

# **Reply to the First-Phase Consultation under Article 154 TFEU on possible EU action on activation of persons facing significant barriers to enter the labour market**

October 2026

## **Introduction**

**CEC European Managers welcomes the opportunity to contribute to the first-phase consultation under Article 154 TFEU on possible EU action concerning the activation of persons facing significant barriers to entering the labour market.**

CEC represents managers across Europe and is a recognised European social partner. We approach this consultation from a dual perspective.

Managers and highly qualified professionals may themselves face exclusion from the labour market as a result of restructuring, technological change, skills obsolescence, age, disability or health conditions, care responsibilities or prolonged career interruptions. At the same time, managers are central actors in recruitment, work organisation, skills development, workplace adaptation, career progression, integration and retention.

CEC agrees with the Commission that increasing labour-market participation is both a social and an economic priority. Europe faces persistent labour and skills shortages while significant numbers of people remain outside employment. Activation can therefore contribute simultaneously to social inclusion, poverty reduction, economic resilience and European competitiveness.

For CEC, however, successful activation cannot be measured simply by moving people from inactivity into any available job. The objective must be sustainable participation in quality employment, with adequate attention to skills, qualifications, remuneration, working conditions, professional progression and the capacity of people to remain in employment.

CEC considers that targeted EU action can provide added value. However, the choice of instrument should depend on the nature of the problem identified.

Where existing EU rights and frameworks already adequately address a barrier, effective implementation and enforcement should remain a priority. Where implementation capacity is insufficient, the focus should be on resources, coordination and delivery.

At the same time, effective implementation of the existing acquis and the possible development of further European instruments should not be regarded as mutually exclusive. Where genuine gaps in coverage or protection are demonstrated, where existing non-binding frameworks have not delivered sufficient results, or where common minimum guarantees are necessary to ensure effective and equal access to the labour market, further EU action, including binding action where justified, should remain possible.

CEC therefore supports a differentiated and evidence-based approach. EU action should identify the barrier concerned, assess the existing legal and policy framework, determine whether the problem relates principally to implementation, enforcement, capacity, effectiveness or coverage, and select the instrument most appropriate to address that problem.

Any European action should respect subsidiarity and proportionality, the diversity of national labour-market, social-protection and industrial-relations systems, collective bargaining and the autonomy of social partners.

## **I. Do you consider that the issues and possible areas for further EU action are correctly identified in the consultation document?**

CEC broadly agrees with the barriers and potential areas for action identified by the Commission.

The European labour market continues to present a clear paradox. In 2025, the EU employment rate for people aged 20-64 reached 76.1%. Nevertheless, significant participation gaps remain. The employment rate stood at 80.9% for men and 71.3% for women, corresponding to a gender employment gap of 9.6 percentage points.<sup>1</sup>

At the same time, the Commission points to approximately 50 million people aged 20-64 outside the labour market while employers continue to experience significant labour and skills shortages.

CEC agrees that the causes of labour-market exclusion are multiple and frequently cumulative. They include skills mismatches, care responsibilities, disability and health conditions, discrimination and recruitment bias, insufficient recognition of qualifications

and experience, geographical and mobility constraints, inadequate access to enabling services, fragmented public services and financial disincentives.

CEC nevertheless considers that several dimensions deserve particular emphasis.

## **1. Activation should lead to sustainable and quality employment**

Activation should not be understood solely as increasing employment rates or achieving rapid placement.

The objective should be sustainable integration into quality employment corresponding, as far as reasonably possible, to an individual's capacities, skills, qualifications and professional potential.

The effectiveness of activation measures should therefore be assessed not only through placement rates, but also through:

- employment retention and stability;
- remuneration and working conditions;
- effective use and preservation of qualifications and professional experience;
- access to training and lifelong learning;
- salary and career trajectory;
- opportunities for professional progression; and
- the sustainability of the employment relationship.

A return to employment should not automatically be considered successful where it results in substantial and avoidable occupational downgrading, involuntary part-time employment, precarious work, significant deterioration of the professional trajectory or a rapid return to unemployment.

This is also important in the context of labour shortages. A 2026 European Commission working paper on the dual nature of labour shortages highlights that persistent recruitment

difficulties can coexist with low-paid and low-quality employment, including in sectors such as care and transport.<sup>2</sup>

Activation policies cannot substitute for action addressing the underlying attractiveness, quality and sustainability of employment.

## **2. Prevention, retention and professional transitions should be central to activation policy**

CEC considers that activation policy should go further in recognising the preventive dimension of labour-market participation.

The most successful activation policy is not necessarily one that intervenes after a person has become long-term unemployed or economically inactive. In many cases, effective intervention means preventing avoidable labour-market exit in the first place.

This requires:

- early identification of changing skills needs;
- lifelong learning;
- regular opportunities for skills and career reviews;
- internal mobility;
- reskilling and upskilling;
- reasonable workplace adaptation;
- effective return-to-work arrangements; and
- support during technological, organisational and industrial transitions.

This preventive approach is particularly relevant in a labour market affected by AI, automation, digitalisation, decarbonisation and restructuring.

Technological and organisational change can create employment while simultaneously transforming or eliminating existing tasks and occupations. Activation policy should therefore not begin only after displacement has occurred. Workers and managers should

have realistic opportunities to acquire new competences and transition towards new functions while still in employment.

This issue is particularly important for older workers. Eurofound reported that the number of workers aged 55 or older had increased to nearly 40 million in 2023. Older workers are less likely than mid-career workers to become unemployed, but once unemployed they face a substantially higher risk of long-term unemployment.<sup>3</sup>

Preventing exclusion is therefore as important as facilitating re-entry.

CEC also considers that reforms affecting employment protection should be assessed for their potential impact on retention, particularly for older specialists, managers and highly qualified workers.

Measures that facilitate labour-market exit without adequate transition safeguards may unintentionally increase the risk of long-term unemployment, loss of skills and pressure on social-protection systems.

At the same time, employment protection and dismissal rules are closely linked to national labour-law and industrial-relations systems. Any European discussion in this area should therefore fully respect national competences, collective bargaining arrangements and the autonomy of social partners.

### **3. Activation policy must also address managers and highly qualified professionals**

Labour-market exclusion should not be associated primarily with low qualifications or entry-level occupations.

Managers, specialists and highly qualified professionals can themselves face significant barriers following restructuring, technological change, career interruption or job loss, particularly at later stages of their careers.

A high level of education or professional experience does not automatically guarantee rapid reintegration. Senior and highly specialised professionals may face age discrimination, outdated technical competences, a limited number of comparable vacancies, difficulties translating experience into new sectors and significant risks of downward occupational mobility.

For these profiles, effective activation may require:

- specialised career guidance;
- recognition of transferable managerial and professional competences;
- substantial and sometimes longer reskilling pathways;
- access to recognised or certifying training;
- support for transitions across sectors and occupations; and
- measures to prevent skills obsolescence before unemployment occurs.

Activation measures should therefore be capable of supporting qualified and senior profiles and should not focus predominantly on entry-level or operational occupations.

#### **4. Individual circumstances require individualised pathways**

CEC strongly supports the Commission's emphasis on individualised pathways towards quality employment.

People facing significant barriers to entering employment do not constitute a homogeneous category.

The situation of a young person entering the labour market for the first time is different from that of:

- a person returning following a care-related career break;
- an older professional displaced through restructuring;
- a person with a disability requiring workplace adaptation;
- a long-term unemployed worker;
- a migrant whose qualifications are not recognised; or
- a highly qualified professional whose previous occupation has been transformed by technological change.

Activation measures should therefore begin with a meaningful assessment of the individual's situation, skills, experience, barriers and professional aspirations.

The 2016 Council Recommendation on the integration of the long-term unemployed already introduced individual assessments, Job Integration Agreements and the concept of a single point of contact. However, the Commission reports that implementation continues to vary between Member States and that progress has slowed.<sup>4</sup>

Capacity is an important part of this problem. In 2026, the European Network of Public Employment Services reported that 62% of Public Employment Services (PES) experienced staff reductions between 2023 and 2025.<sup>5</sup>

Individualised pathways cannot be delivered simply by creating an entitlement on paper. Public employment and support services must have the resources, competence and organisational capacity necessary to provide meaningful personalised support.

## **5. Skills and professional transitions should be at the heart of activation**

CEC strongly supports placing skills at the centre of future activation policy.

Labour-market exclusion should not be treated primarily as a low-skills phenomenon. Technological, digital and green transformations affect workers at every qualification level, including managers and highly qualified professionals.

Participation in lifelong learning nevertheless remains highly unequal across Europe. In 2025, 13.7% of adults aged 25-64 participated in formal or non-formal education or training during the previous four weeks. Participation ranged from 38.2% in Sweden to 5.2% in Greece.<sup>6</sup>

CEC therefore supports:

- broad access to lifelong upskilling and reskilling opportunities;
- stronger anticipation of future competence needs;
- validation of formal, non-formal and informal learning;
- recognition of transferable professional competences;

- effective recognition of qualifications;
- access to substantial and certifying training where a genuine occupational transition is required; and
- stronger cooperation between employers, managers, workers, education providers and public employment services.

Existing EU mechanisms demonstrate that progress is possible. The Commission reported in 2025 that more than 90% of almost one million professional-qualification recognition requests under the Professional Qualifications Directive received a positive outcome, while practical obstacles remain and recognition of qualifications held by third-country nationals continues to be slow and inefficient.<sup>7</sup>

EU action should focus on resolving these remaining obstacles while avoiding unnecessary duplication with existing frameworks.

## **6. Care and the practical conditions enabling employment remain structural issues**

CEC agrees with the Commission's emphasis on care responsibilities and gender equality.

The persistence of the gender employment gap remains a significant concern. Employment rights are an essential part of the response, and the Work-Life Balance Directive already establishes important minimum rights relating to paternity leave, parental leave, carers' leave and flexible working arrangements.

Effective implementation of these rights remains necessary.

At the same time, labour-law rights cannot compensate for insufficient childcare or long-term-care provision. A worker cannot meaningfully exercise the opportunity to return to work if affordable and accessible care is unavailable.

CEC therefore supports a combination of:

- effective implementation of existing employment rights;
- investment in affordable and accessible childcare and long-term-care services;

- measures supporting a more balanced distribution of care responsibilities between women and men; and
- workplace solutions facilitating sustainable return to employment.

The interaction between earnings, taxation, benefits and social-insurance contributions also matters.

CEC supports the principle that entering employment or increasing working hours should produce a meaningful improvement in disposable income.

At the same time, rising social-insurance contributions combined with reduced benefits can affect the capacity of labour markets to attract and retain skilled professionals.

These questions are strongly connected to national tax, benefit and social-protection systems. EU action in this field should therefore respect national competences and focus primarily on evidence, benchmarking, coordination and support for effective national reforms.

## **7. Discrimination, accessibility and workplace barriers must be addressed**

CEC agrees that discrimination, recruitment practices, inaccessible environments and workplace cultures can restrict labour-market participation.

The EU already has a substantial body of equality and non-discrimination legislation. Effective implementation and enforcement of these rights remain essential.

At the same time, gaps in the broader European equality framework should not be ignored.

Directive 2000/78/EC provides protection against discrimination on grounds including religion or belief, disability, age and sexual orientation in employment and occupation.

The Commission's 2008 proposal for a Horizontal Equal Treatment Directive sought to extend protection on these grounds beyond employment, including in areas such as social protection, education and access to goods and services. The legislative procedure remains ongoing.<sup>8</sup>

This question is relevant to activation because some barriers affecting access to employment arise before a person reaches the workplace.

CEC therefore considers that the adequacy of the broader equality framework should remain part of the assessment of barriers to labour-market participation, without prejudging at this stage the final form of any specific legislative initiative.

In 2024, the employment-rate gap between persons with and without disabilities in the EU stood at 24 percentage points.<sup>9</sup>

This figure does not by itself determine which policy or legal instrument is required. It nevertheless demonstrates that significant gaps in effective participation and protection remain in practice.

Existing legal rights must therefore be translated effectively into recruitment, workplace accommodation, employment support and organisational practice. Where the existing framework does not adequately cover the barrier identified, further European action should remain possible.

Managers have a particularly important role here. They often make or implement decisions concerning recruitment, workplace organisation, reasonable accommodation, skills development, career progression and team integration.

European action should therefore support the development of professional competences for inclusive management, including disability and diversity management.

Managers and organisations also need access to clear guidance, appropriate training and practical support. This is particularly important for SMEs, which may lack dedicated HR, occupational-health, disability-management or accessibility expertise.

European action should therefore not address employer-side barriers only through obligations. It should also make it easier for organisations and managers to implement inclusive employment practices successfully.

## **8. The growing use of AI in employment-related processes requires human responsibility**

Digital and AI-supported tools can contribute positively to activation, for example through improved job matching, skills assessment and personalised employment services.

At the same time, the increasing use of algorithmic tools in recruitment, skills assessment and workforce management can reproduce existing biases or generate new forms of exclusion.

CEC considers that digital tools should support rather than replace accountable human judgement.

Where AI-supported systems materially influence recruitment or employment opportunities, appropriate transparency, human oversight and accountability should be ensured.

Managers using such systems should receive the necessary information and competences to understand their role, identify risks and exercise meaningful oversight. Managerial responsibility should not be replaced by automated decision-making.

## **II. Do you consider that EU action is needed? If so, what should be the direction and scope of that action?**

The scale of demographic change, labour and skills shortages, technological transformation and persistent participation gaps gives labour-market activation a genuine European dimension.

At the same time, the EU and Member States have already developed a substantial framework of legislation, Recommendations, funding instruments, European Semester coordination and policy initiatives relevant to activation.

CEC therefore considers that future EU action should focus on improving effectiveness, closing clearly identified gaps and strengthening implementation, while respecting subsidiarity, proportionality, national labour-market systems and the autonomy of social partners.

CEC considers that the future approach should follow five priorities.

### **1. Prevent labour-market exclusion**

Future EU action should explicitly include prevention alongside activation.

European initiatives should encourage Member States, employers and social partners to develop systems capable of identifying risks of skills obsolescence, displacement and labour-market withdrawal before they result in unemployment or inactivity.

This should include stronger links between activation policy, lifelong learning, skills anticipation, restructuring policies and professional transition support.

## **2. Guarantee meaningful individualised pathways**

CEC supports extending effective individualised support beyond traditional categories of registered unemployment.

Individual pathways should combine, according to need:

- skills and competence assessment;
- career guidance;
- training and reskilling;
- recognition of prior learning and professional experience;
- employment support;
- access to enabling services;
- workplace accommodation; and
- post-placement follow-up.

Support should be adapted to the person's actual circumstances rather than based primarily on administrative category.

## **3. Improve outreach and integrated service delivery**

People should not be excluded from activation support simply because they are not already registered with an employment service.

CEC supports stronger outreach mechanisms and better coordination between employment, social, health, education, care and other relevant services.

Where possible, individuals should have access to a clearly identifiable point of contact capable of coordinating support across systems.

#### **4. Make retention part of activation policy**

CEC strongly supports the Commission's proposal to address post-placement support.

Activation should not end when an employment contract is signed.

The first months following a return to employment can be decisive, particularly for people returning after long-term unemployment, illness, disability, care-related inactivity or major professional transition.

Where appropriate, support should continue after placement and facilitate:

- successful workplace integration;
- reasonable accommodation;
- further training;
- progression;
- adaptation of working arrangements;
- occupational-health support where relevant; and
- sustainable retention.

Managers are central to this process.

Support for managers and workplaces receiving people into employment should therefore form part of activation policy.

Managers and supervisors responsible for onboarding and work organisation should have access to appropriate training and support, including on disability, reasonable

accommodation, non-discrimination, intergenerational cooperation, psychosocial risks and responsible work organisation.

Inclusion should not depend solely on the goodwill or individual capacity of a manager. Organisations must provide clear mandates, time and resources.

## **5. Address the practical conditions that make employment possible**

Employment activation cannot succeed without adequate enabling conditions.

This includes access to childcare and long-term care, transport, training, housing where relevant and accessible public services.

It also requires attention to the interaction between earnings, taxation, benefits and service costs.

CEC supports the principle that entering employment or increasing working hours should produce a meaningful improvement in disposable income.

At the same time, national tax, benefit and social-protection systems differ significantly. EU action in this field should respect national competences and focus primarily on evidence, benchmarking, coordination and support for effective reforms.

### **The appropriate instrument should depend on the problem being addressed**

CEC does not consider that all the issues identified in the consultation require the same form of EU intervention.

A differentiated approach is preferable.

### **Existing rights: implement and enforce effectively**

Where EU legislation already establishes enforceable rights and adequately covers the barrier identified, effective implementation and enforcement should remain a priority.

This applies particularly to important elements of equality and non-discrimination legislation, reasonable accommodation and the Work-Life Balance Directive, as well as recently adopted legislation whose implementation is still under way.

New obligations should not unnecessarily duplicate existing rules where the current legal framework already provides adequate substantive protection.

### **Existing policy frameworks: improve delivery and effectiveness**

In areas governed principally through Recommendations, coordination frameworks or common targets, persistent implementation problems deserve closer attention.

The 2016 Recommendation on long-term unemployment is instructive. Its basic principles remain relevant, yet implementation remains uneven.

In such cases, the assessment should determine why the framework is not delivering sufficiently.

The appropriate response may include:

- better monitoring;
- stronger administrative capacity;
- adequate funding;
- updated Recommendations;
- improved coordination;
- clearer common guarantees; or
- where persistent gaps cannot adequately be addressed through non-binding instruments, consideration of stronger measures.

The extensive range of existing EU initiatives should also be assessed for coherence and simplification. Where several frameworks pursue overlapping objectives, better coordination may sometimes be more effective than adding further layers.

### **Genuine gaps: further EU action, including binding action where justified, should remain possible**

Implementation and enforcement of existing rights and the development of additional European instruments should not be treated as mutually exclusive.

There are areas where existing frameworks may not adequately cover a barrier, a group or a form of protection.

CEC sees particular added value in further work concerning:

- prevention of labour-market exclusion;
- economically inactive people outside established support systems;
- sustainable professional transitions;
- support for managers and highly qualified professionals facing career disruption;
- post-placement support and retention;
- coordination between services;
- recognition of qualifications and competences;
- workplace support for successful integration; and
- the capacity of SMEs to implement inclusive employment practices.

Where analysis demonstrates that existing instruments do not adequately address the problem, further EU action should remain possible.

This may include binding minimum requirements where a genuine protection or coverage gap is demonstrated, where a common enforceable floor is necessary to ensure effective and equal access to the labour market, and where European action respects the principles of subsidiarity and proportionality.

The fact that implementation of existing rules requires improvement should therefore not in itself exclude further legal development where existing protection is insufficient.

Conversely, the persistence of a labour-market problem should not automatically be considered evidence that new legislation is required.

The central question should be whether the existing framework is capable of addressing the barrier effectively and, if not, what form of European action provides the clearest added value.

## **The role of managers must be explicitly recognised**

A future European initiative should explicitly recognise managers as both potential beneficiaries of activation policies and essential actors in their successful implementation.

Managers translate employment and social policy into workplace reality.

They:

- recruit and select candidates;
- integrate employees;
- identify skills needs;
- organise training and professional development;
- implement workplace adaptation and flexibility;
- support return-to-work processes;
- manage performance and team organisation;
- facilitate professional transitions; and
- influence retention and career progression.

They may also themselves face restructuring, age-related barriers, professional displacement and skills obsolescence.

Expectations placed on managers should therefore be accompanied by access to appropriate tools, guidance, training and organisational resources.

This should include practical capacity-building on inclusive recruitment, reasonable accommodation, disability management, accessibility, inclusive digitalisation and AI, and the organisation of work for diverse teams.

Managers should be supported in translating rights and inclusion principles into everyday workplace practice, rather than being expected to implement them without adequate expertise, time or resources.

For SMEs in particular, external support may be essential because specialised HR, occupational-health or inclusion expertise is not always available internally.

### **Social partners should participate throughout the process**

Social partners should be involved in the design, implementation, monitoring and evaluation of activation measures.

They can contribute particularly to:

- anticipating labour-market and skills changes;
- developing workplace solutions;
- designing training and professional-transition measures;
- facilitating sustainable return to work;
- promoting inclusive management practices;
- evaluating job quality and retention outcomes; and
- adapting common principles to national, sectoral and workplace realities.

Collective bargaining and social dialogue should therefore be recognised as part of the implementation architecture of any future initiative.

Where activation measures concern groups facing specific barriers to employment, the persons concerned and their representative organisations should also be meaningfully involved in the design, implementation and evaluation of those measures.

### **III. Would you consider initiating a dialogue under Article 155 TFEU on any of the issues identified in this consultation?**

CEC remains open to initiating dialogue under Article 155 TFEU where the European social partners identify a clearly defined area in which negotiation can provide genuine added value.

CEC considers that the strongest potential scope for social-partner action lies in issues directly connected to the workplace, professional transitions and the employment relationship.

These could include:

- prevention of labour-market exclusion and support for professional transitions;
- lifelong learning, upskilling and reskilling;
- sustainable return-to-work arrangements;
- workplace integration and post-placement retention;
- inclusive recruitment and management practices;
- reasonable accommodation and workplace flexibility;
- the role and support needs of managers in integration and retention;
- involvement of social partners in the design and evaluation of activation measures; and
- responsible human oversight where AI-supported systems are used in recruitment, matching, skills assessment or other employment-related processes.

Other issues identified by the Commission, including the organisation of public employment services, childcare infrastructure, long-term-care provision, taxation, benefits and broader public-service coordination, primarily require action by public authorities and Member States, even where social partners should be consulted and involved.

CEC therefore considers that there is meaningful potential space for European social dialogue, but that this space should focus on areas where social partners can themselves contribute to implementation and deliver concrete workplace outcomes.

Any decision to open negotiations should ultimately depend on discussions among the recognised European social partners concerning the scope, added value and realistic prospects for agreement.

CEC's openness to Article 155 dialogue should therefore be understood as genuine, while fully respecting the autonomy of the European and national social partners.

## **Conclusion**

CEC supports stronger efforts to enable people facing significant barriers to participate sustainably in the European labour market.

Europe cannot address demographic change, labour and skills shortages, technological transformation and persistent social exclusion without making fuller use of its human potential.

However, activation should not be reduced to moving people rapidly from inactivity into employment.

A successful European approach should help people enter, remain and progress in quality employment.

CEC therefore considers that future European action should be based on five priorities:

1. prevent exclusion before it occurs;
2. provide genuinely individualised pathways into quality employment;
3. make skills and professional transitions central to activation;
4. combine activation with the services and workplace support necessary for sustainable participation; and
5. recognise managers and social partners as active participants in implementation.

Managers occupy a distinctive position in this process. They may themselves experience exclusion and difficult professional transitions; they often determine whether individuals are given access to employment opportunities; and they are central to whether workplace integration succeeds once employment begins.

Europe already possesses an extensive legal and policy framework addressing many of the barriers identified in the consultation.

Where existing rights adequately cover a barrier, they should be implemented and enforced effectively.

Where implementation capacity is the problem, resources, coordination and delivery should be strengthened.

Where existing frameworks do not adequately cover a barrier or group, or where common enforceable guarantees are necessary to ensure effective protection, further EU action, including binding measures where justified, should remain possible.

This balanced approach neither assumes that every persistent problem requires new legislation nor excludes legislative action in advance.

The appropriate response should depend on the evidence, the nature of the gap and the added value of European action, while respecting subsidiarity, proportionality, national labour-market and industrial-relations systems, collective bargaining and the autonomy of social partners.

For CEC, the ultimate test of activation policy is practical: whether it helps more people, including managers and highly qualified professionals, enter, remain and progress in sustainable, quality employment.

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