

Position Paper

# Workers' Rights for the 21st Century

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## Important Note

This paper primarily addresses EU policy-makers and national governments across Europe (including those outside the EU), outlining the European Youth Forum's key demands for a future of work that benefits young people. It is based on in-depth consultations with our Member Organisations and comprehensive desk-based research. The paper aims to tackle the most pressing issues facing young people in the world of work today while also maintaining a forward-looking perspective on emerging challenges. In this sense, this paper grapples equally with the potential for what could be, alongside the immediate concerns facing young people today.

Importantly, this paper also serves to empower young people by helping them understand their own rights and what a better future of work could look like. At the same time, it seeks to inspire businesses across Europe to rethink how they structure work environments and value those who contribute to their organisations.

As we enter the new term of the European Parliament and European Commission, there is a unique opportunity to introduce innovative language and ideas regarding the future of work. This paper will play a vital role in the European Youth Forum's advocacy efforts by shaping policy discussions on critical topics that are increasingly relevant within EU policy discourse and beyond, including the right to disconnect, AI in the workplace, and the growing demand for greater working-time autonomy. All these important areas should also be reflected in the European Commission's recently announced 'Quality Jobs Roadmap'<sup>1</sup> - which should include a strong focus on workers' rights.

This paper adopts a mixed methods approach, incorporating desk-based research, interviews, focus groups, and a questionnaire. This combination produces an account that not only reflects the literature but is also closely informed by the perspectives of our member organisations who were the primary participants of this research.

1 The new European Commission will put forward a Quality Jobs Roadmap, developed together with the social partners. It will support fair wages, good working conditions, training and fair job transitions for workers and self-employed people.

## Introduction: Young and Without Rights at Work

Significant advancements have been made in the world of work over the past century. Many workers are no longer as affected by strenuous working conditions, workplace injuries, poverty wages, workplace exploitation, or unfair dismissal. Protections for injury or illness have been established, and for many, wages now support a decent standard of living. However, for numerous young people, the reality of contemporary work is still marked by uncertainty, insecurity, and conditions that are widely felt as unfair. Issues like job insecurity, low wages, and lack of support when injured or ill persist. Young workers face multiple challenges: they put in substantial unpaid overtime, earn real wages that are lower than a decade ago, and experience in-work poverty at a rate of 12.5%, compared to 9% across the total population. Precarious jobs - positions offering little in terms of a secure livelihood - are now ubiquitous, with more than one in three young people employed under involuntary, precarious contracts. While some struggle to find decent work, many others are facing work-driven burnout and stress from chronic overwork. In short, work today - particularly, though not exclusively, for young people - reflects not only stalled progress but, in some cases, a deterioration in workers' rights.

At the heart of this impasse lies a system of workers' rights that is no longer fit for purpose. It is a system that privileges certain segments of the labour market, based on their age, earnings or contractual status, while disqualifying others. For those who fall outside the parameters of 'standard employment', like many young people across Europe currently do, basic workers' rights such as sick pay, parental leave, care leave, and annual leave are often out of reach.<sup>2</sup> At the same time, the rise of algorithmic management systems, teleworking, and the ecological crisis present new risks to young workers, all of which necessitate an updated settlement of new and improved workers' rights.

This paper addresses our outdated system of workers' rights. It puts forward a series of measures

to set a new horizon for workers' rights that can meet the challenges of the contemporary world of work.

## Our Approach to Workers' Rights

Before turning to the measures underpinning our vision for a new and improved settlement of workers' rights, we first provide a brief account of our approach to the concept. Two questions are relevant here: (1) Workers' rights for whom? and (2) How do we conceptualise workers' rights?

### (1) Right's for Whom?

As noted from the outset, the current settlement of workers' rights is unevenly distributed with many workers denied even the most basic rights due to their contractual status, age and/ or earnings. This has effectively created a two-tiered benefits system, where individuals who fall outside the boundaries of standard employment - such as part-time workers, the self-employed, and temporary workers - are either entirely excluded or receive only a fragmented set of benefits. Young people are disproportionately affected by this double-standard. A new settlement of workers rights must no longer privilege certain segments of the labour market, but provide the same safety net and benefits for all, from day one on the job.

### (2) What Do We Mean by Workers' Rights?

The language of workers' rights has an ambiguous track record. For some, declarations of workers' rights too often amount to being ineffective and unenforceable, serving more as symbolic gestures than meaningful actions.<sup>3</sup> According to the International Labour Organisation (ILO), however, workers' rights encompass essential protections, including the right to fair wages, safe working conditions, freedom of association, and protection from discrimination. These principles aim to secure a foundation of dignity

2 European Commission, Directorate-General for Employment, Social Affairs and Inclusion. (2023). The future of social protection and of the welfare state in the EU. Publications Office of the European Union. <https://op.europa.eu/en/publication-detail/-/publication/842d8006-c3b3-11ed-a05c-01aa75ed71a1>

3 International Trade Union Confederation. (2023). Global Rights Index 2023. <https://www.ituc-csi.org/ituc-global-rights-index-2023>

and justice in the workplace. Yet, when workers seek to claim their rights they often encounter the reality of unequal power relations. The millions of young gig-workers<sup>4</sup> across Europe, many of whom are left without basic workers' rights, can attest to this. And yet, while arguments criticising the value of workers' rights should be taken seriously in order to improve them, they do not justify abandoning the concept.

Historically, workers' rights have brought about a better world of work, and have led to advancements once deemed unattainable, including the establishment of annual leave, minimum wage standards, collective bargaining rights, reduced working hours, equal pay, and the regulations of legal working ages. At their best, beyond a narrow legalistic and procedural framework, workers' rights can consolidate a new culture of work. In this sense, they are not merely a tool to combat the worst effects of a volatile labour market; they also hold the potential to point towards a different and improved future of work.

## Workers' Rights for the 21st Century

What constellation of new workers' rights can simultaneously improve present working conditions while also initiating deeper change? The idea of *transformative demands*,<sup>5</sup> lends a useful theoretical base. Transformative demands go beyond simply strengthening the current system (i.e. system-maintaining demands). They encompass actions that not only aim to enhance the present but also lay the groundwork for new visions of work, challenging and potentially changing the existing system. They combine some measure of pragmatism in the present while opening the doors to new sensibilities and attitudes towards work and its place in our lives. Importantly, the purpose of the transformative demand in this case is not solely to map out the exact elements of a better world of work. Instead, it is in the very act of proposing transformative demands that we engage in a process of change.<sup>6</sup>

## Universal Workers' Rights

Our current system of workers' rights in many European states, to varying degrees, is no longer fit for purpose. Benefits such as statutory sick pay, (sub-)minimum wages, paternity/maternity/parental leave, care leave, and annual leave are poorly distributed with a growing segment of the labour market left out of the equation, fueling an increase in insecurity. These rights have increasingly become the privilege of those workers whose contractual status fits that of an 'employee', typically in standard form of employment with a stable contract. For those workers whose contractual status does not fit 'employee' or for those who make below what is needed to qualify for any financial support from their employers (i.e., many young people in non-standard work) - access is often denied or significantly reduced.<sup>7</sup> In effect, this adds a further degree of insecurity to those on low-income and insecure forms of work and rewards those in long-term, well-paid positions. For those young people in precarious forms of work who often have additional unpaid caring responsibilities the stake is particularly high.

### Recommendation:

We call on the EU, its Member States and all European countries to introduce legislation to ensure that the current and future settlements of workers' rights no longer privilege certain sections of the labour market but instead guarantee equal rights for all workers, free from discrimination based on factors such as age, gender, racial or ethnic origin, migration status, political opinions, religious or philosophical beliefs, disability, health, union membership or sexual orientation. These rights must apply equally regardless of contractual status and/or minimum income contributions made or hours worked and should extend to all workers throughout their working lives, starting from the first day on the job. This includes extending coverage to trainees and interns in the open labour market.

4 Gig workers are individuals hired for short-term, flexible tasks - often via digital platforms - without the benefits or job security of traditional employment.

5 On reformist versus non-reformist reforms, see André Gorz, *Strategy for Labour: A Radical Proposal*, trans. Martin A. Nicolaus and Victoria Ortiz (Boston: Beacon Press, 1967).

6 Weeks, K. (2011). *The Problem with Work*. Duke University Press. Durham and London 2011.

7 European Commission, Directorate-General for Employment, Social Affairs and Inclusion. (2022). *Access to social protection for young people – An analysis of policies in 35 countries*. Publications Office of the European Union.

## A Right to Working-Time Autonomy

Time is a necessary foundation for autonomy. The time we spend at work - and the degree to which it affords us a sense of control over our time - is a crucial part of this. What is important in a new settlement of workers' rights is not just having more disposable time, but having greater control over that time, in other words working-time autonomy. This is especially important for young people, who often find themselves in precarious working arrangements with irregular and unpredictable schedules.<sup>8</sup>

A right to working-time autonomy must afford workers the capacity to obtain greater control over the time they spend at work. Action is needed to ensure the opportunity for flexibility, while also ensuring that workers have access to regular and predictable schedules. These two aspects - stability in working hours and the ability to adapt when needed - are not mutually exclusive. All workers should have the right to request regular and predictable working hours and schedules in line with their needs - and not solely those of the employer.<sup>9</sup> Additional measures should include premium pay for variable hours when work is not guaranteed, as well as compensation for hourly workers during *on-call* waiting periods.<sup>10</sup>

Initiatives to shorten the working week can also accompany the need for greater working-time autonomy, easing the burden of long-hours, providing more time to share domestic labour such as care work. This is particularly important in addressing the disproportionate burden of domestic responsibilities often placed on women. A redistribution of time and labour can create opportunities for individuals to engage more fully in a range of value-creating activities. These might include professional pursuits, community-based work, and mutual aid networks; or

self-defined activities that allow for personal growth, creativity, and care work, all of which are critical but often undervalued aspects of societal contribution.<sup>11</sup>

Furthermore, there is a significant link between working hours and environmental sustainability. Long working hours are closely associated with higher carbon emissions due to the energy-intensive consumption patterns they encourage.<sup>12</sup> When workers are engaged in longer hours, they tend to have less time for sustainable activities such as cooking at home, using public transportation, or engaging in energy-efficient behaviours. Instead, they are more likely to engage in high-consumption, time-saving activities such as purchasing ready-made meals, driving instead of using public transport, or opting for short, energy-intensive weekend trips.<sup>13</sup>

The expansion of free time outside of work opens up opportunities for a broader shift toward low-carbon 'soft' activities.<sup>14</sup> These activities include reading, playing, exercising, spending time with family, relaxing, pursuing personal education and engaging in volunteering and civil society activities, among others. However, it is important to note that these shifts in consumer behaviour are also influenced by the relative costs of various leisure and consumption goods. Enhanced environmental policies, such as taxes on energy-intensive products, can further incentivise more sustainable forms of consumption and leisure.

### Recommendation:

We call on the EU, its Member States and all European countries to introduce legislation on *Working-time Autonomy*, aimed at granting workers greater control over their working hours and schedules, particularly in response to precarious

8 Ibid. 2.

9 Government of the UK. (2018). Good work: the taylor review of modern work practices. Government of the UK.

10 ILO. (2019). Work for a brighter future – Global Commission on the Future of Work International Labour Office – Geneva. <https://www.ilo.org/publications/work-brighter-future>

11 For the full case: Stronge, W. and Harper, A. (eds.) (2019) 'The Shorter Working Week: A Radical and Pragmatic Proposal', Autonomy. <https://autonomy.work/portfolio/the-shorter-working-week-a-report-from-autonomy-in-collaboration-with-members-of-the-4-day-week-campaign/>

12 Culot, M. and Wiese, K. (2022). Reimagining work for a just transition. European Environmental Bureau, Brussels. <https://eeb.org/wp-content/uploads/2022/11/EEB-Rethinking-work-within-a-just-transition-as-part-of-the-EGD-28-Nov.pdf>

13 Knight, K.; Rosa, E.A.; Schor, J.B. (2012). "Reducing Growth to Achieve Environmental Sustainability: The Role of Work Hours"; Political Economy Research Institute Working Paper Series, Number 304; University of Massachusetts: Amherst, MA, USA.

14 Kallis, G. Kalush, M. O'Flynn, H. Rossiter, J. Ashford, N. (2013). "Friday off: Reducing Working Hours in Europe". Sustainability 5, pp. 1545-1567.

employment and unpredictable work patterns that offer little stability. This legislation should promote both flexibility and fairness in working arrangements.

Key components of this legislation should include:

1. The right for all workers to avail of regular and predictable working hours, ensuring that their schedules align with personal needs, without negatively impacting their chances for promotion or leading to unfair or differential treatment at work.
2. Premium pay for variable or unpredictable hours, and compensation for hourly workers during on-call waiting periods.
3. Support for initiatives to shorten the working week, reducing long hours and addressing involuntary part-time work, with a focus on improving work-life balance and equal distribution of available work.

## A Right to Disconnect

The boundaries between the workplace and the home have increasingly blurred with the advent of digital technologies and the subsequent rise of teleworking (e.g., working from home). While this allows employees to organise their work around their lives - it has also led to a steep increase in 'hidden overtime', where many workers are prevented from 'switching off' and are expected to be 'always on'.<sup>15</sup> Young workers are particularly affected by this phenomenon, as they regularly take-up forms of employment such as gig work, freelance contracts, retail, and customer service roles, where it is increasingly normalised to be constantly available, obscuring the lines between working and non-working time. This is exacerbated by precarious work practices that often rely on the relative inexperience and/or lack of knowledge of younger employees to overlook or accept unfair work practices.

This has given rise to increased debate about the *right to disconnect*. This right guarantees that

all employees can disconnect from any work-related electronic communications, such as emails and messages, outside of their regular working hours.<sup>16</sup> It also aims to safeguard workers from receiving unfair treatment or being penalised for refusing to attend to work matters outside of regular working hours. To avoid a two-tier system, this right should apply equally to all types of work, whether remote, in-person, or hybrid.

### Recommendation:

We call on the EU, its Member States and all European countries to introduce legislation on the *Right to Disconnect*, aimed at addressing the growing issue of 'hidden overtime' and blurred boundaries between work and personal life in the digital age. This legislation should specifically target new and emerging challenges arising from the normalisation of constant availability in both precarious and traditional forms of employment and should apply universally across sectors, ensuring that all workers benefit equally from the right to disconnect.

Although the details of this legislation can be tailored to the needs of workers in different sectors, the following three principles should shape its implementation:

1. The right of an employee to refuse work outside of regular working hours.
2. The right not to be penalised or negatively impacted for refusing to attend to work matters outside of regular working hours.
3. The duty to respect another person's right to disconnect (e.g., by not calling and not creating the obligation or expectation to respond to messages outside of normal working hours).

## A Right to Life's Essentials

Economic insecurity has become a defining feature of our time, particularly for young people. The idea of '*earning a living*' can seem superficial to many young

15 Prospect. (2021), 'Right to Disconnect: a guide for union activists'. Prospect. <https://prospect.org.uk/news/right-to-disconnect/>

16 ILO (2017), 'Working anytime, anywhere: the effects on the world of work'. ILO. <https://www.ilo.org/publications/working-anytime-anywhere-effects-world-work>



people across Europe who struggle to afford life's essentials on their low wages.<sup>17</sup> Paid employment should be secure and support a decent standard of living. As part of an updated settlement of workers' rights, we must also ensure that life without a job - or between jobs - is more than just a struggle for survival. What is needed is a new social guarantee, that provides access to life's essentials as a right - irrespective of age, income, or whether or not a person is in employment.

The concept of Universal Basic Services (UBS), on which our proposal is based, serves as a principled policy framework to deliver life's essentials through universal public services. Unlike Universal Basic Income (UBI), which provides a regular cash payment to every resident, it aims to guarantee access to essential goods and services. By 'universal', we mean that everyone is entitled regardless of their ability to pay. The term 'services' is shorthand for a range of goods that everyone should have access to in order to live well and participate in society, including but not limited to food, care-work, childcare, housing, digital information and communications, healthcare, energy, and public transport. These services are described as 'basic' to emphasise that they are essential and sufficient for meeting people's fundamental needs. Importantly, these services are not merely the bare minimum for survival but are necessary for individuals to actively participate and thrive.

Essentially, guaranteeing access to these services constitutes a virtual income, or social wage, by ensuring access to essentials that people would otherwise have to pay for out-of-pocket. This is particularly critical for the lowest 20% of income earners who, without access to public services, would need to allocate up to 76% of their income to cover essential expenses.<sup>18</sup>

## Recommendation:

We call on the EU, its Member States and all European countries to introduce legislation on *Universal Basic Services (UBS)*, aimed at ensuring access to life's essentials for all, regardless of income or employment status. This new social guarantee would provide universal access to essential services such as food, healthcare, housing, childcare, energy, transport, and digital access.

The legislation should:

1. Guarantee access to essential goods and services as a right, ensuring everyone can live and participate in society.
2. Support a social wage by reducing out-of-pocket costs for essentials, particularly benefiting low-income earners.

## A Right to Technological Co-determination

Discussions about technology's impact on the future of work often focus on whether it will destroy or create jobs, with less attention to its effects on workers' rights. While technology can free workers from exhausting tasks and repetitive tasks, it can also reduce their control and autonomy, and increase the risk of intrusive surveillance, especially for young workers in rapidly digitalising sectors like retail, customer service, and the gig economy.<sup>19</sup> Furthermore, AI and digital tools can be used as anti-unionising tools, by monitoring workers' activities, tracking unionisation efforts, and discouraging collective organising, thereby undermining workers' ability to collectively bargain and advocate for their rights.<sup>20</sup> All workers - irrespective of employment status or sector - deserve a new generation of

17 ETUI. (2019). Statistics on in-work poverty in the EU. ETUI. <https://www.etui.org/services/facts-figures/benchmarks/in-work-poverty>

18 Verbist, G., Forster, M. & Vaalavuo, M. (2012). The impact of publicly provided services on the distribution of resources: Review of new results and methods. OECD social, employment and migration working papers No. 130. [https://www.oecd-ilibrary.org/social-issues-migration-health/the-impact-of-publicly-provided-services-on-the-distribution-of-resources\\_5k9h363c5szq-en](https://www.oecd-ilibrary.org/social-issues-migration-health/the-impact-of-publicly-provided-services-on-the-distribution-of-resources_5k9h363c5szq-en)

19 ETUI. (2020). Labour in the age of AI: why regulation is needed to protect workers. <https://www.etui.org/publications/foresight-briefs/labour-in-the-age-of-ai-why-regulation-is-needed-to-protect-workers>

20 More on AI is being used to deter collective organising <https://www.project-syndicate.org/commentary/ai-that-developed-antibiotic-could-also-neutralize-unions-by-yanis-varoufakis-2023-06>



rights to limit the intrusion and risks associated with automated systems.

To protect workers, a new vision for workers' rights must be based on the principle of "*human in command*," which ensures that final decisions affecting work are made by people, not algorithms.<sup>21</sup> This principle emphasises that artificial intelligence (AI) should enhance rather than diminish human roles. Workers should have the right to access information about how AI systems operate, and be granted assurances against discrimination or bias. AI often exaggerates or perpetuates existing human biases embedded in the data it is trained on, which can exacerbate inequalities in the workplace. Workers must also be provided with the opportunity to understand, challenge and seek redress against AI-driven decisions that impact their employment, especially those on hiring, scheduling, and performance evaluations. It is also imperative that the processing of any personal data to derive information such as racial or ethnic origin, migration status, political opinions, religious or philosophical beliefs, disability, health, union membership or sexual orientation is prohibited.

At a broader level, the benefits of technological advances, such as increased efficiency and productivity, should translate into tangible improvements in workers' lives, including reduced working hours, more flexible, yet regular and predictable schedules, and a greater focus on meaningful and creative tasks.

The impact of workplace technology - whether it improves or worsens working conditions - depends on workers' ability to exert their agency and participate in the innovation process. This requires strengthening both the individual worker's right to greater control of technology and the collective right of workers to have a say and participate in collective decisions regarding the use of technology in their workplaces.<sup>22</sup> It imagines workers as architects of the future of work, actively shaping a social innovation system instead of passively experiencing top-down technological shifts.

## Recommendation:

We call on the EU, its Member States and all European countries to introduce legislation on algorithmic management and data rights at work, applicable to all workers irrespective of employment status, establishing a comprehensive framework for regulating data-driven technologies and algorithmic management in the workplace. This legislation should address the urgent need for protections across all sectors in response to rapidly digitalising work environments.

Key components of this legislation should include:

1. The "*human in command*" principle, ensuring that final decisions affecting workers are made by people, not algorithms, safeguarding autonomy and control.
2. The right for workers to access and challenge AI-driven decisions that affect employment, hiring, scheduling, and performance, with protections against discrimination or bias. This includes transparency around how AI systems operate and clear avenues for workers to seek redress if they are adversely impacted by biased or discriminatory outcomes.
3. A focus on technological self-determination and co-determination, allowing workers to actively shape how technology is used in their workplaces.
4. Prohibitions on the processing of any personal data to extract information such as racial or ethnic origin, migration status, political opinions, religious or philosophical beliefs, disability, health, union membership or sexual orientation.
5. An outright ban on automated systems putting undue pressure on workers or creating risks to their safety and physical and mental health and robust processes to monitor such risks.

<sup>21</sup> Ibid 10

<sup>22</sup> FEPS. (2024). Algorithms by and for the workers: Towards a fair, democratic and human digitalisation of the workplace. <https://fepe-europe.eu/wp-content/uploads/2024/01/PS-Algorithms-by-and-for-the-workers.pdf>

## Democracy at Work: The Future of Work Depends on it

An important lesson from history is that significant advancements in workers' rights have occurred during times when workers have had the ability to exert real influence over their working conditions as a collective unit. Expecting individual workers to enforce their rights - and to shape a better future of work - ignores the reality that alone a worker is simply in a much weaker bargaining position. Many workers are worried about the risk of souring the employment relationship or hurting their future prospects by asserting their legal rights, let alone demanding or having the time and energy to imagine new ones. This is especially true for young workers who often lack the financial resources to pursue lawsuits and fear career retaliation due to power dynamics in the workplace. The sharp decline in trade union membership, which is particularly pronounced among young workers, only exacerbates this problem.<sup>23</sup>

The establishment of a new settlement of workers' rights and the realisation of the demands outlined above depend on workers being able to democratically participate in their workplaces through collective avenues. Democratic participation in politics is largely held as a goal across Europe; the same ambition should be applied to the world of work. This is no easy task: between explicit anti-union efforts, employment models that alienate and isolate workers, anti-union laws and years of diminishing trade union power, workers face a steep uphill battle. Green shoots, however, are beginning to emerge. Research has consistently demonstrated that young people across Europe hold favourable viewpoints on extending democratic practices to the workplace, indicating a discouraged or unmet demand for change.<sup>24</sup>

Extending the practice of co-determination as a right in all workplaces and spaces creates a powerful tool for harnessing this energy. In a nutshell, co-determination is a process whereby workers have a permanent role in participating in the shaping of their working conditions, often alongside management

and other stakeholders. It ranges from consultation processes and ensuring access to accurate and transparent information on topics such as the environmental and social impacts of their work to more extensive forms of employee-led representation on company boards or committees that decide on worker-related issues and processes. The basic premise is that workers are represented and actively involved in decision-making bodies and processes that impact their work environment and conditions. It is a crucial element for workers to not only address the negative symptoms of an unpredictable labour market, but also to bolster their belief that a better world of work is within reach.

## Conclusion

The current framework for workers' rights is no longer fit for purpose. It is a system of rights that privileges certain segments of the labour market, while disqualifying others based on age, earnings, or contractual status. It is also inadequate in addressing risks related to the climate crisis, advances in artificial intelligence, and the increasingly blurred boundaries between work and the home. In response to the shortcomings of the current system of workers' rights, this paper makes the case for a new settlement of workers' rights to address the realities of the 21st century. This new framework should be accessible to all workers without discrimination, address contemporary challenges, and lay the foundation for new visions of work.

This new settlement of workers' rights aims not only to address the symptoms of an increasingly volatile labour market but also, and perhaps more importantly, to enable workers to establish a new culture of work. Each of the respective workers' rights proposed in this paper are in conversation with this dual ambition. Following the concept of the *transformative demand*, they are simultaneously practical and accomplishable in the present, while also setting the scene for *what could be, but is not yet*.

23 Kurt Vandaele. (2020). Bleak prospects: mapping trade union membership in Europe since 2000. ETUI. <https://www.etui.org/publications/books/bleak-prospects-mapping-trade-union-membership-in-europe-since-2000>

24 ETUI. (2019). Unions are only as old as they feel: Lessons on young worker engagement from the UK, France, Germany, and the US. European Trade Union Institute. <https://www.etui.org/publications/policy-briefs/european-economic-employment-and-social-policy/unions-are-only-as-old-as-they-feel-lessons-on-young-worker-engagement-from-the-uk-france-germany-and-the-us>



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