

## **EXPANDED ABSTRACT**

### **Public social responsibility as a key element in employment policy**

Social Responsibility of Public Administration has taken its first steps, but there's still way to go in order to be settled as a real growth and territorial development policy.

The concept of social responsibility, that traditionally has moved to the Company the need to keep fighting against inequality, expands the scope of the public sector demand.

Under these circumstances and during the current economic crisis, adapting the model of social responsibility by these entities implies an improvement of democratic quality in the Administration, Institutions and Public Entities. This means innovation in the public sector through the use of Social Responsibility strategies contributes to social development by introducing values of transparency, political ethics, citizen participation and open government.

Beyond the statutory obligation may be established, the assumption of social responsibility by governments and public administrations would add value to their economic, social and environmental performance, contributing to their example orientation towards global sustainability.

The most effective use of the SR to the public field is articulated through the introduction of social clauses in public procurement, which produces results at macroeconomic level, not only by opening the public market or performing an activity local public private initiative, but through different forms of collaboration that can be experienced - private-public partnerships, outsourcing of certain activities and public services ... -. That question opens a significant potential for employment and insertion in the local space.

The economic actors perceive this use of social clauses very positive, but despite its recognition and implementation regulations value, has not come to have the expected results so far. To accept social clauses as an employment policy value and an economic factor of territory development, involves overcoming resistance and finding the balance between public and private interests.

Simultaneously the inclusion of socio-labour clauses in public procurement promotes the necessary developing tools to mobilize stakeholders and ensure integration processes. Here we find the main difficulties because employment policies are ended and are recurring in what refers to programs without assessment or results that prolong unemployment for those with more difficulties.

Therefore, social clauses are used as an employment policy, constituting a complementary element of employment and integration policies with essential character that must be developed by public powers. This element is understood as a duty of those favouring the passage of an intention to a certain implementation. The difficulty is the challenge and in the results of the action.

The concept of social responsibility applied to public domain cannot be restricted to a simple assessment of compliance with the legality and in this case the legal and economic-patrimonial responsibility are required because of their actions and management models. This necessity is also applied to the field of expectations and social values which, despite not being legislated, come to express something more than a state of mind, even generating reactions of greater or lesser acceptance and even rejection of certain behaviours.

In our opinion, the SR in the public field, and also in the private field, must go beyond a simple voluntary action in order to achieve some "profit". Well understood the public content, the SR should be an essential obligation in this area and therefore become part of its management. But until this obligational perspective of public authorities is not accepted, the choice to go for is to advance in the request and in social pressure that should involve its application.

In general, the specific rules concerning social responsibility are limited and their origin is in international institutions such as the OECD and the ILO and in most cases, the wording refers to the company. Fortunately, local corporations are becoming aware of their impact and begin to worry about minimizing the adverse effects of its management to citizenship.

The development of policies that incorporate SR contributes to the systematization of policies and processes with a direct impact on the local economy and thus in employment, and also facilitates external communication, serving as criteria for decision-making and helping to define commitments, being ultimately a model of guidance for territory companies.

The policy measures of employment and social inclusion in recent years are not renewed and continue to point only to improve the "employability" and to remove certain obstacles to access the labour market by hiring incentives; but the economic growth model is not the main causative factor of exclusion. We continue having exclusive and discriminating labour markets. By applying social and labour clauses, in addition to works or services, it gets a social profitability that implies firstly a social investment and a contribution, to reduce public expenditure allocated for this purpose - basic income, unemployment benefits or health costs - and secondly generating an income to the tax offices by income tax, VAT and Social Security. The so-called "social return".

The TRLCSP 2011 considers several possibilities to take into account social aspects in procurement. In connection with this policy, many municipalities and autonomous regions have published standards to incorporate different types of social considerations in their contracts. Also the advisory bodies and the Courts have largely ruled on the legality of different aspects of social policy in public procurement;

At EU level, Directive 2014/24 / EU of the European Parliament and of the Council of 26 February 2014 on public procurement, requires states to take effective measures to ensure the implementation of contracts compliance with the legal social commitments and conventionally established in Article 18.2. This precept regulates the basic principles of public procurement, that indicates the importance given to the subject.

In Europe, however, the use of social clauses in public procurement reached a turning point with the call Ruffert (C-346/06) the Court of Justice of the European Union (ECJ), for which the use of such clauses are in accordance with EU law only when they are supported by the European Directive on worker movements (96/71 / EC).

For all countries included in this study, Ruffert case introduces some important questions. It has get to the limit the scope and the commitment on social clauses and it has created some great legal uncertainties, particularly regarding the EU Law and ILO Convention 94.

It is therefore a subject, not only as a current subject but as an implementation responsibility by the government, which makes its study and reflection especially attractive.

**Keywords:** Employment policies, social responsibility, social clauses, public administration.