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From:	Permanent Representatives Committee (Part 1)
To:	Council
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Subject:	Draft Council conclusions on inclusive labour markets: Improving the employment of people in a vulnerable position in the labour market

Delegations will find attached the draft Council Conclusions on inclusive labour markets: Improving the employment of people in a vulnerable position in the labour market.

The text was approved by the Committee of the Permanent Representatives (Part 1) on 4 December 2019.

The EPSCO Council is invited to adopt these Council Conclusions at its session on 10 December 2019.

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. Also, the European Pillar of Social Rights underlines the right of everybody to assistance to improve employment or self-employment prospects and labour market access. In addition, workers in the EU are protected from discrimination on the grounds of religion or belief, age, sex, sexual orientation, disability and racial or ethnic origin. Also, some EU legislation further provide for gender mainstreaming clauses.
2. Labour shortages, in particular of skilled workers, have a negative impact on economic growth, productivity 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 are not able to fulfil their potential owing to a particular disadvantage or barriers in the working environment such as lack of accessibility. People in a vulnerable position in the labour market are often an under-utilised resource; their integration into the labour market is an important way of achieving a higher overall employment rate, social cohesion and inclusion.

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.

3. Employment provides income and creates a specific social role of being an employee or a self-employed person. Some specific groups of people continue to be in a vulnerable position in the labour market. There are particular challenges related to the participation and inclusion of, for example, persons with disabilities, older workers, low-skilled and long-term unemployed people, young people, especially including those not in employment, education or training (NEETs), people with caring responsibilities, Roma and people with a migrant background, in particular legally residing third country nationals. There are also particular challenges related to the persisting gender gap in the labour market and the difficulties faced by vulnerable people living in rural areas.
4. For people in a vulnerable position in the labour market and, in particular, for people with disabilities, labour market access and participation are particularly important. Without such access and participation 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, inactivity or dropping out of the labour market.
5. With regard to people with disabilities, Article 27 of the Convention on the Rights of Persons with Disabilities², to which the EU and all Member States are party, obliges the State Parties to 'safeguard and promote the realisation of the right to work', via, *inter alia*, the creation and provision of employment opportunities in all forms, including self-employment. 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'. Furthermore, in compliance with Article 28 of the same Convention, Member States should take steps to safeguard and promote the right of persons with disabilities to social protection.

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

STRESSES that:

6. Due to the diversity of the challenges faced by people in a vulnerable position in the labour market, there is a need for an active inclusion approach emphasising tailor-made measures that takes gender equality into account. 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, social protection, and supported employment. In the services provided for persons with disabilities attention should be paid to issues related to accessibility and reasonable accommodation³. There is also the need for guidance and incentives to enable participation in lifelong learning. It is also important to focus on preventative approaches, including early warning systems. In particular, public entities such as social services and 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 enhanced cooperation between different services, especially employment and social services, and other actors, in particular civil society and, where relevant, social partners and educational institutions.

³ Article 5 of Council Directive 2000/78/EC of 27 November 2000 provides that employers must take appropriate measures, where needed, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer.

8. Access to quality lifelong learning is particularly important in the continuously changing world of work, including in areas in which there is potential for job growth. Employers have an important role in upskilling and reskilling their employees, including those individuals who are in a vulnerable position. Effective measures 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 recognition and validation of existing knowledge and skills, providing career guidance and counselling and providing professional rehabilitation and reasonable accommodation for persons with disabilities. In addition, targeted entrepreneurship training and start-up support can be effective for some people who are in a vulnerable position. It is also worth considering financial incentives to take up work and the removal of benefit traps.
9. Employers may benefit from help and support to employ people in a vulnerable position in the labour market through, for example, awareness-raising, identification of workplace adjustment needs, advice on ensuring accessibility and reasonable accommodation, and post-placement support services. Particular attention should be paid to the availability of and access to assistive technologies and IT solutions. It is worth considering fiscal and tax incentives including hiring subsidies. The promotion of a positive workplace culture that favours inclusive practices, including non-discriminatory and inclusive recruitment processes, and that offers support and training in diversity skills 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. Measures should be put in place to counter existing inequalities. It is important to identify how digitalisation is affecting workers and jobseekers in a vulnerable position in the labour market, including their possibilities of upskilling and reskilling, keeping in mind the gender-related employment impact. For persons with disabilities, new technologies, including the use of artificial intelligence, have great potential provided that they are accessible, affordable, disability-inclusive and do not lead to discriminatory practices.
11. Forms of activity, including self-employment, which provide flexibility in terms of workload, work schedule and work location may allow for better compatibility between disability and daily life. Moreover, the platform and gig economy may create new job opportunities for people in a vulnerable labour market position. However, to realise fully these opportunities, job quality and sustainability should be ensured as well as accessibility, with the appropriate employment protections.
12. The social economy, and particularly social enterprises, may be of particular value in supporting people in a vulnerable position preparing for and participating in the labour market. Social enterprises can play a vital role in sustainable job creation and in facilitating social integration. In addition to offering jobs, they can provide upskilling and promote active citizenship, 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 social considerations and in particular 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, for example 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 and comprehensive employment and social policies that pay attention to people in a vulnerable position, aiming at facilitating their entry to and retention of employment as well as helping to adapt to the changing needs of labour markets, including regional, local and sectoral labour markets. In this regard, particular consideration should be given to rural areas;
16. to design such policies in an integrated way, taking the gender equality perspective into account, 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. To promote the interaction of earnings and social protection benefits in a way that lifts people out of inactivity and makes work pay;
17. to enhance the availability of multisectoral, multiprofessional and low-threshold services to people in a vulnerable position, including persons with disabilities. These could include one-stop shops and individualised services, such as job coaching, subsidies and relevant services for employers. This would require improved coordination and stronger partnerships between the different actors, including public and private employment services, education and training providers, health and social services providers, civil society, including organisations representing persons with disabilities, as well as employers and social partners, for outreach activities and in pre- and post-placement phases;
18. to foster 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, civil society organisations and social partners;

19. to step up their efforts to implement the Recommendation on Upskilling Pathways and to promote tailor-made training and life-long career guidance and counselling for persons in a vulnerable position in order to facilitate continuous learning, in particular on the job. To provide opportunities to update skills relevant to the labour market, including entrepreneurial career options, and to promote employers' engagement in upskilling and reskilling;
20. to promote awareness among employers and to develop services that help employers to increase quality job offers and on-the-job training opportunities for people in a vulnerable position, in particular for persons with disabilities, including through incentive schemes, job carving, reasonable accommodation and making working environments accessible, for example by using assistive technologies;
21. to promote more inclusive recruitment processes and strive to improve employment services and job matching with this purpose in mind. Where appropriate, to provide employers with information on available financial incentives;
22. to make full use of relevant EU funding instruments, in particular the European Social Fund, in the implementation of active inclusion policies 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:

23. when promoting the implementation of the principles of 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 improve their skills and their employment prospects on an equal basis with others and thus to increase the number of people with skills needed in the labour market;

24. 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 persons with disabilities;
25. to raise the awareness of all, in particular employers and employment services, about how to improve the inclusiveness of and accessibility to labour markets, for example by providing positive examples;
26. to explore the potential of new technologies and new forms of work, including platform work, in creating new opportunities for the labour market inclusion of people in a vulnerable position, while taking into account the quality of working conditions, health and safety as well as access to adequate social protection;
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 active inclusion of people excluded from the labour market and the Recommendation on the integration of the long-term unemployed into the labour market. To pay particular attention, in the implementation of the Youth Guarantee, to reaching young people from disadvantaged backgrounds, such as people with a migrant background, persons with disabilities, or those with caring responsibilities;

30. where appropriate, to improve data collection, in accordance with data protection provisions, as regards the employment situation of those in a vulnerable position in the labour market, in particular people with disabilities.⁴

INVITES THE EUROPEAN COMMISSION:

31. to pay particular attention to people in a vulnerable position in the labour market, including persons with disabilities, in all relevant policies and initiatives, by building on existing mechanisms, 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 work with the European Commission to improve the availability of data on persons with disabilities and to use the available information in their work on the employment and active inclusion of those in a vulnerable position, including in thematic surveillance and statistical analysis, with data disaggregated by sex and where available by disability and age groups;
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.

⁴ 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. Some data on disability and employment is available based on Statistics on Income and Living Conditions (SILC).

References**1. EU interinstitutional**

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

2. Union Legislation:

- Council Directive 2000/43/EC of 29 June 2000 against discrimination on grounds of race and ethnic origin
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation
- Council Directive 2006/54/EC of 5 July 2006 on equal treatment for men and women in matters of employment and occupation
- Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services

2. Council

- Council Recommendation of 22 April 2013 on establishing a Youth Guarantee (2013/C 120/01)
- 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 19 December 2016 'Upskilling Pathways: New Opportunities for Adults' (2016/C 484/01)
- Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (2019/C 387/01)

- 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 'Combating Poverty and Social Exclusion: an Integrated Approach' of 16 June 2016 (10434/16)
- Council conclusions 'Response to the Commission's list of actions to advance LGBTI equality, adopted on 16 June 2016 (10417/16)
- Council conclusions 'Towards making-work-pay strategies' of 15 June 2017 (9647/17)
- Council conclusions 'The Economy of Wellbeing' of 24 October 2019 (13171/19)

3. European Commission

- Recommendation 2008/867/EC of 3 October 2008 on the active inclusion of people excluded from the labour market
- Communication on the 'European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe' (COM(2010) 636 final)
- 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)

4. Other

- UN Convention on the Rights of Persons with Disabilities adopted on 13 December 2006