AND POLICY PROPOSALS



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The project Working, Yet Poor (WorkYP) is focused on the increasing social trend of working people at risk or below the poverty line. The overall purpose is to effectively prevent the risk of social dumping, reduce economic shocks, and grant EU citizens, particularly stayers —those who do not exercise their right to free movement—, regaining confidence in public governance and substantiating their citizenry's status. The project's innovative approach consists, on the one hand, of identifying four clusters of particularly Vulnerable and Underrepresented Persons (VUP Groups); and on the other hand, of using a true comparative and multi-disciplinary perspective.

The WorkYP Project has analysed seven representative countries (Sweden, Italy, The Netherlands, Belgium, Luxembourg, Germany, and Poland), selected on the basis of their geographical area, as well as their different social systems and legal orders. In each such country, the WorkYP Project focused on four VUP Groups: (a) low wage workers; (b) solo self-employed; (c) flexible work contracts (fixed-term, agency work, involuntary part-time); (d) casual/zero-hours/gig-economy workers.

Each local unit member of the WorkYP consortium showed a multi-layered knowledge, including experts in labour law, social security, industrial relations, economics, sociology, social rights, and poverty in general. Together, WorkYP partners have elaborated the necessary theoretical frameworks, initiated public debate, delivered policy recommendations both to the EU and the national legislators.

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1.

INTRODUCTION TO THE WORKYP PROJECT

The project Working, Yet Poor (WorkYP) is focused on the study of in-work poverty in the EU, a topic that has become even more relevant since the project started in February 2020. During the three years of the WorkYP project, the world has experienced the Covid-19 pandemic, followed by a cost-of-living crisis and a terrible war close to the European borders. All such occurrences have fuelled fundamental debates about the role and place of social rights in contemporary societies, and the need to protect vulnerable workers. Indeed, in-work poverty flags some of the problems that our social models are facing and calls for a renewal of the social pact in the EU.

Now incorporated into the European Pillar of Social Rights (EPSR), the fight against in-work poverty contributes to the fight for social justice and fleshes out the idea of Social Citizenship in the EU. It is therefore not a surprise that the fight against in-work-poverty is high on the policy agendas. The contribution of the WorkYP project to a better understanding of in-work poverty across the EU and the policy recommendations that it proposes are highly topical and, we hope, useful to advance the fight against in-work poverty both at EU and national level. The objectives that the WorkYP project set out to achieve covered two main perspectives: on the one hand, the project provides an analysis of the role of legislation in the field of labour law and social security in shaping the working conditions affecting some groups of vulnerable workers that experience higher levels of in-work poverty; on the other hand, the project articulates concrete policy measures that can be adopted in order to tackle in-work poverty. In doing so, the project contributes to the implementation of the EPSR, in particular to the fight against in-work poverty and the conceptualisation of an EU Social Citizenship.

The present publication aims at guiding the reader through the WorkYP project and its main results, offering a glimpse of the work developed by the project's consortium in the three years 2020-2023. During this time, the WorkYP project has developed and implemented a broad and multifaceted research agenda dealing with many aspects to understand in-work poverty and the possible avenues to better tackle this urgent problem. The following pages offer a summary of the main findings of the project organised in separate sections, where the key messages of the main deliverables are presented.

The WorkYP consortium already published several scholarly contributions on the topic, including an edited collection in 2022 (L. Ratti (ed.), *In-Work Poverty in Europe. Vulnerable and Under-Represented Persons in a Comparative Perspective*, Wolters Kluwer, 2022). Another book is expected for 2023 (L. Ratti, P. Schoukens (eds.), *Working Yet Poor. Challenges to EU Social Citizenship*, Hart Publishing, 2023).

More information is available on the website of the Project (<https://workingyetpoor.eu/>).



2.

WHAT IS IN-WORK POVERTY AND HOW WE MEASURE IT?

To understand what is at stake when we talk about in-work poverty and be able to correctly interpret existing statistical information, it is necessary to have a clear idea of how in-work poverty is defined and measured. This is indeed a key aspect in the fight against in-work poverty, because who is a working poor and, therefore, how to fight this problem, depends to a great extent on how we define and measure in-work poverty. To this end, the University of Luxembourg prepared **Deliverable 2.1**, which introduces the concept of in-work poverty and discusses the strengths and limitations of existing indicators aimed to capture in statistical terms the incidence of in-work poverty. It also considered how such indicators can be used to study vulnerable groups in the labour market and the limitations thereto. Although several indicators are analysed, the focus is on the *in-work at risk of poverty* indicator, that measures the share of persons that are at work (in employment at least 7 months during the year of reference) who nevertheless live in a household with an equivalised disposable income below the poverty line (set at 60% of the national median equivalised disposable income).

The findings of the project on this aspect have resulted in several policy proposals to further refine and improve existing indicators, as discussed in the last sections of this publication. The fact that the *in-work at risk of poverty* indicator combines an individual and a household dimension adds complexity to the picture and may provoke problems such as a gender paradox in the measurement of in-work poverty. The design of the indicator results in the fact that although job characteristics help to explain, to some extent, in-work poverty rates (having a low wage or non-standard job tends to increase the risk of poverty, for example), it is nevertheless essential to consider the household where the worker lives, in particular the number of dependents and the work intensity thereof.

One of the conclusions of the study on current in-work poverty indicators is that it is often more appropriate to use a dashboard of indicators in order to have a deeper understanding of the phenomenon. In particular, non-monetary and monetary indicators are good complements to build a more realistic picture of absolute poverty and in-work poverty in Europe. Another conclusion is that, in particular in connection with vulnerable groups in the labour market, it is important to adopt a broad definition of worker that should also be used to calculate secondary indicators of in-work poverty.



3.

A TARGETED APPROACH TO IN-WORK POVERTY

To achieve the WorkYP project's objectives, the consortium designed a research strategy to carefully understand the object of study. Such actions were addressed by two key deliverables at the initial stage of the project.

THE VUP GROUPS

The University of Bologna prepared **Deliverable 3.1**, where the project defined in detail which groups of workers were going to be studied. This is one of the most innovative aspects of the project: the focus on some specific groups of vulnerable and underrepresented workers. The focus on vulnerable groups in the labour market allows for a more targeted approach, so that efforts can be concentrated where the consequences of in-work poverty are more severe. Indeed, in-work poverty does not affect evenly all participants in the labour market. Some groups of workers are significantly more affected and at higher risk of being working poor. This methodological approach distinguished the WorkYP project from other studies on in-work poverty. The selected groups, labelled as **VUPs** (for vulnerable and underrepresented persons) were defined in Deliverable 3.1. An important caveat on this point is that the definition of the VUP groups, although based on existing legal categories, has an analytical purpose and the groups do not correspond *stricto sensu* with existing legal definitions.

The project defined the following four groups of vulnerable and underrepresented persons:

VUP GROUP 1, LOW- OR UN-SKILLED EMPLOYEES WITH STANDARD EMPLOYMENT CONTRACTS EMPLOYED IN POOR SECTORS

This group includes low or un-skilled employees employed with a full-time and open-ended contract (i.e. "standard" employment contract). Low or un-skilled employees are defined as those performing generally basic and repetitive tasks, which require limited autonomy of judgment and of initiative in the execution of the tasks and very little, if any, education or training. Poor sectors are defined as those where more than 20% of employees are low-wage earners, being low-wage earners those persons whose hourly earnings (excluding the social contributions and payroll taxes paid by the employer) is less than two-thirds of the median hourly earnings in a given country.

VUP GROUP 2, SELF-EMPLOYED PERSONS (PARTICULARLY BOGUS SELF-EMPLOYED AND SOLO/ECONOMICALLY DEPENDENT SELF-EMPLOYED PERSONS)

Two subtypes of formally self-employed workers are included in this group (understanding as self-employed persons those who perform an activity under a contract that is not formally an employment contract). First, dependent or solo self-employed persons, that are those self-employed who are completely or mainly engaged by a firm or principal and whose remuneration mainly or totally depends on the income generated from the business relationship with the said firm or principal. Second, bogus or false self-employed persons, defined as formally self-employed workers who perform the same tasks in the same way as those employees employed by the same firm or principal. Independent own-account workers are not included in VUP Group 2.

VUP GROUP 3, FLEXIBLY EMPLOYED WORKERS (FIXED-TERM, AGENCY WORKERS AND INVOLUNTARY PART-TIMERS)

This group includes three different categories of workers. Fixed-term workers, who are those persons having an employment contract where the end of the employment contract is determined by objective conditions or the occurrence of a specific event. Temporary agency workers, defined as those persons having an employment contract with a temporary-work agency in order to be assigned to a user undertaking to work temporarily. Involuntary part-timers, including those employees whose normal hours of work are formally less than the normal hours of work of a comparable full-time worker that are in this situation against their will (meaning that they would prefer to work full time but they cannot due to the economic or labour market situation or because of personal reasons connected with care).

VUP GROUP 4, CASUAL AND PLATFORM WORKERS

In this heterogeneous work casual and platform workers are included. Casual workers are those whose work is irregular or intermittent (including both intermittent work and on-call work, that may consist of zero-hours contracts). Platform workers are defined as those persons using an app or a website to match with customers, in order to perform specific tasks or to provide specific services in exchange for payment being the paid work organised through online platforms. Two subtypes are considered in VUP Group 4: crowd-workers and workers-on-demand via app.

Statistics show that the risk of in-work poverty is higher for these four VUP Groups than for the average employed persons. However, the legal framework applicable to each of them is very different, as well as the problems the persons belonging to these groups face in the labour market. Understanding these problems is key to the design of targeted policies to fight in-work poverty. The detailed and comparative analysis of each group provided concrete inputs, thus allowing for tailor-made specific proposals as reflected in those deliverables of the project dealing with policy proposals and the concept of EU social citizenship.



4.

IN-WORK POVERTY IN SELECTED MEMBER STATES

In-work poverty affects differently different groups of workers, but it also varies widely in the different Member States of the EU. To better understand these variations and the role of regulation thereof, a second step in the project was to study in-work poverty in a selected group of EU Member states. This was the basis for a comparative work that aims at providing insights into the regulatory choices in relation to measures with the potential of avoiding or alleviating in-work poverty.

NATIONAL REPORTS – MAIN FINDINGS

A total of seven EU Member States have been studied at the WorkYP project, namely **Germany**, Luxembourg, Italy, **Sweden**, **Belgium**, **the Netherlands** and **Poland**. For each of them, a National Report was produced (these national reports are **Deliverable 3.2** and their executive summaries can be consulted in the webpage of the project). These reports produced interesting insights and showed the diversity of each national setting, but also some commonalities, as we will see below.

In **Germany**, the expansion of the low-wage sector and income inequality have been accompanied by a strong growth in labour market participation. Although there were fears that recent reforms aimed at curbing low-wage and atypical employment would lead to an increase in unemployment, the experience with the statutory minimum wage introduced since 2015 is unanimously assessed as a successful policy, not having led to a surge in unemployment in any of the most concerned sectors. However, its level remains below 50% of the median wage, which is problematic from the perspective of in-work poverty. Some other worrying aspects are connected to the social security system. With regards to the benefits offered, their amount is fixed at a level that is generally too low to lift a household out of relative income poverty. These benefits are furthermore conditional on strict obligations in terms of labour market reintegration. Moreover, the current system for deductions on incomes from employment from the total amount of benefits may disincentive the search of full time and better paid jobs, while promoting indirectly some employers' practices of keeping beneficiaries' wages artificially low. An observed increase in income inequality seems to be linked to the reduction of the levels of collective bargaining coverage.

In **Luxembourg**, the most striking fact is that the country features high in the EU statistics on in-work poverty and, furthermore, data show an increasing trend in recent years. Labour law and social security regulations can only explain a part of this trend. It has been suggested that the high cost of housing could have an impact on in-work poverty, however this is difficult to assess since the main statistical indicators only partially and very indirectly reflect expenditure on accommodation (in the case of material deprivation rate). The household dimension seems to play a very important role for every group of workers. Taxation seems to be also relevant, and in particular two aspects may be problematic: on the one hand, taxation penalises single parents and on the other hand very low salaries, and even the minimum social salary, are not exempted from taxes. Although high in nominal terms, the minimum wage for non-qualified workers may not be very protective, which may be problematic in some sectors where is difficult to get the status of qualified worker. Finally, although the regulation of fixed-term and part-time work is comparatively strict in Luxembourg, workers with low work intensity and temporary contracts are, as in many other countries, more vulnerable to in-work poverty.

In **Italy**, the report points towards a systemic problem. The Italian productive and labour market systems – characterized by low investments in research and development, the spread of low-skilled and precarious jobs and, consequently, of low wages and fragmented working careers – have pushed to a race to the bottom. It seems that the micro-drivers of in-work poverty were generated, preserved and strengthened by the distortions of the Italian system. Furthermore, in Italy the deregulation of the labour market has not been combined with ad hoc measures for fighting in-work poverty. At the same time, the Italian social assistance policy has long been characterised by a strong weakness both in the field of minimum income guarantee benefits and in the development of social services for families and care policies. In particular, these schemes were not conceived of as universalistic and linked to family burdens.

In **Sweden**, the well-functioning and strong Swedish model of labour market regulation through collective agreements generates a system with minimum wages generally set above 60 percent of the median wage. The high coverage of collective agreements, 100 percent in the public sector and 83 percent in the private sector, assures the vast majority of workers a good protection both in terms of decent wages and supplementary protection in case of sickness, parental leave, restructuring of the undertaking, etc. In this context, having a full-time permanent employment will assure workers a high degree of protection against the risk of in-work poverty. In Sweden, in-work poverty is therefore not related to poor wages as such. Instead, the main driver seems to be the number of hours worked and the consequent fewer working hours in relation to different forms of social security benefits. However, the Swedish system is not without weaknesses. Firstly, the design of social security benefits and loss of income protection is generally framed in relation to standard employment, which causes risks for workers in other forms of employment, particularly those with shorter temporary or part-time employment. The risks vary to some extent depending on the form of employment, but in principle the length of employment is of importance for access to social security and loss of income protection and the number of hours worked affects the level of the benefits paid. This generates a situation where workers employed on short contracts or working few hours are at the risk of either not being covered by social security benefits or having the amounts of such benefits set at very low levels. Secondly, the rules concerning fixed-term employment in Sweden are framed in a highly flexible manner providing a broad scope for short-term and intermittent employment contracts. This incentivises the increase of stable forms of temporary employment even though the overall share of temporary employment has remained fairly stable. Thirdly, the protection offered by collective bargaining structures is not without blank spots, that are particularly relevant for vulnerable workers. In the relatively few workplaces not covered by any collective agreement there is no regulation of minimum wages. Finally, the indirect measures available for income support, such as family benefits and social assistance schemes, are generally designed for persons without income rather than persons earning a low income from work. Such measures are therefore not fully apt to alleviate the precarious groups of workers from in-work poverty, instead they are mainly suited for limiting the extent of poverty for persons outside the labour market.

In **Belgium**, a comprehensive labour and social security protection is provided to persons in a full-time employment relationships, including a legal minimum wage that enables such employees to live above the poverty line, as well as social security benefits that generally ensure income above said line. However, certain categories of non-standard workers, such as self-employed persons, part-time employees and persons performing work under temporary or flexi-job contracts, are excluded from this protective framework in some instances, which may result in the persons under said contractual forms falling under the poverty line, particularly in the case of one-person households. The complexity of the Belgian federal system, with Regions and Communities being competent of certain measures or policies impacting in-work poverty (such as vocational training, family benefits or welfare) might, arguably, also challenge access in some cases.

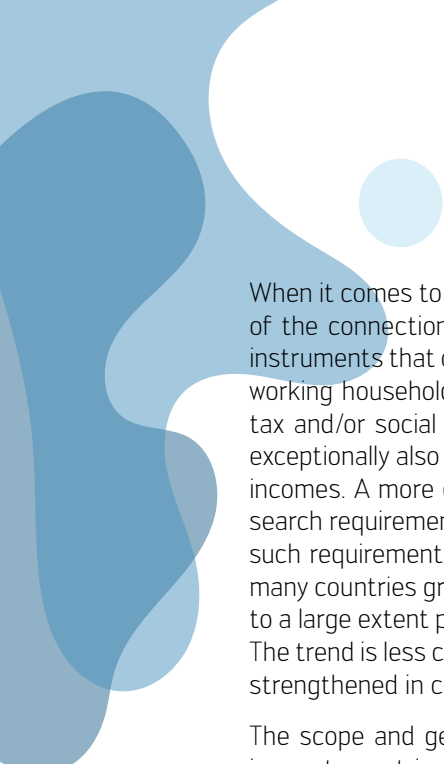
In **the Netherlands**, a highly flexible labour market makes an increasing group of workers vulnerable to economic setbacks. This has become clear during the first phase of the Covid-19 pandemic, when it appeared that not all groups of workers had sufficient access to social security. Whereas employees are in a highly protected position, solo-self-employed workers are subject to the general rules of contract law, making them more vulnerable. The high coverage of collective agreements (80%) assures that the majority of workers have a decent protection both in terms of decent wages and supplementary protection in case of unemployment, sickness, and other situations of suspension of work. However, even if hourly wages are reasonably adequate when having a fulltime job, the high incidence of part-time work in the Netherlands begs the question whether monthly incomes are sufficient, and whether people have enough opportunities to access jobs with enough working hours per week. The same question may be raised for workers with irregular working hours per week due to on-call contracts, who thus have an irregular income. The social security system is not always fit for the needs of workers, particularly those who have low wages and/or irregular income. For instance, the unemployment benefit scheme is not accessible to self-employed, while access to social assistance (welfare) might be constrained because this is means tested. Furthermore, the level of the unemployment benefit is proportional to the number of hours of previous employment, so it does not always provide substantial income security for them. Similarly, the duration of this benefit, that has been strongly reduced in recent years, is based on tenure, which might pose obstacles to newcomers at the labour market with temporary jobs.

In **Poland**, low salaries, even of full-time workers, are problematic. This is so because minimum wage provisions do not apply to all types of civil law contracts. This is the case for contracts for specific work, innominate contracts or self-employed. Civil law contracts are widespread across the Polish labour market, resulting in many persons working outside the coverage of minimum labour law provisions. Therefore, actual salaries received by workers in poor sectors may be significantly lower than those recorded by official statistics. The composition of the household seems also to be determinant on the level of in-work poverty, as reflected in available statistical information.

COMPARATIVE ANALYTICAL REPORT

A comparative work providing insights into the regulatory choices in relation to measures with the potential of avoiding or alleviating in-work poverty is one of the key contents of the WorkYP project. The findings of this comparative work have informed some of the policy proposals of the project. Goethe University was responsible for this task, that is the content of two deliverables (3.4 and 3.5). In the following, we present the main findings of **Deliverable 3.5**, the 'comparative analytical report'.

With all the limitations of a comparative analysis (to which some extra limitations in form of scarcity of available data must be added) and the fact that some probably important aspects connected to in-work poverty could not be covered, the comparative assessment of the abovementioned seven legal systems provides some interesting insights. Although the possibilities to 'amend' collective bargaining systems are limited, there is space to some intervention in key aspects -such as representativeness criteria, options of derogation from the "favour principle", the competences of company-level representatives, or the conditions for the sector-wide extension of collective agreements – of importance to the current functioning of minimum wage determination by collective bargaining. There may also be scope for extending the scope of labour law, social security, collective bargaining and/or labour market policies, and at least in some countries a momentum building for such extensions to take place. This concerns most notably the self-employed (in relation to all of these areas of law), but also subgroups of employees who are either formally exempted from protections or factually excluded due to the low-hour or fragmented nature of their work. Another common area of intervention are labour market policy measures, including the ramping up of – albeit controversial – wage subsidies (with increasingly sophisticated criteria to identify relevant target groups), and notably approaches to vocational education and training (VET) policies, which increasingly aim to consider and connect employer- and social partner-led approaches to training. There is a trend of increasing reliance on statutory minimum wages for the protection of the most vulnerable of workers in the five countries where such figure exists, although the criteria used for the determination of minimum wages are highly diverse, and empirical outcomes seem to be at odds with these criteria to a large degree.



When it comes to the social security dimension, the larger picture certainly indicates an overall strengthening of the connection between benefit entitlements and labour market participation. This includes a range of instruments that can be characterised as in-work benefits, many of which are bound to benefit higher-earning working households more than the working poor. However, an increasing number of instruments (based on tax and/or social security contribution reductions, stimulus for certain employer-sponsored initiatives, and exceptionally also direct transfers) are designed to be targeted at those with low wages and/or low household incomes. A more distinct common trend could be said to exist in relation to the increasing relevance of job search requirements for the benefits. It appears that the importance of benefits granted structurally without such requirements is receding overall. This is notably true for housing-related costs, support for which is in many countries granted to a very limited degree (or not at all, apart from regional or local initiatives), and thus to a large extent provided in the framework of social assistance benefits, which feature a job search criterion. The trend is less clear with regard to family-related expenses, in relation to which universal systems have been strengthened in countries such as Italy.

The scope and generosity of first-tier, insurance-based unemployment benefits have been on the decline in most countries, which underlines the importance of second-tier, usually means-tested benefits and the conditionality attached to them. As a result, VUP workers are effectively at a substantial risk of falling back on means-tested benefits far below the relative poverty line as soon as they are out of work. This, in combination with the strict criteria for a “suitable job” may put them under substantial pressure to accept and remain in poorly paid jobs. The exact interaction of these benefit rights and their conditionality with other aspects of the legal system seems very difficult to pinpoint. Notably, many of the countries studied have comparatively low or very low unemployment rates (including partly long-term unemployment rates). This may indicate that ALMPs may effectively give many workers an opportunity for labour market re-integration via supportive means rather than coercion. Also, self-evidently, the existence of high minimum wage standards limits employers’ possibility to offer poorly paid jobs to those desperate to escape out-of-work poverty in the first place.

The analytical comparative report confirms that a phenomenon as complex as in-work poverty is influenced by a multitude of factors, part of which are barely amenable to legal regulation. Nevertheless, the analysis of the relevant rules of labour law, labour market policies and social security illustrate that policy approaches to combat poverty are by no means determined exclusively by the “generosity” of certain protective measures. Instead, many of the most immediate challenges for a policy mix to comprehensively address poverty risks might be to ensure that protective measures are actually applicable to and accessible for those who would be most in need.

5.

THE ROLE OF THE EU

In the previous section the focus was on the national level. But the WorkYP Project also analysed the role of EU law and policy in the shaping of in-work poverty. Three important deliverables produced interesting inputs on the potential role of EU law in creating, but also combating, in-work poverty. **Deliverable 4.1**, produced by the University of Tilburg, offers a comprehensive panorama of the EU social acquis and the (limited) protection it grants to VUP Groups. **Deliverable 4.2**, produced by KU Leuven is a comparative report of the social security systems in EU Member States with a focus on their role to protect VUP workers from in-work poverty and proposes possible pathways for EU action. **Deliverable 4.3**, produced by the University of Bologna, is a benchmarking exercise on the notion of ‘fair and adequate wages’ in different jurisdictions, with special attention to Directive 2022/2041 on adequate wages across the EU. In a final stage, the WorkYP project simulated with EUROMOD the effects of hypothetical policy proposals to combat in-work poverty (Deliverable 2.3).

EU LABOUR LAW, VUP GROUPS AND IN-WORK POVERTY

Deliverable 4.1 presents labour law harmonization in EU law and its (limited) impact on the protection of VUP groups. The study has a twofold aim: on the one hand, to provide a birds-eye view on the current state of play of EU labour law protection as regards the four different VUP Groups identified in the WorkYP project. On the other hand, to flag the problems with the current status quo by emphasizing the weaknesses, strengths, opportunities and limitations of EU labour law harmonization vis-a-vis these groups.

With regards to VUP Group 1, the problems identified relate with the trend to transfer away crucial social risks from the (former) large employer to SMEs and/or individual workers by outsourcing and subcontracting processes. VUP Group 1 workers in the lower segments of these supply services chains often find themselves in persistent low pay levels and poor working conditions. Here, the Directive on adequate minimum wage could have a positive impact in some countries and sectors. Organisational changes and restructuring, often happening in sectors employing VUP Group 1 workers are covered by an EU acquis originally adopted in the 1970s. Whereas the acquis certainly provides adequate protection in many situations, there is room for further improvement, in line with the aims of the principles 7 and 8 of the EPSR.

Regarding VUP Group 3, the biggest contribution of EU legislation on the matter of atypical work (part-time, fixed-term and temporary agency work directives) is that it entitles those employed in ‘traditional’ forms of atypical employment to the right to equal treatment, although subject to some limitations. In the case of the Fixed-Term Directive, and to a lesser extent also the Temporary Agency Work (TAW) Directive, the EU acquis also contributes to fighting abuses in the use of said atypical contracts. Yet, there remain important obstacles in ensuring full equal treatment. The provisions on fighting abuses of fixed-term and TAW contracts offer limited protection since Member States still enjoy considerable leeway on not only on how, but also to what extent they choose to fight abuses. Particularly, this is problematic in the TAW Directive, which provides no guidance on how to fight abuse. In addition, a number of provisions allow Member States or social partners to limit the scope of application by, for example, excluding casual workers, such as in the Part-time work Directive, thereby effectively limiting minimum protection for a considerable part of the workforce.

The protection offered by the EU acquis to VUP Groups 2 and 4 is very marginal. As regards VUP Group 2, (bogus and/or dependent) solo self-employed lack in principle any protection by EU labour legislation altogether, although the CJEU has addressed the issue of false self-employment by rejecting the limiting of the scope of protection based solely on a nominal reasoning. Instead, the Court focuses on the activities that are being carried out by the individual concerned. The Guidelines on collective bargaining of the self-employed are also a positive development. In the case of VUP Group 4, concerning casual and platform workers, some EU labour regulations could in principle provide some protection, but this protection does not address category-specific problems and is, moreover, underpinned by a number of conditionals. A proposal for a Directive on platform work is, nevertheless, a promising path. The EU labour harmonisation acquis regarding VUP groups 2 and 4

is still in its infancy. In particular, no EU instrument addresses directly (yet) the more and more frequent combination of self-employment with very short periods of (employed) work, and low remuneration, nor the consequences they have on the social security of these 'workers'. As a result, it is mostly for national laws and courts to decide, in labour relation conflicts, whether the contracts involved are employment contracts submitted to labour law.

To overcome the described shortcomings, a strategical intervention is proposed along two axes. On the one hand, the market-correcting characteristics of the EU social policy harmonisation acquis should be strengthened, which inevitably means that the market-facilitating features of this social acquis will be (relatively) diminished, especially concerning vulnerable workers. Such approach is necessary to reinforce the protective power of EU labour and social rights. The steps that are currently set and contemplated in the framework of the EPSR go in the right direction. On the other hand, EU hard and soft law in (core) economic policy domains (often) negatively affect the chances of the four VUP Groups to access fair and just working conditions and stable employment perspectives. To avoid that EU citizens belonging to the VUP groups at the end of the day have (the perception that they) lost more than they won with EU initiatives, it is necessary to insist that the respect for and even the promotion of effective EU labour and social rights is safeguarded in other legal areas as well. This asks for a consistent and genuine operationalization of the so-called horizontal social clause in Article 9 TFEU, requiring the EU legislator and policy makers to consider the objectives of social protection, social inclusion and of high levels of (good quality) employment into all its policy initiatives.

THE ROLE OF SOCIAL SECURITY

Deliverable 4.2 discusses access to adequate social protection for the working poor and aims at answering two main questions: which protection national social security systems currently provide for the in-work poor and if, and how, such systems should be adapted to provide sufficient protection for all type of workers.

Social security systems in EU Member States still largely rely on their traditional design, departing from a model worker with a full-time contract of indefinite duration. This traditional approach in national social security systems does not, however, seem well equipped to deal with the situation of non-standard work and the higher risk of in-work poverty for non-standard workers. The analysis developed in the deliverable shows that the workers in the different VUP Groups are often confronted with a lack of formal, effective and adequate access to social protection.

Workers in **VUP Group 1** have in principle no problems of formal access to benefits, as they fall under the general scheme for employees. Nevertheless, these workers are confronted with the impact of low-wages on social security protection, as social security benefits are often expressed as a percentage of the previously earned income. Members of VUP Group 1 are also confronted with stringent activation measures and the flexibilization of labour markets in EU Member States. For most workers in VUP Group 3 the problem is also not a lack of formal access. But this group faces nevertheless important difficulties in order to effectively access social security protections. Workers in **VUP Group 3** will have more difficulties fulfilling waiting periods and their (lower) work intensity will also have an important impact on the level of their social security benefits. Very often Member States do not give particular attention to the members of VUP Group 3, but apply the same rules as for other workers. Their specific work characteristics would, however, require a more tailor-made approach. The case of **VUP Group 2** shows divergences in national approaches. Some countries extended social security protection to self-employed persons, or included intermediate categories in their social protection systems to deal with economically dependent self-employed persons. The creation of intermediate categories often results in additional complexity. Countries that extended the coverage to self-employed persons also face problems as to tailor the rules for employees to the group of self-employed persons. Other countries do not grant coverage in case of unemployment or sickness. In particular for those countries (but a remark that applies to all) is that the lack of adequate protection, could pressure self-employed persons to ask for a lower remuneration. The problems identified for **VUP Group 4** are a mix of the problems identified for VUP Group 2 and 3. Often similar rules apply for casual workers as for other employees, although such workers have more irregular work patterns and could need a more tailor-made approach in calculating waiting periods or the level of benefits. As for platform workers, a lot of uncertainty arose as to their legal statute; very often determining whether they fall under the rules of an employee or a self-employed person happens on a case-by-case basis.

Deliverable 4.2 also identifies potential pathways for EU action in order to improve the social protection of the four VUP Groups. More attention at EU level is needed to the multifaceted dimension of in-work poverty for the different VUP Groups and the interaction between social security, social assistance and socio-fiscal welfare measures. Furthermore, more attention should also be paid to adapting social protection for (a)typical workers, considering the specificities of these workers. Although the Recommendation on access to social protection provides an important first step, more can be done to effectively guarantee formal and effective access to social protection for atypical workers. The EU should also formulate more clearly what 'adequacy' means for social protection. Ideally, a more comprehensive and coherent approach to the role of the social security in the protection of atypical forms of employment is needed. An EU legal instrument establishing minimum requirements for workers in social security and social protection for workers would be an option for a way forward.

FAIR AND ADEQUATE WAGES

Deliverable 4.3 focuses on fair and adequate wages, which are an important element in the fight against in-work poverty. The need for adequate wages seems self-evident when confronted with the fact that «for too many people, work no longer pays», as in-work poverty flags. The comparative analysis of international and national sources referring to fair and adequate wages shows that there are many differences with regard to the sources, notions, and methods of enforcement of fair and adequate wages, as well as in the reasoning on the functions of minimum wages.

However, despite the differences, the importance of ensuring a fair and adequate wage as a means to protect the human dignity of workers and their families is acknowledged. Identifying a fair and adequate wage level requires a balance between workers' needs and their right to a dignified existence, and economic and labour market considerations, as well as an appropriate coordination with welfare system. To assess the elements of fairness and adequacy, it must be kept in mind the costs of living (including all the resources necessary to participate in cultural, educational and social activities in the society, i.e. beyond material basic needs) but also other relevant factors, such as the general level of wages, social security benefits and economic factors, namely productivity and employment levels.

Building on these findings, a combined approach to what and adequate and fair wage should be is proposed. Firstly, in order to ensure the fairness of the minimum wage, it seems important to take a relative approach, as the one adopted within the EPSR and shyly proposed in Directive 2022/2041 on adequate minimum wages across the EU. Member States should be required to use an indicative reference equal to 60% of national median wages and/or 50% of average wage. This threshold would boost minimum wages in the majority of the Member States, at least for those with national statutory minimum wages. It should be expressly demanded that Member States «assess and report» on the minimum wage fairness through these indicative reference values. Additionally, – and secondly with respect to – the relative approach, an absolute approach is necessary. This consists of a needs-based approach, that takes into account the cost of living, based on countries specific basket of goods and services. This absolute approach would ensure the adequacy of minimum wages. In this sense, it is closer to a living wage concept, as it is intended to allow an employee a basic but socially acceptable standard of living. In defining goods and services to be included in the basket, it is crucial the full involvement of trade unions and employers' organisations, as well as of civil-society stakeholders, academics, and experts. The creation of a commission involving all these sides would serve this purpose. In Member States where minimum wage protection is provided exclusively by collective bargaining, also collectively agreed minimum wages should be subjected to this absolute approach. Furthermore, as a «well-functioning» collective bargaining on wage setting has proved to be an effective instrument to promote adequate minimum wages, it is important to set-up an effective monitoring and data collection system. Some further matters include the coverage of minimum wage for non-standard workers – including both flexible, casual and platform workers – and solo-self-employed, the issue of the right to collective bargaining for genuine solo self-employed and the collective bargaining coverage for non-standard workers. Moreover, also the quantity of employment and low working hours influence the risk of in-work poverty. Comparing the Directive on adequate minimum wages recently adopted with the proposal in deliverable 4.3, this can be evaluated as a 'step in the right direction' but short of ambition to adequately fight in-work poverty.

EUROMOD SIMULATIONS OF HYPOTHETICAL POLICY INTERVENTIONS

In **Deliverable 2.3**, selected hypothetical policies were simulated through EUROMOD, the tax-benefit micro-simulation model of the European countries that fully allows to embed the simulated policies in the specific tax-benefit systems of each analysed country. The proposed analysis was not intended to provide a short-term solution for the policy maker; rather it aimed at quantifying the impact on poverty and public finances of potential policies that imply, to a different extent, a direct involvement of employees, employers and governments. This holistic and integrated approach to tackle poverty, which relies on social responsibility of all categories of individuals, de facto operationalizes the concept of social capital promoted by the World Bank, that has been demonstrated to positively affect economic outcomes of different countries, and in doing that poses challenging but interesting perspectives to the policy maker. On the one hand, hypothetical policies have been simulated in a static framework, considering the potential interactions between different policies, including a) transition to full-time-full year jobs; b) introduction of a hypothetical minimum wage; c) introduction of a new in-work benefit; d) combination of the suggested policies. On the other hand, the simulations done via EUROMOD offered “first round” effects without taking into account potential individual or macro-economic behavioural reactions.

Overall, the analysis contributed to debunk a false belief about the sizable public cost of interventions to tackle poverty. The revenue gained – as increased social contributions and taxes and decreased means-tested benefits – through the implementation of a full-time-full-year transition of all workers and the introduction of hypothetical minimum wage could be more than the cost for the government of implementing a benefit that allows households with at least one individual at work to reach the poverty line. Furthermore, while minimum wages and in-work benefits are not the only policy measures to fight in-work poverty, they are found to be important elements in an effective policy mix to reduce in-work poverty and to improve work incentives.

The policy maker can derive from this data-based analysis insights for reflection, as the situation of the public finances in most European countries nowadays prevents any intervention relying on the increase in the public expenditure as the main lever of action but requires full involvement from all actors, including governments and social partners. Working hours, hourly wage and tax-benefit incentives are distinct but interrelated aspects of an effective fight against in-work poverty. The results of our simulations confirmed the recent evidence-based literature that shows that in-work poverty depends on low salary but also on working times: individuals working few hours per week or few months per year are more likely to have unstable and poor jobs confirming the importance of pre-redistributive actions combined with post-redistributive instruments that can act as efficient safety net. This further highlighted the need for future research and policy discussions to focus on pre-distribution as much as on redistribution.



6. THE EU CITIZENSHIP WE DESERVE

In its final stage, building on its previous deliverables, the WorkYP Project proposes a reconceptualization of the idea of EU social citizenship and delineates its contents. This idea would help to further develop the social dimension of the EU, adding to the European integration process a layer of legitimacy based on its social value. This, in turn, would be instrumental to mobilise EU tools to fight more effectively in-work poverty.

Deliverable 4.4, produced by Tilburg University, has been in charge of this task.

On a more direct and pragmatic way, the project also has produced several deliverables with specific and concrete proposals to fight in-work poverty directed at EU and national policy makers.

TOWARDS AN EU SOCIAL CITIZENSHIP

The existence of in-work poverty challenges the promise of an internal market that is able to deliver economic and social prosperity that is at base of the EU project. In-work poverty thus signals the need to re-think the social dimension of the EU project and re-evaluate the social contract between the EU and its citizens. An answer to this challenge may be a reconceptualization of the idea of EU social citizenship in such a way that is capable to deliver a better quality of life and work to its citizens.

The currently existing idea of citizenship in the EU favours mostly mobile and economically active citizens, but is almost irrelevant for the majority of EU citizens. This is at odds with the very idea of citizenship, even if deployed in a multilevel framework (since EU citizenship is a complementary layer to national citizenship). Without neglecting the participatory and legitimacy dimension of the idea of citizenship, the reconceptualization proposed by WorkYP is focused on the rights that all citizenship confers, and more in particular on social rights. Deliverable 4.4 suggests that the broader EU social acquis – including social rights, social policy harmonization and intergovernmental and multi-level structures – even if relevant, is still underdeveloped and overall insufficient to flesh out EU social citizenship.

After an analysis of the constitutional powers of the EU – in particular the possibilities offered by EU Treaties to adopt new social instruments – and building on the challenges associated with in-work poverty, the deliverable offers recommendations to further develop the social dimension and substantiate the container of social citizenship. The adoption of legislative changes is suggested in four areas: unjustified dismissal, a revision of atypical work directives, minimum standards for unemployment and a revision of the working time directive. These changes are complemented with suggestions to strengthen the governance of social rights in the EU and the interaction between levels and policy areas. In this sense, a re-evaluation of the Social Protection Committee and the European Economic and Social Committee are proposed with the aim to reinforce their position in the EU governance and decision-making processes.

The analysis unravels a great potential for EU social citizenship and many opportunities that the current constitutional powers of the EU offer. In the conclusions, Deliverable D4.4 provides a word of caution and a call to be more ambitious. Regarding the former, the proposed conceptualisation of social citizenship is still patchy. Whereas a good implementation of a 'nested' citizenship is capable of delivering a better quality of living to its citizens, it also requires a good governance and coordination to ensure cohesion and that ultimately citizens do not end up falling between the cracks of different protective nets. The fragmented framework is, however, also the result of addressing the symptoms and not the cause of the problem: that the traditional employment model cannot longer be considered the 'standard' and that, accordingly, labour and social systems cannot be centred around it if they aim at being effective and sustainable. Thus, a call is made for a deeper and more complex exercise to uproot these systems and make them fit for purpose.

SOCIAL POLICY INITIATIVES TO FIGHT IN-WORK POVERTY

Deliverables 5.2 and 5.3 of the WorkYP project consist on social policy proposals to fight in-work poverty at national and EU level. These proposals have been drafted after considering all the insights and findings in the many deliverables of the project. They constitute a toolkit of possible actions that are feasible and tailor-made to protect in particular the most vulnerable workers, those persons in the VUP groups.

These recommendations have been produced by the European Anti-Poverty Network (EAPN) and the European Social Observatory (OSE). These policy proposals can be grouped in the following lines of action:

I. IMPROVING THE POLICY STATUS AND AWARENESS OF IN-WORK POVERTY.

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 its 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. 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 NextGeneration EU 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.

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. 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 IWP.

II. IMPROVING THE ASSESSMENT OF IN-WORK POVERTY.

Policy proposals include enhancement of EU social indicators and data sources to provide a more in-depth assessment of IWP; more attention should be paid to the dynamics of IWP and notably the persistence in IWP situations; develop tools to improve the understanding and measurement of non-standard employment and particularly of precarious employment and the so-called new forms of employment. 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.

III. ENSURING ACCESS OF LOW-SKILLED WORKERS AND NON-STANDARD WORKERS TO LEARNING AND TRAINING.

The inclusion of non-standard workers in lifelong learning (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 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 OMCs should include the issue of problematic access to LLL and VET of various types of non-standard workers. 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'.

IV. IMPROVING SOCIAL PROTECTION OF VULNERABLE WORKERS.

Policy proposals include to put the 'European Unemployment Reinsurance Scheme' (EURS) back on the table and to launch consultations for its approval; 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; aiming for the statutory adequate minimum wage to progress to a 'living wage' and to extend statutory minimum wages to the solo self-employed; improve access to social insurance to flexible workers and address the exclusions of nonentrepreneurial solo self-employed and casual/ platform workers, by modernising the notion of 'employee' and providing universal family benefits that cover the additional cost of children, resulting in better family benefits and adequate, affordable, accessible (including in poor areas) child and dependent care; introduce a universal guaranteed minimum social assistance income as it is the floor under all other incomes, with the ambition to progress towards a level that keeps households out of poverty.

V. 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. 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 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.

7.

ANNEX: DELIVERABLES AND POLICY PROPOSALS/INITIATIVES

TABLE 1: WORKYP MAIN DELIVERABLES MENTIONED IN THIS DOCUMENT

DELIVERABLE NUMBER	TITLE
Deliverable 2.1	Societal Indicators' Report
Deliverable 3.1	Operational definition of VUPs and Grid to structure national reports
Deliverable 3.2	National Reports (Germany, Luxembourg, Italy, Sweden, Belgium, the Netherlands and Poland)
Deliverable 3.5	Comparative Analytical Report
Deliverable 4.1	Labour Law harmonization in EU Law
Deliverable 4.2	Comparative Report on social security
Deliverable 4.3	"Fair and adequate wages": Benchmarking exercise
Deliverable 4.4	Reconceptualizing EU Social citizenship
Deliverable 5.1	Policy Proposals and recommendations for Member States to tackle In-Work Poverty
Deliverable 5.3	Policy brief summing up the results of the Comparative analytical report with policy proposals to implement EPSR's principles









TABLE 2: SUMMARY OF PROPOSALS AND INITIATIVES TO TACKLE IN-WORK POVERTY MENTIONED IN THIS DOCUMENT

The Revised Social Scoreboard (RSS) of the EPSR should be enhanced to better highlight IWP
The IWP rate should be placed among the headline indicators of the RSS
An indicator on the share of involuntary part-time work should be added to the RSS
IWP should be more prominent as a key transversal challenge in the other principles of the EPSR
Tackling IWP should be fostered with the existing EU social policy instruments and governance processes such as the European Semester
The in-work poor should be added to the list of vulnerable groups eligible for actions supported by EU funding
IWP should be included among the issues to be debated between European social partners
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 in order to adequately reflect the gender dimension
The enhancement of EU social indicators and data sources to provide a more in-depth assessment of IWP is needed
Indicators should pay more attention to the dynamics and persistence in IWP situations
Is necessary to develop tools that improve the understanding and measurement of non-standard employment and particularly of precarious employment and the so-called new forms of employment
EU funding of scientific research on precariousness of work and intersectionality of disadvantages should be further encouraged
The inclusion of non-standard workers in lifelong learning (LLL) and VET opportunities should be added as a cross-cutting concern in the European Skills Agenda and its flagship initiatives
Access of non-standard workers to LLL and VET should be taken up as a cross-cutting concern in the structural reforms undertaken by Member States (European Semester)
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
The 'European Unemployment Reinsurance Scheme' (EURS) should be reconsidered and adopted
A European solidarity-based financial instrument to support Member States in improving their guaranteed minimum income schemes should be introduced
Access to social insurance to flexible workers and address the exclusions of nonentrepreneurial solo self-employed and casual/ platform workers should be improved
Universal family benefits that cover the additional cost of children, resulting in better family benefits and adequate, affordable, accessible (including in poor areas) child and dependent care should be provided to flexible workers, including nonentrepreneurial solo self-employed and casual/ platform workers
A universal guaranteed minimum social assistance income should be introduced
The role European Economic and Social Committee should be strengthened
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 Social Protection Committee should be updated and strengthened

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