

Editorial

Looking both back and forward

This is a time of year to look both back and forward.

Looking back, we can see optimism in the EU in 2017. This was stressed in Juncker's annual speech on the State of the European Union on 13 September 2017: 'the wind is back in Europe's sails.' This is quite a different tone when compared to his 2016 speech: 'Our European Union is, at least in part, in an existential crisis.' We're apparently doing better. There is confidence again.

In the meantime, Juncker is making clear that we need to take action now. This also shows from the Commission Work Programme 2018: "Europe now has a window of opportunity – but one that will not stay open forever. To make the most of the current momentum, the Commission is tabling its work programme for the next 14 months to the end of 2018." The Work Programme includes plans to make Europe more democratic, fairer and to strengthen fundamental rights. We are moving towards a so-called 'Social Standards Union'. The European Pillar of Social Rights ties in well, and was proclaimed and signed on 17 November 2017 by the Council of the EU, the European Parliament and the Commission. The Pillar, amongst others, focuses on employment and social aspects and is intended to ensure that the European social model is fit for the challenges of the 21st century. This looks very ambitious, but at the same time we need to realise that the European Pillar of Social Rights does not extend the Union's powers and tasks as conferred by the Treaties. Decision-making has not been made easier. Perhaps that is the reason that the recitals of the European Pillar call upon the (European) social partners, as follows: "Social dialogue plays a central role in reinforcing social rights and enhancing sustainable and inclusive growth. Social partners at all levels have a crucial role to play in pursuing and implementing the European Pillar of Social Rights." Perhaps they can do the job, should the EU institutions find themselves incapable of doing so. That in itself is not new, as it has been argued that the start of the European Social Dialogue was strongly supported by the Commis-

sion in the eighties in order to overcome the inability of Community institutions to make decisions.

The future apparently holds ample of social protection in store. But then again. EU-law protection is already felt today. This issue shows that protection is already given in Europe on issues such as equal treatment, collective dismissal and privacy. There are interesting comments on the landmark cases Ryanair and Barbulescu. National courts needed to answer complex legal questions, such as whether a collective bargaining agreement may legitimately stipulate that overtime premiums for part time employees are only payable if the monthly working hours exceed the normal working hours of a full time employee, and whether the collective dismissal procedure should also cover cases when the employment relationship is terminated due to the termination of work or pay conditions.

Enjoy!

Zef Even, editor