ESOPE Project
Precarious Employment in Europe:
A Comparative Study of Labour Market related Risks in Flexible Economies

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Managing labour market related risks in Europe: Policy implications

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The **aim** of the ESOPE project is *to contribute to an improved comparative understanding and evaluation of «precarious employment» as one of the main facets of social and socio-economic insecurity and risks in contemporary European societies.* It is expected that the project will both increase knowledge and inform current policy debates on the interrelations between the modernisation of systems of social protection, the activation of employment policies, and the «quality of employment» in Europe. The **research questions** include:

- How is «precarious employment» understood and appraised in both scientific and policy terms in the five countries of our study (France, Germany, Italy, Spain and the United Kingdom) and also at the European and wider international levels?
- What are the main factors accounting for the actual incidence and forms of «precarious employment» and what is the relative importance of sectoral factors and state-based regulatory frameworks?
- What notion of «precarious employment» could be more appropriate in scientific as well as operational terms for understanding, measurement and policy making?

In order to achieve these purposes, the project is divided into three major **phases**: [1] literature review and comparative policy analysis; [2] two strands of empirical research through case studies of selected services sectors and of local innovative initiatives; and [3] drawing of policy implications and dissemination activities, including an important scientific seminar.

Members of the consortium:

- Departamento de Trabajo Social, Universidad Pública de Navarra (Pamplona, ES)
- ICAS Institute (Barcelona, ES)
- Economix Research and Consulting (Munich, D)
- Centre d'Etude de l'Emploi (Paris, FR)
- Centro di Ricerche Economiche e Sociali (Roma, IT)
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Introduction

This document is the ninth deliverable of the ESOPE project and is focused on analysing the main policy implications of both the incidence of precarious employment in the five ESOPE countries, and the policies and regulations related to this matter.

This analysis is based on a synthesis of all the research conducted during the project. As the notion of precarious employment in itself is seen by many social scientist as being highly normative, this policy report starts by analysing the concept of precarious employment and its meanings. A synthesis of the main results of the project on the incidence of precarious employment is presented in chapter II while in chapter III we try to identify the causes and circumstances which explain the existence of precarious employment in five European countries. How precarious employment is understood in the national context and at the international level, how its incidence is measured, as well as a deeper understanding of how national regulations and strategies of employers, employees and their representatives interact, are crucial for the design of policies. Finally, the implications of these findings at the European level are discussed in section IV.

The empirical basis of this analysis consists of the exploitation of national and European statistical data as well as new case study research at sector level. Three sectoral case studies were conducted: call centres were analysed in Germany, Italy and Spain, domiciliary care in France , Italy, Spain and the UK , and selected cultural industries in France and the UK (mainly the performing arts) and Germany (the multimedia industry). These sectoral studies explore the incidence and forms of precarious employment which arise as well as the rationales behind the behaviours of the actors in the sectors. In addition to these ten sectoral studies, a smaller number of innovative case studies was conducted with the aim of identifying innovative policy approaches to managing labour-market-related risks at the local level.

I. The notion of precarious employment

The theoretical understanding of the notion and of the concept of 'precarious employment' has proved to be a rather controversial issue throughout the literature, reflecting both differences in national labour markets and diversities among the analytical perspectives adopted towards studying them. Thus, the results of exploring this plurality of conceptions and interpretations should be underlined as a significant outcome of the research; one that should help to provide a more complex understanding of the phenomenon of 'precarious employment' in European labour markets. The first contribution of the research thus lies in the clarification of these alternative approaches and their implications.

1. The concept of precarious employment in the ESOPE project

1.1 National usages of the notion of precarious employment[1]

One of the difficulties in analysing precarious employment in a comparative perspective is connected with the notion itself and the different meanings it takes in various national contexts.

The notion of "precarious employment" is commonly used within the scientific and policy communities only in France, Spain and Italy, while in the UK it is used rarely in either context. In Germany, the term is used – albeit in a rather restrictive way - by social scientists, and has not entered the political and public debate.

It would seem that in all countries, the debate about precarious employment is to a greater or lesser extent marked by its origins: poverty studies in France, studies on hidden employment in Italy and Spain as well as studies on labour market regulation in Italy, Spain and Germany. However, this influence seems to have operated in very distinct directions, according to the dominant research traditions and/or influences in

[1] Mainly based on Düll, Nicola (2002). "Defining and assessing precarious employment in Europe: a review of main studies and services. ESOPE Project, Deliverable 1." Munich, Economix. Financed by the European Commision, DG Research, V Framework Programme.
Also based on Barbier, Jean-Claude (2002). "'Precariousness' of employment: Linguistic and conceptual differences, Political discourse and academic debate in five countries, Germany, Spain, France, Italy and the UK". Paris, Centre d'Etudes de l'Emploi. Financed by the European Commision, DG Research, V Framework Programme.

particular**.** In France the focus is on the "societal aspect", questioning whether the whole society might become precarious. The debate on precariousness needs to be viewed in the tradition of the important role of the State and the transformation of Society. In the French scientific debate on precarious employment, the focus is on legal and social rights. The German, Italian and also Spanish debates concentrate on industrial relations issues. In Germany, the question is whether an erosion of collectively regulated employment relationships can be observed, while in Italy the problem of collectively regulating the labour market is more politicised: a greater emphasis is placed upon the role of the collective actors at the macro-level. In Spain, the focus of the debate is on the increase in and high incidence of "temporary" employment (*trabajo temporal*), which has become, according to most authors, a structural feature of the Spanish labour market. A large body of research analyses this dimension of precarious employment, starting from a segmentation theory approach. For the UK, in contrast to the continental European countries under review, the notion of precarious employment has not been invested with *societal* or *collective* significance but has rather been treated as a feature of *individual* working lives (and sometimes their consequences for families), susceptible to analysis of the opportunities facing and choices made by individuals. However, notions of "risk" have emerged as an important new focus and the measurement of "insecurity", especially in relation to jobs, has attracted much attention. The British debate has tended to concentrate on the notion of "social exclusion", including whether or not an 'underclass' may exists as a result of individuals being perpetually trapped in insecure jobs and how such situations might be avoided by tailoring policies to improving individual 'employability'.

Another strand of the debate in all countries refers to the increasing flexibility of the labour market. Flexibility and economic constraints are dominating the debate in particular in the UK, but also in Italy and in Spain. However, in the first of these, the emphasis is placed more on the importance of not reducing the flexibility already achieved. In Germany, flexibility is being discussed in association with the labour market (and other) reforms, but other aspects of the debate are underlined: high unemployment , the distribution of risks between groups of workers and the type of social consensus.

So, because of its (at least, partly) normative and highly political content, a common notion of 'employment precariousness' does not exist ' 'naturally' in all countries. However, there are sets of characteristics of employment relationships which can be identified across countries , which are variously inter-related and constructed in each national context, and which can be more or less analysed (in each context) as

'functional equivalents'[2] of 'employment precariousness'.

Employment precariousness and "functional equivalents" across five countries

Notions and items	France	Italy	Spain	Germany	UK
The use of 'employment precariousness'	yes	yes	Yes	No, but a functional equivalent	No
A key relevant notion for the ESOPE perspective	*précarité*	*Precarietà del posto di lavoro*	*Precaridad laboral (temporalidad)*	*Unsichereit des Arbeitsverhältnisses*	None specified
Normal employment relationship	Permanent contract [*durée indéterminée, CDI*]	Permanent contract [*tempo indeterminato*]	Permanent contract [*contrato indefinido*]	Permanent contract NAV, *Normal-arbeitsverhältnis* [*unbefristeter Arbeitsvertrag*]	Regular work
Normal legal reference	*Code du travail*	*Statuto dei Lavoratori*	*Estatuto de los Trabajadores*	Various *Gesetze* and collective agreements	None
Key job category as cross-national functional equivalent	*Formes particulières d'emploi* (FPE)	*Parasubordinato* (status: *collaborazione coordinata continuativa; lavoro occasionale; associazione in partecipazione*)	*Trabajo temporal Temporalidad*	*Geringfügige Beschäftigung Schein-selbstständigkeit*	Poor Jobs

(Barbier, Brygoo, Viguier et al. 2003)

In this respect, the differences between Germany and the UK are very interesting. Both almost totally lack the concept of precarious employment, but the reasons for this are different. In Germany, there is a quite well-defined social norm governing the minimum standards of employment quality (with social rights attached) and only comparatively few jobs can be identified as being precarious. On the contrary, in the UK, the relevance of the notion of precarious employment does not derive from a

[2] It is possible to push this idea too far. The term «functional equivalent» is used here in a loose sense in the UK and Germany, where the notion of 'employment precariousness' has had little meaning and currency so far in the political discourse and in the public debate; we try to identify phenomena and perceptions of phenomena that cannot be directly equated to but, can rather be associated with the phenomena and perceptions which are identified in the three Latin countries.

failure, *in principle*, to meet similar standards to those of Germany, since the legally or collectively-agreed social norms are much weaker – one might even say that the majority of UK jobs have formal conditions that would make them, in some sense, precarious, by comparison with Germany.

1.2 The context of Flexibility-Security-Quality regimes for understanding precarious employment[3]

To be understood comparatively, the notions and perceptions of 'employment precariousness' have to be set within a larger societal framework. We may consider that, along with different constructions of functional equivalents of 'employment precariousness', different national normative systems come to be legitimised and prevail in each society. They define the broad and particular dimensions of what is (or is not) 'acceptable' or 'suitable' (*zumutbar*, *convenable*, *adecuado*, are among the terms used) with regard to various features of employment relationships. These are valid at a certain moment of history and within a particular society. They may be modified periodically; this may even lead to major changes in what is felt to be legitimate. These normative systems embody expectations about the rights and responsibilities of both employers and employees. They include demands put on employees (wage-earners[4]) deriving from such factors as working conditions, wages and insecurity, subject to the operation of whatever labour standards are in force. Although different, these demands are very intimately linked to the various[5] notions of 'acceptability' in what is required from the unemployed or others who may be eligible for social benefits[6]). Moreover, Morin and Vicens (2001, p. 46), for instance, have remarked, that there are increasing links between these two sets of standards.

Very often, within a country, a great part of the normative framework is implicit. But the differences emerging from the comparison make this explicit.

Understanding 'employment precariousness' (and the grounds upon which policies are designed and legitimised) thus entails an in-depth analysis of these standards of

[3] Mainly based on Barbier, Jean-Claude, Angélica Brygoo, Fréderic Viguier and Françoise Tarquis (2003). "Normative and regulatory frameworks influencing the flexibility, security, quality and precariousness of jobs in France, Germany, Italy, Spain and the United Kingdom. ESOPE Project, Work package 1.2." Paris, Centre d'Etudes de l'Emploi. Financed by the European Commision, DG Research, V Framework Programme.

[4] Of course the 'quasi-self-employed' category is a key question here, especially in certain countries (see Supiot, 1999).

[5] The substantial difference between both norms may be large or small (like for instance in social democratic welfare regimes).

[6] This question is presently being hotly debated in four ESOPE countries (France, Spain, Italy and Germany); it seems to have been settled in the UK.

acceptability. These diverge hugely across countries[7]. Moreover, sub-sectors of the active population may be subject to different notions of what is acceptable compared with what is deemed to be acceptable for the majority. This can imply higher or lower standards. For example, a norm of 'precariousness' for the young, or for women, is legitimised in France and Spain, but not so for male employees aged 25+. By the same token, the norm for photographers or for other cultural workers may be to accept greater degrees of uncertainty in the flow of work than is seen to be legitimate for the mainstream of the labour force.. It has been argued that these norms are somehow precursors of future norms (Schmid and Gazier, 2002).

The elements constituting the Flexibility-Security-Quality regime are fourfold:

- The national system of social protection (NSSP), or welfare regime.
- The set of values and norms pertaining to the dominant political discourse and compatible with the NSSP, valid at a certain period.
- The industrial relations system and its actors
- The 'employment and activity' regime (i.e. the stable distribution of participation in the labour market across ages and genders).

In general, labour market (employment) norms may be embodied in legislation , based on collective agreements, or specific to a particular firm. Three types of norms are of prominent importance within the regime's framework. They comprise:

- norms explicitly devised to limit and contain *employment* flexibility (among which are those relating to atypical forms of employment) as well as *employment* insecurity or, more positively, to enhance the quality of jobs;
- social norms that have the same effect without being agreed upon for such an explicit purpose;
- social norms, that, on the contrary, increase *employment* flexibility and insecurity at the same time, or degrade the quality of jobs.

These represent parts of what we have termed 'Flexibility/Quality/Security' (FQS) regimes, a notion in our view more focused than the notion of 'employment systems'. It encompasses the whole range of institutions and social norms (legislative , collective agreements, firm-based) that generate the particular substantive content of *flexibility of employment relationships, security of employment and quality of employment* in each

[7] Insights on this can be drawn from opinion surveys (cf. for instance the surveys presented in Gallie and Paugam, 2000).

particular nation, and which, eventually, are the outcome of general (?) collective action.

Here it is important not to mix the notion of flexibility of employment relationships/jobs and the notion of flexibility of labour/work (Barbier and Nadel, 2000). The next table shows the difference in meaning that economists and sociologists attach to the concepts of *work/labour* and *employment* flexibility, which may lead to misunderstanding between the two disciplines (Barbier and Van Zyl, 2002, p.17).

Flexibility of work, Flexibility of employment relationships

	Labour flexibility/Flexibility of work	**Employment flexibility**
Economics	Variability of wages and labour costs (cost of labour as a factor of production)	Variability of employment volumes (macro/micro), mobility of labour
Common ground	Flexibility of the overall productive structures, of learning abilities/skills, of hierarchical structures, of working conditions and working time	
Sociology	Adaptability of productive activities (collective and individual)	Adaptability of competences, skills and qualification of contracts; status and social rights attached

(Barbier, Brygoo, Viguier et al. 2003)

The results achieved by the ESOPE research are here only preliminary. Additional research is important in this field. Such work could complement the traditional economic approach deriving from such indicators as 'employment protection' indicators, published by the OECD, which have been criticised for their limitations (see for instance, Bertola et al., 2000). One of their main limitations is that these indicators do not take into account a crucial element of the analysis, namely the interaction between employment protection on one side, and social protection on the other. The Danish case exemplifies this dimension, which combines: an absence of 'employment precariousness', a high level of flexibility of employment relationships, and a high level of social protection.

Across the five ESOPE countries, we have learned that applying a universal 'rigidity/flexibility' perspective to policies in matters of social protection and employment protection is of limited use. Because aggregate indicators, such as the OECD 'employment protection' index, tend to be uni-dimensional and arbitrary they yield limited, albeit useful, information. A key difficulty here – over and above the ambiguous findings as to the possible impacts of such employment protection – lies in

trying to combine a large number of quantitative indicators, including those illustrating social protection in general and not just unemployment compensation.

As adaptations of current 'normative systems' are widely considered necessary, allowing for their national-specific aspects, across the EU countries, it is generally considered that increased flexibility *of work* will be needed in the future. However, it is also widely considered that some sort of compatibility of flexibility of work and security of employment relationships can be looked for, under the label of 'flex-security'.

Concerning the introduction of more security *of employment relationships*, cross-national alternative policies have been discussed for some time (notably the sequels to the 'Supiot report', the 'drawing rights' route, for the European Commission, and the 'transitional labour markets' approach). In this respect it is necessary to keep in mind the possible normative influence from EU coordination and regulations and its potential limitations in the future. (See section IV on social implications.)

1.3 A scientific use for the concept

In his introduction to his 1989 book, G. Rodgers addressed the 'concept' which was used to define the ESOPE project. He arrived at the interpretation that "the concept of precariousness involves instability, lack of protection, insecurity and social or economic vulnerability", and that it is "some combination of these factors which identifies precarious jobs, and the boundaries around the concept are inevitably to some extent arbitrary" (p. 3).

Given the conceptual difficulties involved, the initial ESOPE paper (Düll 2003 p. 6-7) was cautious and chose to start from a 'working definition' precisely inspired by the dimensions suggested by Rodgers, namely: (i) a time-related facet (duration/continuity of employment prospects); (ii) a social facet (social rights and protection); (iii) an economic facet (security of income) and (iv) a 'working conditions' element.

Actually, the initial assumptions underlying ESOPE were in line with J. Rubery's typically pragmatic approach (Rodgers and Rodgers 1989, p. 49), when she wrote: "As there is no statistical category 'precarious work', the only way in which we can investigate precarious work is to look at the employment forms which are expected to be in some sense precarious."

As Düll and Vogler-Ludwig (2003) point out, precarious employment may be seen as concerning both workers at risk of becoming redundant, likely to move in and out of the labour market, and confronted with a high degree of employment uncertainty,

unstable careers and low wages, and workers permanently trapped in the lower end of the labour market, characterised by poor productivity, low wages and poor employment conditions.

After three years, the ESOPE research has collected and analysed a number of various social science studies (mostly sociological and qualitative), gathered the broadest possible amount of statistical data, and conducted fresh empirical research in three sectors (see later).

From this wide-ranging effort, no indisputable and non-controversial analytical (scientific) concept emerged. However, what is undisputed is that a phenomenon exists of "bad quality" or "non-standard" jobs (as Barbier et al., 2003, proposed to term it), or, stated differently, of precarious employment as "below the socially established normative standards" for jobs, as Darmon and Frade (2003) proposed to term it.

Whereas the phenomenon concerned is common to both analyses, the problem of a clear analytical definition is reinforced by the statistical difficulty of capturing it. In this regard, it is impossible to be satisfied with just "looking at the employment forms which are expected to be in some sense precarious", (Rubery, op cit).

The notion of 'precarious employment' conveys a reference to a *socially accepted* standard employment relationship, below which precarious employment falls. In the UK and Germany, this perception of what is socially accepted does not translate into a national expression via the usage of a notion of 'employment precariousness', contrary to what has happened in the three other countries studied.

Indeed, whilst the *legal* standard employment relationship is being subjected to changes in four of the five ESOPE countries, common references to "standard" or "regular" contracts exist in all of them and, what is more, have proved resilient in all, even in the UK (Barbier *et al.*, 2002b).

Used particularly in the Latin countries, the notion has the merit of putting the stress on labour rights and employment protection, which gives rise to a particular strand of policy recommendations (Darmon, Frade 2003). Yet, such recommendations cannot easily be seen as applicable in Europe on a universal basis.

One French author, Serge Paugam, in his "Le Salarié de la précarité" (2001) has extended the notion of 'precariousness' (and not only 'employment precariousness') to probably its most extreme limits, including a host of subjective dimensions, which were explicitly put aside by the ESOPE project.

As a result of the case-studies comparison, a definition of 'precarious employment was provided as "a variety of forms of employment (1) below the socially established

normative standards (2) in one or more respects (3) which results from an unbalanced distribution towards and amongst workers (4) of the insecurity and risks typically attached to economic life in general and to the labour market in particular (5)" (Darmon, Frade 2003). In this perspective, the multidimensional nature of precarious employment was maintained, although several difficulties remained both in applying such a definition in international comparisons and introducing adequate measures according to it.

The four ESOPE dimensions can easily be associated with risks: (i) the risk of instability, insecurity of the employment trajectory/career prospects; (ii) the risk of earning a low pay and low income; (iii) the risk of being exposed to a detrimental work environment and organisation; (iv) the risk of having bad or second hand social protection. Here again, measuring these risks precisely is rather difficult.

Such risks, which can certainly be envisaged at a given point in time, are more appropriately considered from a *dynamic perspective* (transitions): the attempts by the European Commission's Employment Reports, published during the final phase of the ESOPE research, are welcome from this perspective. However, the focus on transitions should not dispense altogether with the instant characteristics of the employment relationships.

The documentation of the diversity of exposure to such risks according to groups in all countries is one of the most important lessons of the ESOPE research: here the pertinent divides are gender, skills, sectors, age and, nationality/ethnicity. The relative impact of such dividing lines varies greatly across countries.

Because of this differentiated impact on social groups, and the different dynamic developed in each case, where some groups may be trapped in precarious employment, we can relate this concept to "social exclusion". This association may be useful to identify the characteristics of employment that threaten the social status of workers (integration, citizenship, social participation). In this perspective (a more social than economic point of view), undermining the scope for ensuring social integration would be the key aspect of employment precariousness. The guarantee of enough income in the long term, the source of positive identity and social acknowledgement, and access to social and labour rights, have been characteristics of employment that enhances social integration (Laparra 2001). Low income, stigmatized employment and jobs lacking rights would be the main dimensions of precariousness from this social point of view.

1.4 Difficulties and limits of this concept in scientific work

Comparative data have failed to compare 'precariousness of employment' as an *aggregate notion* of *four dimensions*. Three kinds of problems could be identified to explain this limit: the quality of the data, the differences in the standards between countries as well as the varying interrelationships and "trade-offs" between the different dimensions. The conclusion is that these dimensions should be studied at the same time separately and put together in national-specific contexts, and that a system of indicators, rather than one index, should be used. This endeavour is wholly compatible with the current development of research into the quality of work and employment within the EU Employment Committee.

Significant differences across countries have been identified in the normative standards behind the social acceptability of a job. In these circumstances, the 'cross-national[8]' identification and comparisonof 'functionally equivalent' groups of 'jobs' (or of types of work), which can be considered as 'sub-standard', for each country is at the same time highly problematic and dependent on the prevailing set of common 'societal' values actors share in each particular country. This is also part of the difficulty of the common work implemented by the Employment Committee.

This problem inevitably takes a prominent position when it comes to *measuring* what could be equivalents of the employment relationships which are considered in another country 'sub-standard' and in certain cases only, 'precarious'. Even the notion of atypicality is bound to be related to what is typical, in each national context. The ESOPE research has shown that the notion of 'atypicality' is not clear-cut in the UK context but, even more, that no cross-national notion of atypicality is available. For instance, part time work is atypical in Italy, while it is not in the UK, nor in the Netherlands. Part time work is quite typical for British women, whereas it is not in the French case. So in certain cases, different levels or standards could be used in comparative research, although this may make the comparison more difficult.

There are *problems with existing measures* and requirements for new measures for employment characteristics, which have been pointed out in the research (i.e. part-time, fixed-term, self-employed, with different conditions in each country). Atypical work and precarious work should not be confused.

Besides the difficulty with assessing the extent of precarious employment due to the different forms of employment relationships which can be considered as precarious in the national context and the different aggregation levels of the terms used (eg. of

[8] See Maurice and al. 1982; Maurice, 1989.

atypical employment and of temporary employment), there is a further problem arising: the available comparative data have many limitations.

One of the indicators mostly used[9] for measuring "atypical employment", the "flexibility and security" dimension in the "quality of work approach", as well as for measuring the "temporal dimension" of precarious employment, is the "temporary contract", which stems from the Eurostat 'item 45' criterion (separating 'fixed term' and open-ended employment contracts). This distinction is not operational in all the five European countries studied. It is often used as 'temporary' employment, to be contrasted with 'permanent' employment. However the very notion of 'temporary' employment might designate hugely different realities across the five ESOPE countries[10]. The problem with this indicator lies in the fact that it is too highly aggregated. To depict whether precarious employment exists, it is important to analyse which types of temporary contracts can be regarded as reflecting precarious employment. The commonly source used is the European Labour Force Survey.[11] But also, the Third Survey on Working Conditions carried out by the European Foundation for the Improvement of Working and Living Conditions is informative on fixed-term contracts.

Hence so-called 'temporary employment', as measured by the European LFS, includes, for example, all 'fixed-term' employees of the French administration, whilst some of them, the *contractuels*, in fact have a permanent employment position (Barbier *et al.*, 2002a); and this is also the case in some parts of Spanish public administration in de facto terms. So-called 'temporary employment' also includes German apprenticeship contracts, which increases significantly the estimate but which does not represent precarious employment.

[9] It is used for instance by the well-known Auer and Cazes research conducted for the ILO, which was presented by Peter Auer to the ESOPE seminar in Munchen in 2000.

[10] In the Spanish case, it is particularly difficult to use and problematic, in a comparative context, because the main category for employment precariousness in the Spanish language is 'temporalidad'.

[11] *To our knowledge so far*, with regard to labour market "status", the *published* Eurostat Labour force statistics strictly depend on item n° 45 ("permanency of the job") in the "Labour status" section, an item which separates "permanent jobs or work contract of unlimited duration" from all other forms ("temporary jobs/work contracts of limited duration").

Various data sources on temporary employment at European level compared
(% of total employees)

	2000 ***Temporary workers*** *Employm in Europe 2002,*	***2000*** ***Fixed-term contracts*** *Third Survey on Working Conditions*	***2000*** ***Temporary Agency contracts*** *Third Survey on Working Conditions*	***2000*** ***Apprenticeship and other Training Schemes*** *Third Survey on Working Conditions*
France	15.3	9.3	3.2	1.4
Germany	12.7	8.5	0.6	2.1
Italy	10.1	5.4	5.0	4.2
Spain	32.0	27.1	2.3	1.4
UK	7.0	9.2	2.2	0.4

Source: Employment in Europe 2002 (ELFS data), European Foundation for the Improvement of Living and Working Conditions

The problem with using LFS data on temporary employment will be further demonstrated in taking the French data.

In 1999, the percentage of so-called "temporary jobs" for France (translated in French Eurostat documents as *contrats à durée déterminée, CDD*) amounted to 14% (and 15% in the 2000 Eurostat LFS). The corresponding figure for the indicator mostly used in France – i.e. the Formes Particulières d'Emploi" (FPE) indicator – amounted to roughly 10% for the year 2000. For this report, an *estimation* of this 5 points' discrepancy was made with the help of Ministry of Employment statisticians. The main cause accounting for it is related to public administration contracts (central state as well as local authorities).[12] Actually the most commonly used French "CDD" (fixed-term) figure does not include public administration "CDDs".

As for part-time employment, there is a tendency to consider only "involuntary part-time" as precarious or low quality employment. However, there is a debate on the adequacy of this measure at the European level, since, among other things, asking individuals whether they "would like to work more hours" does not take enough account of the institutional constraints particularly facing women in some countries (availability of publicly funded childcare arrangements) (Düll 2002). In our research, very short working hours (less than 15 hours), but also part-time jobs with fewer hours

[12] Around 500,000 people surveyed in the French LFS, *not being civil servants* (i.e. *fonctionnaires titulaires*) are classified as "temporary" (= non permanent) when their category is processed by Eurostat.This figure mixes together a multitude of contract forms, some very "precarious", like for instance the so-called *vacataires*, whose status is more precarious than that of fixed-term contracts in the private sector and *auxiliaires*, like those in public education or in the post office – with some, i.e. a significant number of *contractuels,* who are not particularly precarious because their contracts are permanent although being theoretically fixed-term ones

than a full-time job (e.g. 33 hours), have been shown to be precarious. There is thus obviously a need to reflect upon the need for more suitable questions in the labour force surveys to capture real under-employment.

Marlier and Ponthieux (2000) have studied this problem and provided some clues through a detailed analysis of the 1996 ECHP, though their data are not very satisfactory, for employees working less than 15 hours a week were excluded, whereas there are indications that the proportion of part-timers working very few hours has increased in recent years. The women interviewed in the ECHP had to explain what their reason was for working part-time, choosing among the following options:

- housework and family commitments.
- not having found another job.
- wishing to work part-time.
- other reasons.

What is important in these four options is that *the wish to work part-time is disentangled from family obligations and thus from the availability of childcare arrangements*. In this respect, a comparison between the findings of the ECHP and the Third Survey on Working and Living Conditions is most revealing (see Table 3.3.1).

Comparing assessments of constrained part-time (%)

	"Family commitments or not having found another jobs"	"Would you like to work more hours? Yes"
D	79	14.9
E	68	29
F	73	35.8
I	46	27.7
UK	59	19.9
EU	67	22.3
Data Base	ECHP 1996: Reasons for working part-time (EU-13)	Third Survey on Working and Living Conditions, 2000 (EU-15)

Source: Darmon and Frade (2003) on the basis of Marlier and Ponthieux (2000)

The results of the ECHP more than double those of the Survey on Working and Living Conditions. This clearly points to the fact that constrained part-time employment is often highly underestimated in European data, which contrasts with very frequently stated claims that most part-time employment is voluntary. An additional datum reinforcing the ECHP approach is that 54% of low wage employees in the EU are part-

timers: 67% in the UK; 59% in Germany; 52% in France. Rates are much lower in Italy (38%) and in Spain (39%), where low remuneration rates for full-timers are the major explanation behind low wages (Marlier and Ponthieux, op. cit.).

Thus, contrary to the dominant official interpretations, a high proportion of part-time employment is actually precarious, an interpretation reinforced by our own empirical research, which has shown that not only are jobs with very short working hours (less than 15 hours) precarious forms of employment, but so also are many of those with slightly fewer than full-time hours ,. From the point of view of the issue of measurement, the main *policy implication* of this analysis refers to need to measure real under-employment in the labour force surveys by including suitable questions.

There is also a need to design survey questions to capture the reality of quasi-self-employment (referring to the self-employed whose dependence on an employer is akin to that of an employee).. These are suitably defined in Pedersini 2002. See Hogarth and Lindley (2002) for the UK case.

Clearly, we need to distinguish between low wages and low incomes in order to separate the characteristics of jobs from the effects of social protection and tax regimes. The problem with some surveys of low wages is that they only consider workers working for more than 15 hours a week (e.g. the ECHP). Other problems concern the definition of low wages, as different conventions are used at the European and national levels, which sometimes yield quite different results (e.g. see Ioakimoglou, Soumeli and Carley 2002).

Finally any assessment of bad quality jobs or precarious employment should take account of the existence of undeclared work, which is currently on the Employment Committee's agenda.

With regard to *measurements and assessments concerning the labour market context*, ESOPE findings show the urgent need to revise assessments of "labour market rigidities", as the OECD itself admits. It has been argued, rightly so in our opinion, that the "rigidity" of employment protection needs to be looked at not only in terms of formal entitlements, as the OECD does, but also in terms of implementation and compliance (Bertola, Boeri and Cazes, 2001). Within such a perspective, the lack of resources and powers of labour inspectors to ensure the implementation of the Workers' Statute in Spain is manifest: whereas the Workers' Statute considers temporary employment as an exception to the norm, controls have been so weak that as much as one third of total employment is temporary. Unions have usually claimed that illegal use of successive temporary contracts by employers, i.e. without adequate justification, has led to such a high level of temporary employment. If implementation was taken into

account in the studies on employment protection, there is no doubt that Spain would appear to be highly unregulated country. And this could also be the case for Italy, although we have less information in that case[13]. This perspective would enable bridging the gap between OECD assessments that these countries have very "rigid" employment protection, and the fact that undeclared labour and atypical employment are extensive (Darmon, Frade 2003).

2. Future research on the phenomenon of precarious employment and its equivalents

2.1 Developing international comparability

The research has established, with no doubt, that in all the countries involved in ESOPE, not only certain *employment relationships (or contracts)* but also certain *types of work* are widely considered as particularly unsuitable or problematic, when compared to 'mainstream' or 'regular' jobs, to use English terms.

The 'jobs' (or, better, employment relationships) which, more or less implicitly, correspond to a 'normal' situation (actually generally fitting a social norm inherited from the Fordist years), are described, in each national language, with words which are deeply embedded in the polity and especially deeply influenced by what we have named, in an exploratory manner, 'normative systems'.[14]

Thus, 'precarious employment' is still an open concept, with an interesting capacity to capture many dimensions although it lacks enough precision to enable it to be translated into measurement, especially as an aggregated measure in international comparisons. Nevertheless, the results of this project show, even within the limits of an open concept, how the knowledge and understanding of this phenomenon may be improved, i.e. regarding both its features and its causes. The empirical analysis provided below is an attempt to advance towardsthe construction of a more comparative concept of 'precarious employment'. This uses a radar-chart approach as a preliminary attempt

[13] However, as Frey, Livraghi *et al.* (2003) have pointed out, an example of "flexible" implementation is provided by the collective agreement of social co-operatives in the social and health sector, which stipulates that the employment conditions fixed by the agreement are dependent on the economic constraints of the co-operatives, and in particular on the terms of public contracts.

[14] For this reason, doing further research to contine the construction of a concept of precarious employment is justified, in the view of some of the ESOPE members, although others are more sceptical about possible outcomes of such research and would favour the adoption of a less controversial approach in terms of 'low quality' jobs. The selection between these options is, in particular, related to the semantic charge provided by each researcher in his/her national context.

to be developed in future analyses.

The tentative cross-national analysis of 'normative systems' that define acceptability, as a first step to compare 'precarious employment', has pointed to many aspects: (i) the characteristics (contracts; income; social protection; working conditions) of the jobs of the presently employed; (ii) the characteristics of the job or training offers made to the unemployed or to others receiving social benefits , which they must not refuse if they want to retain their entitlements to benefits; (iii) the *de facto* acceptance in national societies of a particular degree of exposure to precarious or poorer quality jobs for certain groups (the young, older workers, women) or for certain sectors and industries (for instance, the domiciliary care sector, and the cultural sector).

This diversity across Europe is probably bound to increase in the future because of the enlargement of the EU to poorer countries. This situation raises considerable difficulty for the cross-national comparison of indicators of quality and for benchmarking social protection programmes[15]. Different perceptions are obviously linked to national cultures (value systems) which may not only evolve over time but also strictly constrain the possible reforms in any given national society.

On the contrary, given the 'normative' content of this concept of precarious employment, new advances will be provided by the development of European legislation and policy insofar as common minimum standards are influenced and discussed extensively through the Open Method of Coordination or the adoption of EU regulatory frameworks.

2.2 Employment precariousness and low quality jobs

Possibly for the reasons explained above, there has not been any explicit mention of the 'precariousness of employment' within the EES guidelines and it is very unlikely that this notion could feature in any straightforward way among them.

However, the EES guidelines contain a general provision for monitoring the 'qualitative' aspects of employment. From 2002, a 'transversal' objective (point B) of 'raising quality in work' was adopted, which translated in the following way: "Such actions should take into account both job characteristics (such as intrinsic job quality, skills, lifelong learning and career development) and the wider labour market context encompassing gender equality, health and safety at work, flexibility and security, inclusion and access to the labour market, work organisation and work-life balance,

[15] Although 'quality of [?] work' seems now to have been firmly established at the EU level as a normative objective, its real monitoring is not so effective.

social dialogue and worker involvement, diversity and non-discrimination and overall work performance and productivity" (EES guidelines, 2002).

The notions of 'quality of employment' or 'quality of [?] work' (or 'quality' of some other pertinent dimension) are also political and normative. They have been used extensively at European Union level especiallyince the Lisbon summit, and gradually defined as a set of very heterogeneous dimensions. These are the 10 dimensions specified at the Laeken summit and in the *Employment in Europe* reports:

- intrinsic quality at work,
- skills, lifelong learning and career development,
- gender equality,
- health and safety at work,
- flexibility and security,
- inclusion and access to the labour market,
- work organisation and work-life balance,
- social dialogue and worker involvement,
- diversity and non-discrimination,
- overall work performance.

The quality notion will again be modified in 2004. Yet, the advantage of 'quality of employment' or 'of work' over the notion of 'employment precariousness' could be that it is less controversial, and more international.

Nevertheless, the concept of precarious employment may be especially useful in relation to the "quality of employment" concept, in the same way that "poverty" is associated with "extend of wealth". The first identifies the negative areas of the second, identifying socially unacceptable situations ("below the socially established normative standards"), and the latter is an all-embracing concept that can also refer to advantages at the top and middle levels. Thus, to a certain extent, precarious employment could be identified as being similar to "low quality jobs". However, the concept of "quality in work" encompasses a range of further dimensions, as this concept is larger than that of "precarious employment" since it is embedded in the European Employment Strategy which seeks to combine "quality" in a narrower sense with "productivity", "flexibility" and the subjective point of view. As compared to the more restricted notion of "precarious employment", the concept of "quality in work" includes the following

dimensions[16]:

- *Productivity* (the 10th dimension above) is not always directly related to other aspects of quality. In general terms, as the Employment Taskforce states, "higher levels of real wages and better working conditions are dependent on higher rates of productivity growth (and) raising the quality of jobs as skills levels helps to boost the efficiency and productivity of the economy" (Wim Kok coord. 2003). Nevertheless, sometimes 'low quality' jobs (in the sense of intensive, insecure, dangerous, low paid or "dead end" jobs) may also be very productive: the expansion of precarious employment (e.g. fixed-term contracts) has been demonstrated also in high value-added sectors (Polavieja, 2002). In addition, high quality jobs need not be associated with high productivity. We might usually expect that to be the case, especially in the long run, but market imperfections and power relationships can allow significant exceptions where high quality jobs (secure, well protected and high-wage jobs) are maintained in spite of their low productivity.
- *Flexibility* (5th dimension) is also a distinct concept, which may or may not be connected with quality. Only when workers voluntarily seek flexibility (having other alternatives and supportive services which allow an actual choice) as reflecting a personal preference regarding their way of life, can we identify 'high quality' flexible jobs. Neither are workers likely to be more concerned with 'labour market bottlenecks and mobility' (within 6th dimension) than with their own security when they are looking for a good job.
- *Satisfaction* with type of work (1st dimension) and with working time (5th dimension) introduces a subjective dimension of quality. Measures of acceptability to the individual should be used with particular caution in the context of international comparisons since satisfaction is strongly related to actual alternatives provided in each labour market and to the general characteristics of available jobs.
- Even *quantity of jobs* (activity and employment rate) does not bear directly on employment quality. Although this represents very significant information on the labour market situation, it does not automatically mean quality; nor does the lack of employment mean low quality, as the German case demonstrates.

[16] Various documents have been analysed here: The Communication from the Commission: *Employment and social policies: a framework for investing in quality*. COM(2001) Brussels, 20.6.01.
European Commission*: Employment in Europe*, 2002 (p. 80)
Employment Committee: Indicators for monitoring the Employment Guidelines 2002.
http://europa.eu.int/comm/employment_social/employment_strategy/docindic_en.htm

Different combinations of quality and quantity of jobs may be observed across Europe because of the independence of these two aspects of the labour market.

For these reasons, especially if we are focused on 'low quality' employment, these different characteristics of employment (productivity, flexibility, quantity or satisfaction) should be analysed separately. Only in this way we will be able to analyse interrelations between them and the quality of employment.

Finally, it should be mentioned that the same difficulties faced by measuring precarious employment as an aggregate index are present when this task has to be done with quality indicators. Thus quality indicators selected by the Commission provide indirect information on employment quality in a given labour market, but these don't inform us directly about the characteristics of jobs. This is the case with some of the dimensions and indicators commented on above (productivity, bottlenecks, mobility, employment rate, etc.), but also the case of general participation in education and training or the number of working days lost. With this indirect information it is not possible to identify exactly which are the "low quality jobs". If the quality perspective is only going to produce an overall assessment of the national labour market quality, identifying and measuring the extent of 'low quality' or 'precarious' jobs through direct information about jobs will be still needed.

So further research is required in order to understand the interrelationships between different dimensions of employment quality and to make clearer the concept of quality itself.

2.3 Transitions and trajectories: the labour queue model and the partition model, a reference to analysis of local/national/sector labour markets.

A crucial question is whether individuals affected by precarious employment are *trapped* or whether they are able to move to better positions, although the fact that they might be able to move should be distinguished from an idyllic vision of precarious employment serving as a springboard (Darmon and Frade 2003). We should distinguish between transitions and trajectories. The latter refers not simply to transitions, but to whether and to what extent actual jobs and employment patterns are developmentally and professionally embedded in meaningful employment trajectories, or whether, on the contrary, they are simply jobs and employment patterns not embedded in any developmental rationale. In other words: the question is whether there are jobs and employment patterns which can define ex ante trajectories, thus signalling a sense of progression for the individual (hence the idea of developmental, meaningful

trajectories), rather than being about transitions, which only define ex post itineraries.

With this caveat in mind, and being aware that there are various forms of employment precariousness (multiple segmentation), the two models[17] described by Galtier and Gautié are interesting: according to the 'labour queue model', new labour market entrants have to queue in unemployment or 'temporary' jobs, waiting for a 'permanent' one; they are temporary 'outsiders'; according to the 'partition[18] model', secondary and primary sectors are two separate worlds, with no bridge between them; as a result, the 'outsiders' remain definitely 'trapped' in secondary jobs (Barbier 2003).

During the course of the ESOPE research, an important conclusion was reached: it is crucial to identify what groups of the workforce can be considered as permanently 'trapped' in low quality employment. Across the five ESOPE countries, some groups have been identified, such as for instance the dominant section of employees in the domiciliary care sector. However, comprehensive and cross-national statistics are still lacking. Additionally, the influence of the business cycle should also be borne in mind, when assessing this 'entrapment', as the development of the French labour market during 1997-2001 has shown, where the proportion of '*formes particulières d'emploi'* has stabilised and even decreased.

These models could probably be extended to include part-time employment (especially with few working hours) and quasi-self-employment. In France, up to 1997, the result, according to economists and notwithstanding the influence of economic cycles, was that the labour market seems, overall, to have moved nearer to a 'partition' model during the last 20 years (Barbier 2003). Whether this will be documented anew after the new labour market downturn remains to be seen.

The volume of permanent precarious employment depends on the flexibility of the labour markets. As the statistical analysis revealed, precarious employment is concentrated on young workers in training or other transitional positions (although not in Germany). But also for other groups, the risk of being a (permanent) precarious worker can be reduced by a high transitional capacity of the labour market. By contrast, highly segmented labour markets can be expected to create high volumes of precarious employment.

The case study analysis looked at how these employment patterns, which can be described as "characteristics of the jobs" impact on the individual career development in the three sectors. From this analysis we can distinguish both models: PE as a

[17] Galtier, B and J. Gautié (2000). "Employment protection and labour market policies: Trade offs and complementarities, the case of France", ILO. p. 26-27.

[18] "Partition" here refers to the mathematical concept: there is a partition when a set is entirely subdivided into sub-sets, which have no intersection between them.

"transitional phase" and the PE trap[19]. In some cases PE may persist, and in other cases it is linked to professional development (as in the performing arts sector).

The picture of employment emerging out of the empirical research in these service sectors shows a number of "bad jobs" and PE, in particular in the call centres, especially in Spain[20], and the domiciliary care sectors. This applies less in the performing arts, where unstable and insecure employment relationships or professional lives are somehow compensated for by the developmental aspects of the artistic professions and the vocation that they give rise to. In the case of the multimedia industry, actual or expected high earnings and developmental prospects may compensate for insecurity and instability. However, in the performing arts, this does not necessarily translate into professional status, as UK surveys demonstrate (Galloway and Lindley., 2003).

2.4 The historical transformation of sectors' and activities' structural features

The significance of precarious employment, in a dynamic, contextual approach, must be understood as a result of different processes: the evolution of hidden or informal work, the appearance of new activities or the deregulation (de-qualification) of certain sectors or jobs. Impoverishment of previously good jobs is not the same as the appearance of new precarious jobs in new activities.

Precarious employment may be caused by the destruction of high-standard jobs, but this is not always the case. For example, in Spain from 1995 to 2001, the growth of temporary jobs (the main feature of Spanish precarious employment) paralleled the growth (at a quicker rate) of permanent jobs, and this process is also present in other countries. Furthermore, in some sectors and sub-sectors we can find a long tradition of "bad jobs".[21]

In other cases, the assessment of precarious employment is more ambiguous, as it is an alternative (a transformation in historical terms) to the hidden and informal economy. The cases of Spain and Italy and the example of the home care sector are quite clear

[19] See also the interesting and parallel contrast proposed by Chantal Nicole Drancourt (1992) between 'précarité d'exclusion' and 'précarité d'intégration'.

[20] In Germany, the case study showed some evidence that call centre represent a transitional labour market for a number of persons.

[21] For instance, a previous study carried out in the 70s showed the bad working conditions in the German telecommunication sector. Many features seems to have remained unchanged, e.g. the control at work. Düll, K.; Sauer, D.; Schneller I. (1976)
Öffentliche Dienstleistungen und technischer Fortschritt. Eine Untersuchung der gesellschaftlichen Bedingungen und Auswirkungen von technisch-organisatorischen Veränderungen in der Deutschen Bundespost. Aspekte Verlag, p. 655-695

since the tradition of these activities was marked by no-regulation, low pay, no social protection and scarce social acknowledgment of domestic service (or the informal support from relatives). The new precarious jobs created in this sector mean a significant improvement of employment quality, and this should not be understood only as individual transitions or trajectories but also as a social change, an historical transformation of the structural features of this sector.

This ambiguity (these are precarious jobs, but 'of a better quality' than previous ones) may also be true at the micro level of individual careers and itineraries. When domestic service workers access home care services and become home carers they remain precarious, but the quality of their jobs may have significantly increased. What we want to underline here is that, in some cases this is not only an individual transition but also a transformation of social structure. Of course, we show these possible positive developments because the contrary is also true, and thus we need to show how in other cases high quality jobs are disappearing or being impoverished. Thus the actual meaning of precarious employment should be understood in the context and the dynamics of each particular labour market and society, differentiating these social and economic processes.

II. Incidence and forms of precarious employment

1. A chameleon with several forms

According to the recent *Employment in Europe* report, "up to a quarter of Europeans remains in jobs of relatively low quality, having either low pay, and/or a lack of job security, access to training or career development". France and Germany show similar proportions to the European average, while the UK has a slightly higher share of employees in low quality employment, on around 29%, and Spain stands out with 37%, the highest share in European Union. Against other evidences provided by this research, Italy would be one of the European countries with the smallest incidence of low quality employment according to Eurostat data. (EC 2003)

With reference to the usual proxies, three different 'non-standard' employment relationships seem rather more extended. Although these are not necessarily equivalent to precarious employment and cannot be directly added one to another (because of duplication), the final picture is that precarious employment has become a structural feature of European labour markets.

Non agricultural self-employment, part-time and fixed-term employment as a share of total employment in the five countries and at EU level

	Self-employment as a % of non agricultural civil employment (OECD data)		Part-time employment (ELFS data)		Fixed-term employment (ELFS data)	
	1995	2000	1994	2001	1994	2001
D	8.72	8.06	**15.8**	**20.3**	10.4	12.4
E	18.62	16.02	6.7	8.1	**33.8**	**31.7**
F*	8.58	8.06	**15.2**	**16.4**	**11.5**	**14.9**
I	**23.12**	**23.21**	5.9	8.4	6.8	9.8
UK	12.19	10.83	**24.2**	**24.9**	7	6.8
EU	12.78	12.54	15.5	17.9	11.5	13.4

*For France these figures have the limits explained below.

Sources: Pedersini, 2002 (for self-employment); European Commission, 2002 (for part-time and fixed-term employment).

Despite the limitations already mentioned about the comparability of the data, basic

findings of the comparative research on the incidence and structure of the different dimensions of precarious employment can be summarised as follows in a more comprehensive way (Düll 2003):

Incidence and relevance of different forms and dimensions of precarious employment in the national context

	France	Italy	Germany	Spain	UK
Short tenures	High	Medium	Medium	High	High
Fixed-term contracts	Medium (Focus in the debate on temporary subsidised labour)	Low (Focus in the debate on temporary subsidised labour) (in particular combined training and work contracts)	Medium (Focus in the debate on temporary subsidised labour)	High	Low (increasing, sharp increase of temporary agency workers)
Temporary agency work	Medium	Medium	Low		
part-time	Medium	Low	Medium (But high incidence and relevance of marginal "employed")	Low (High incidence in connection with temporary employment)	High (but not perceived as precarious employment)
Involuntary part-time	High	High	Low (but high in East Germany)	High	Medium
Quasi self-employment, freelance	No precise data for France	High	Low	High	Medium,
Bad working conditions for "atypical workers"	Correlation between bad working conditions and atypical empl	High in the hidden economy and in general for the low educated and skilled workers operating in the Southern regions	No data (In general low-skilled)	High	High (work intensification, subcontractor) (excludes part-timers)
Working poor	Medium (But high relevance in the debate)	Medium (low-paid work is mostly linked to "atypical work" but may also occur in standard employment)	Low	High	High
Hidden economy	Medium (*)	High	Medium (*)	High	Medium (*)
Little / no collective rights and representation of above groups	High	High	High	High	High

(*) According to a comparative study on share of hidden economy in GDP, F. Schneider, Schattenwirtschaft – Tatbestand, Ursachen, Auswirkungen, Vortrag auf der Tagung "Die Arbeitswelt im Wandel" in Mönchengladbach, April 2000

Source: Düll 2003

Precarious employment is characterised by short tenures in Spain and to a lesser degree in the UK. In Italy, 'temporary' employment and short tenures as measured by the Eurostat data are at a low level. However, the temporal dimension might be underestimated in the case of Italy as the high volume of quasi self-employed and illegal work are likely to be inadequately reflected in the data.

Interestingly, in France and Germany, but also in the two other continental countries, 'temporary' employment is widespread either in the public sector, or as a form of subsidised labour and thus state induced (it should be added, that temporary employment in the public sector can be found in all five countries under review).

Involuntary part-time work has proved to range at a high level in the Latin countries France, Italy and Spain. Voluntary part-time employment is typically high in West Germany and in the UK. In the case of these two countries, it has been argued that due to the lack of childcare facilities some women are often obliged to take on part-time jobs rather than actually do so on a 'voluntary' basis. In the case of Italy and Spain, where a dramatic lack of childcare facilities can also be observed, the low levels of voluntary part-time employment reflect that fewer women try to combine work and family.

Quasi self-employment and freelance work play a major role in Italy, but also in Spain and, increasingly, in Germany.

Also hidden employment is important in these two Southern countries and, to a lesser extent, in Britain.

The 'working poor' phenomenon is reported to be high in Spain and in the UK (in the British context the high level of wage inequality needs to be stressed), but has also received much attention recently in France and Italy, although the problem is less pronounced. In Spain low wages are strongly correlated with 'temporary' work, while in other countries the link between low wages and contract forms seems to be less clear-cut.

Bad working conditions seem to be a main feature of precarious employment. Here again, Spain has a very bad record as measured by the high number of accidents at work.

In terms of volume, PE seems to be at a comparatively low level in Germany, France would take a middle position, the UK and Italy would range between a middle position and a high level of PE (with regional disparities in Italy), and Spain shows a high level of PE that has become a structural feature of the Spanish labour market.

The prevalence of a legal normal employment relationship

	Prevalence of the legal normal employment relationship		Significant Outsider/insider phenomena		
	Existence	A proxy indicator of the workforce % not covered by the legal regular norm (stock) **(c)**	Relevance	Worklessness Indicator as a % of all households **(a)**	Long-term unemployment indicator **(b)** % of labour force
The UK	No	Not relevant	Yes	18	1.3
Spain	Yes	30+illegal+ quasi self employment in some sectors	Yes	['90]9	5.1
Italy	Yes	9+illegal+ quasi self employment	Yes	10	5.9
France	Yes	10+illegal	Yes	9	2.9
Germany	yes	5-6 + illegal+ quasi self employment	Yes	15*	3.9

NOTES: (a) Esping-Andersen and al., 2001 from LIS data base (p. 52), figure for mid-90s (b) Employment in Europe, 2002 (c) late 90s, our estimates from the national ESOPE reports; (*) the figure in Esping Andersen (8%) applies to only West Germany.

It is striking that according to our analysis, there is an important gap between the perception of PE and the actual incidence of PE. However, the groups of workers and the sectors affected most by PE show a great deal of similarity across all countries (Düll 2003):

There is a higher, even - with the exception of Germany - a markedly higher, probability for young people to be in jobs with low pay and insecure jobs with bad career prospects. Finally, it is important to note that in the UK and in Spain short tenures and 'temporary' work, and in the case of the UK also part-time work, are common among older workers.

Low skill also leads to an above average probability of being in precarious employment. However, the case study evidence shows that those with reasonable skills levels and belonging to a clearly defined profession may also experience precarious employment conditions.

Not only immigrants (foreigners and nationals), but also national ethnic minorities are more likely to be in PE.

As regards the structure of low quality jobs in the European Union, it can be stated in general terms that the gender gap is quite important, although not all indicators assessing different dimensions of precarious employment show a less favourable situation for women.

However, in general, those workers who face a higher labour market risk, and more specifically who experience inequalities in labour market access, are more likely to be in PE.

Overall, the research evidence showed *a high incidence of various forms of precarious employment in the three service sectors most studied*, though much less so in the multimedia industry in Germany. An overview of the incidence and main forms of precarious employment, as well as of their meaning, can best be gained by clearly separating the *characteristics of actual jobs and main employment patterns*, from the prevailing *employment trajectories* (these are features of jobholders, not of jobs).

Precarious employment in selected service sectors: incidence and meaning

	Job characteristics and employment patterns	**Employment trajectories**
Call Centre (i.e. call centre companies)	Extremely high proportion of *limited duration temporary employment* (including *fixed-term*, *marginal*, *agency*, and *casual* employment), *low number of hours*, and *quasi self-employment*.	There are *no employment trajectories at all*. Jobs and employment patterns appear *disembedded* from any professional development rationale, to the point that even *seniority and salary progression are regularly denied* through the strategy of frequent contractual changes.[22]
Performing Arts	High shares of complex patterns of *self-employment, fixed and short-term, project-based employment, with frequent sequential stop/start periods*, *and multiple employment* (particularly *second job holding*).	Jobs and employment patterns do appear *developmentally embedded* in professional trajectories, but this is partly due to the fact that *work here is felt to be a vocation*. Yet, these *trajectories are discontinuous, mainly project-based*, often lacking progression routes, and produce a very *high exit rate*.
Domiciliary Care for the elderly	High shares of rather *heterogeneous precarious employment patterns*, *predominating patterns of low working hours*, *undeclared and illegal work*, *on call* employment, *temporary* employment, and *multiple job holding*.	Employment patterns are to a certain extent developmentally embedded, but *professional trajectories are rather unpredictable*, *lacking coherence* (e.g. improved qualifications do not translate into better employment conditions), with a *weak professional identity* despite the dedication of care workers, and *high exit rates*.
Multimedia Industry	High shares of *free-lance employment*, and attached to this, usually multiple work remits linked to different projects.	Employment patterns are embedded in *emerging professional heterogeneous trajectories*, as a rule *individually developed* on a highly specialised basis, lacking pre-defined progression routes, and strongly dependent on the mutable business cycles of the new economy.

(Frade, Darmon, Alvarez 2003)

The multidimensional notion of precarious employment was particularly useful for the sector studies, where we have found a high degree of conformity between its different facets in the five countries both at national level and in the service sectors studied. In the latter, to a greater or more limited extent, precariousness extends along the four main dimensions of the employment relation (Frade, Darmon, Alvarez 2003):

- *Temporally*: in the most cases, there is no guarantee of continuing employment, either because of the overwhelming predominance of limited duration employment relations (75% to 90% with precarious contractual modalities in Spanish call centres and 80% of theatrical performers in France) or, as is often the case in the domiciliary care sector, because of the prevalence of low

[22] Call centres may be a transitional labour market for students and returning women. Actually case study evidence shows for some countries that the number of years in the sector has considerably increased (many workers have remained 5 and more years in the sector as operators); furthermore, the most recent strategy of call centre companies, already advanced in Spain, consists in hiring many more adult women with grown up children, and fewer students.

working hours and on-call work (70% of the private providers in England do not guarantee hours to their staff). *Unstable and insecure employment relationships* are thus predominant in the sectors studied.

- *Organisationally*: *hard working conditions*, with unpredictable work locations, unsocial working hours (37% of domiciliary carers in the UK), and continuous changes in working times, schedules and shifts. In the case of call centres working conditions are particularly bad, with workers subjected to highly intrusive and even degrading high-tech continuous *surveillance* and disciplining systems, and not infrequently working under appalling working environments in terms of health and safety. In the performing arts sector, working conditions can be said to be precarious when rooms and equipment are unsuitable, health and safety regulations are hard to abide by, and working hours are variable and often "unsocial", e.g. in the case of small companies struggling to make their way.
- *Economically*: low and very *low wages and/or earnings* are the rule (e.g. 541 net average monthly wage of the Spanish call centre operators; or 5.55 hourly wage of the French home-care workers at the entry level), and salary progression either does not exist or is practically irrelevant. In the performing arts sector, rather than low wages (less than two thirds of the average wage, according to the OECD definition), we find wages which are lower than those of equivalent professional categories in other sectors.
- *Socially and collectively*: *access to social protection is greatly impaired* by precarious contractual conditions, and often workers find many obstacles to accessing basic protection entitlements – the exception here being the French performing arts sector, where the Convention des *Intermittents du Spectacle* (intermittent employment regime) allows for the combination of periods of waged work with periods of protected unemployment, even though the working hours threshold to access unemployment benefits leaves out many artists, performers and technicians. Collective protection representation and coverage are usually low and, where they exist, have proved unable to guarantee either access to minimal standards or compliance with actual legislation and regulations (unions claim that 50% of providers do not comply with the collective agreement in Spanish home care services).

All in all, the specific mode of business organisation known as 'call centres', is where the worst, most precarious conditions prevail among sectors and probably among countries. This is not only in terms of employment, but also in overall market terms, as

suppliers are subject to the discretionary power of their main clients companies, which are often their owners as well, and competition is driven by a down-grading standards rationale (see section 3.6.3 for more details). Such power combined with the mode of competition of course produces extremely high precarious employment conditions, as everything works in such a way that uncertainty and risks are systematically displaced towards workers. The role played by ICT here is absolutely crucial, for new technologies in call centres are as important to the way of relating to customers as they are to subjecting workers to very bad working conditions.

In the domiciliary care sector, despite growing public awareness and concern regarding the need to provide adequate professional services to a booming elderly population, the lack of political will to expand access, coverage and funding levels has led to the development of a sector basically founded on the transfer of provider insecurity and risks onto workers, making use of a whole array of labour market devices and in some cases circumventing legislation. Despite current funding problems, the introduction of a universal dependency benefit in France seems indeed to have made some difference in these respects, although the situation of care workers is still far from satisfactory. Whereas this is a sector where workers have a sense of professional responsibility, and where service to users crucially depends on individual capacities and dedication, there is scant recognition, in both the policy framework and the employment regulations, of the burden assumed by workers individually. This is also due to the devaluing of care activities traditionally assumed by women in the household, and to the massive presence in the sector of mature women with low formal education, as well as recently, and particularly in Spain and Italy, of young and older immigrants, both populations having few resources in terms of collective action.

Employment conditions in the domiciliary care sector are generally marked by unpredictability, under-employment, low earnings, isolation, low status, and low recognition of either qualifications or seniority. Low working hours or derogatory labour regimes translate into inadequate social protection for a substantial share of the workforce. It must be underlined that direct employment by users has proved to be a very unsatisfactory device for the regularisation of undeclared workers, and legal individual carers are in highly precarious positions, whereas workers employed by providers may receive more institutional support, depending on the employer.

2. The incidence of precarious employment in the five countries. A radar chart approach[23]

An overview of the different dimensions of precarious employment is given by the analysis of one single database, the data of the Survey on the Working and Living Conditions. This permits a raw overview of the volume and type of workers affected by precarious employment.

As part of this research project, data from the Survey, carried out in 2000 by the European Foundation for the Improvement of the Working and Living Conditions have been analysed by using a radar chart approach. This survey combines individual data for 21,800 cases for all 15 EU countries in a structured sample, and allows us to define various indicators relating to precariousness.

The target was to develop a common method for measuring the extent of precarious employment in the five EU countries observed. As precarious employment is perceived as a multidimensional phenomenon, eight different indicators were constructed:

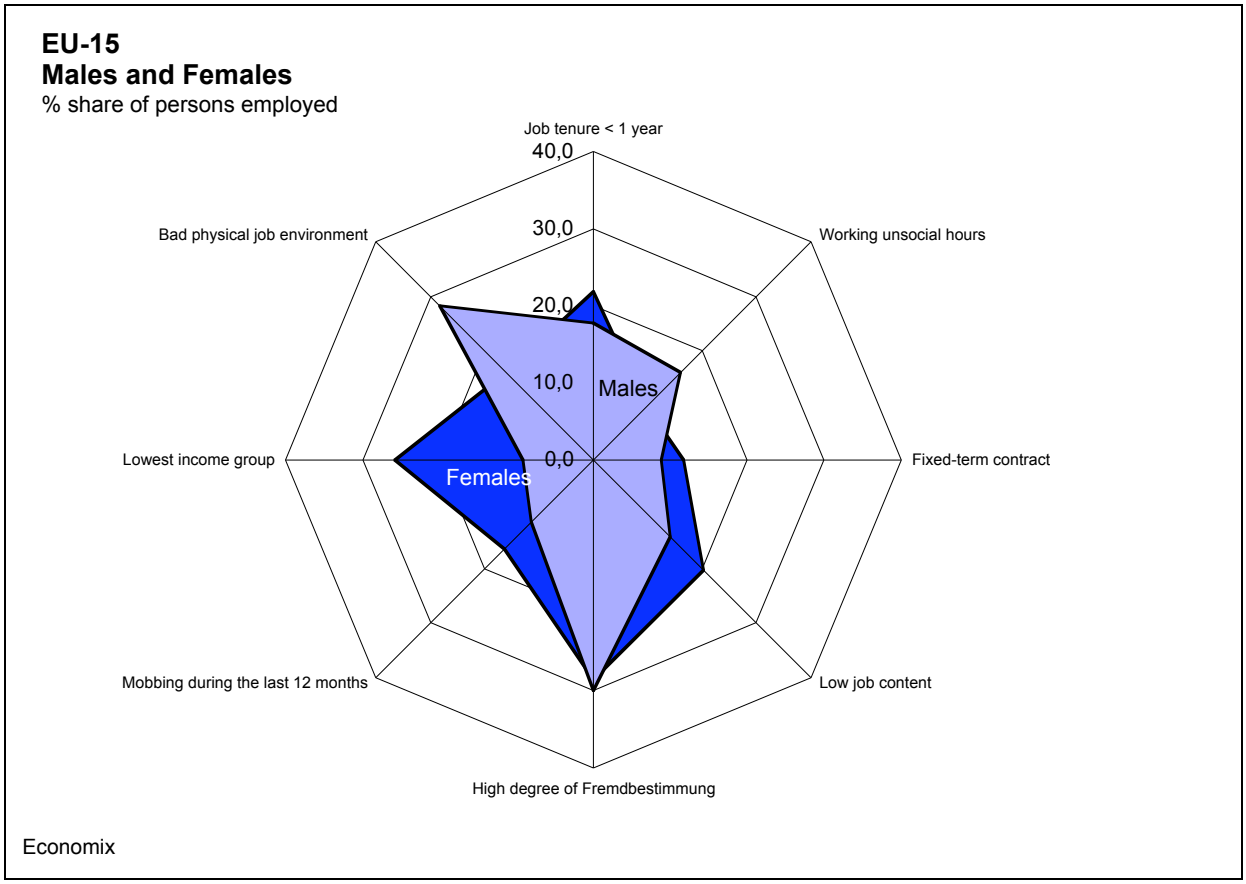
- lowest income quartile
- job tenure < 1 year
- fixed term or temporary employment agency contract
- low intellectual job content
- high degree of *Fremdbestimmung* (heteronomy: lack of autonomy at work)
- harassment during the last 12 months
- working unsocial hours
- bad physical job environment

The indicators were combined in radar charts and presented for the total of the labour force, and its subgroups (gender, age, occupation).

With regard to gender, there are important contrasts in the different characteristics of precarious jobs (see also Annex with charts for all the five countries). In general, EU-wide, men are hit more by bad physical work environments, while women tend to be more concentrated in the low income

[23] Vogler-Ludvig K. Radar Chart analysis on precarious employment in Europe Economix. Research and Consulting.

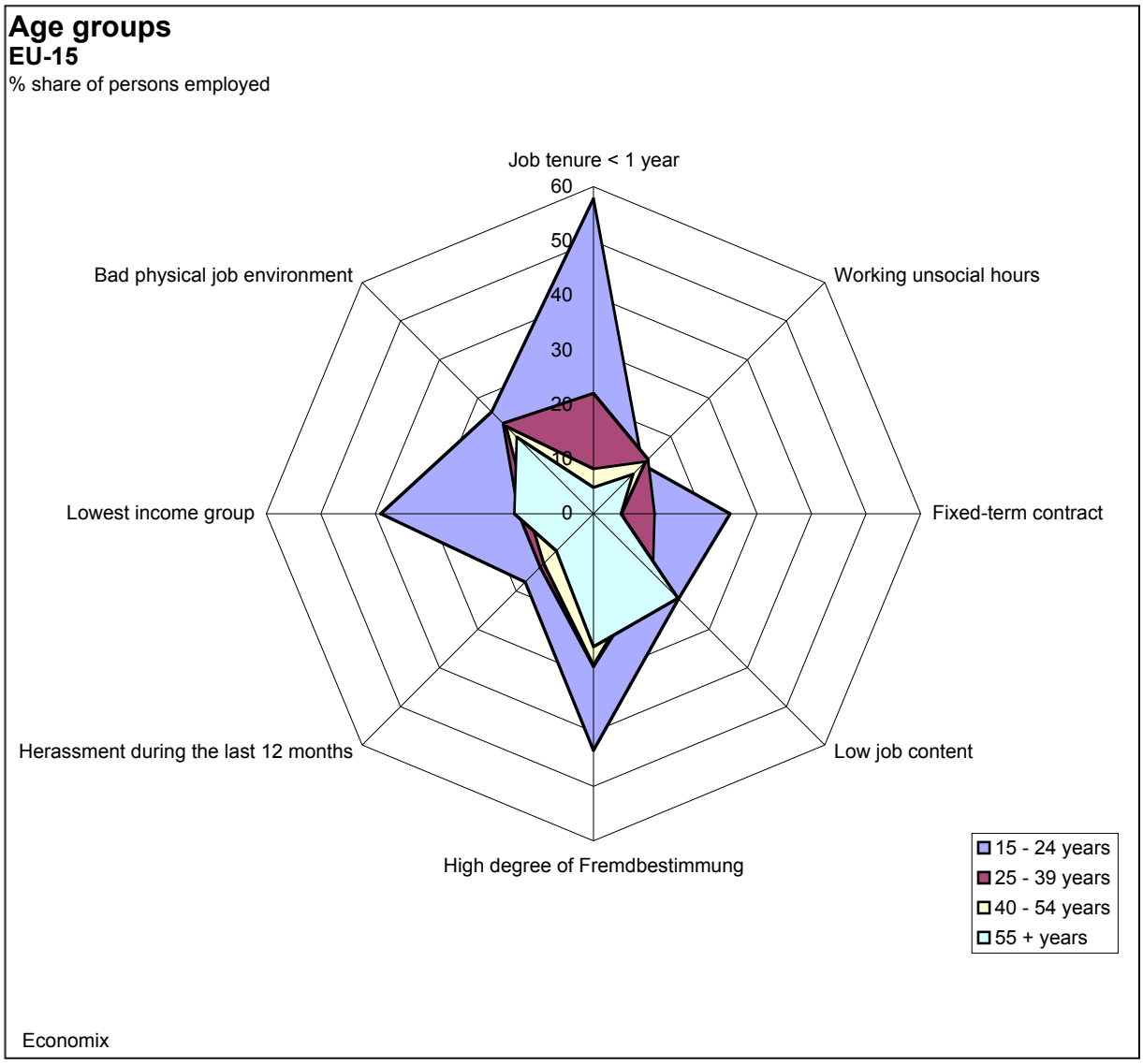
Eight indicators of precarious employment in Europe by gender



Source: Third Survey on the Working and Living Conditions carried out by the European Foundation fort he Improvement of the Working an Living Conditions

The striking result of this data extraction is that precarious jobs are highly concentrated on young persons and on less skilled workers. This can be observed in all countries of the EU. In addition, female workers are more likely to be found in low paid jobs and short-term jobs while men are more likely to be in a job with unfavourable physical job conditions (see next Chart).

Eight indicators of precarious employment in Europe by age



Source: Third Survey on the Working and Living Conditions carried out by the European Foundation fort he Improvement of the Working an Living Conditions

Basically, the data reveal that, compared to the EU average, Spain showed a particularly high incidence of bad physical job environment, job tenures under one year, fixed-term contracts and a low degree of work autonomy. In contrast, in Italy and in Germany most indicators proved to remain below the EU average, except that a slightly higher percentage of Italians report low job content.[24] In France, the percentage of respondents indicating a bad physical job environment was slightly higher as compared to the EU average, with most of the other indicators lying near the EU average. However, fewer French respondents reported having a low job content compared to the

[24] Compared to Italy, haassment was more important in the German case while, in Italy as compared to Germany, working unsocial hours had more relevance

EU average. Also the British case does not diverge significantly from the EU –average, though a higher percentage of persons experienced harassment at work. In general, there might be a problem in that these data insufficiently reflect the cases of hidden employment.

The analysis of the data reveals that on average at least one of the 8 indicators applied to 70% of the respondents. In Germany, this share was lower (65%), followed in this ranking by Italy (67%), France and the UK (74%) and finally Spain (79%). However, the respective shares are significantly lower if at least two of the characteristics are valid with the following only slightly modified ranking: Italy (36%), Germany (38%), France (43%), UK (45%) and Spain (52%). Taking "at least 3 indicators valid" as a degree of employment precariousness, the incidence of precariousness was much reduced with both Germany and Italy experiencing the lowest shares (16%), followed by France and the UK (20%) and finally Spain (30%). It should be added that "at least four indicators valid" was stated by 5-6% of the German and Italian respondents, 7-8% of the British and French respondents and by 13% of the Spanish. [25]

The data of the Third survey clearly show that on EU average the chosen indicators are significantly higher for 15 to 23 years old. The data also shows major differences between men and women in all countries. In particular women in all countries under review situate themselves within the lowest income groups, and with the exception of France women are more likely than men to have job tenures below one year. Chapter 5 of this report will look at the distribution of precarious jobs among different groups of workers in more detail.

This analysis was intended to supplement the analysis of data of different sources. We have decided not to compare these data as an *aggregate notion* of *four dimensions* of the 'precariousness of employment'. Our conclusion is that these dimensions should be studied separately at the moment, while we have no more information about the interrelationships between these indicators and their weight in different European states. The same assertion probably applies to the holistic notion of 'quality in work' and 'quality of employment', which has only quite recently appeared and has been disseminated in the wake of the Lisbon summit. Thus, the radar chart may be a good methodological option for expressing this concept and, in future analysis of either

[25] The good Italian performance is somewhat surprising. One possible explanation would be that in the official economy there is a high degree of stability which contrasts with the importance of hidden employment reported by Frey et al., 2002. Furthermore, the survey data may still underestimate the portion of quasi-self-employed who can be regarded as being in precarious employment, even though the share of persons with tenures under one year is significantly higher according to the survey data as compared to the Eurostat data.

precarious employment or of other concepts like the quality in work, a variety of non-weighted indicators should be included.

III. Explanation of precarious employment

The aim of this chapter is to understand which are the causes and circumstances that explain how precarious employment is generated in the five countries analysed. In doing so we try to clarify the responsibilities of different actors involved in the process and the room formanoeuvre allowed to these actors by the context and structural factors. A better understanding of these processes should help us to identify the possibilities of alternative developments oriented to reducing precarious employment in Europe. The explanation is organised starting with the most structural factors and then moving towards the micro agency level. Between them, institutional factors represented by different policies are given particular attention.

1. 'Precarious employment' related to an overall process of transformation of society affecting the very employment relationship.

From a general "socio-economic" point of view, the questions of employment a-typicality and precariousness may be envisaged as pertaining to current developments affecting 'employment relationships', as a consequence of a broader on-going transformation of their regulatory determinants.

Former Fordist nation-based 'institutionalized compromises' are now challenged and have proved inefficient because of the new international monetary rules: *overall*, wage norms and labour standards are now 'piloted' by the flexible monetary system, which drastically modifies the scope for national institutional compromises.

An abundant strand of the literature, involving lawyers, economists and sociologists (Rodgers and Rodgers 1988, Boissonat 1995, Supiot 1999, Beffa, Boyer and Touffut, 1999; Morin et al.,1999, Auer and Cazes, 2000) has already pointed to the fact that the *diversification of the forms of employment relationship* which has taken place in the last two decades has led to a questioning of the categories on which the standard employment relationship was based and to an erosion of the protection derived from labour law, collective agreements, and the employee status in general. Recent research in the UK (Earnshaw et al 2003) has highlighted for example the blurring of the frontiers between employees and the self employed: "the employed workforce became more fragmented and individualised", the key distinction between employment and work is being called into question, and "employment contracts are managed .... on the

mode of the pure market" (Morin, op cit, p. 196). Work, which had been partly 'de-commodified' especially after the Second World War (Esping Andersen 1990) [26], is again becoming a commodity (Polanyi 1957) in some segments of the labour market.

The literature review and the case studies highlighted the development of a "lower end" segment of the labour market (Düll and Vogler-Ludwig op cit), which is more substantial in some countries than in others, characterised by sub-standard employment conditions. On the other hand, employees in standard employment contracts are not immune to precariousness in terms of risk of unemployment (Düll and Vogler-Ludwig op cit), both because of the threat of redundancy and because of the decrease in protection in case of redundancy (lower redundancy payments, increasing pressure on the unemployed) (Frade and Darmon 2003 and Barbier et al 2002a).

Indeed, ESOPE fieldwork has shown that the collective agreement for the Spanish telemarketing sector explicitly considers temporary employment as the "usual" form of employment, and the courts have recently relied on the agreement to deny conversions of temporary contracts into permanent ones (Frade, Álvarez, Darmon 2003). By fixing an objective of one third of permanent employment (Laparra, González 2002), the collective agreement for elderly homes and domiciliary care for the elderly seems to set a similar norm.

A general trend towards work flexibility may be explained in a context of increasing globalisation and international competition. Work flexibility is, in this sense, a general requirement of the economic environment, and this requirement is clearly here to stay. However, flexibility *of work* does not automatically entail flexibility *of employment*, which certainly has no deterministic economic link to overall economic efficiency. This is the main reason why margins of manoeuvre exist as to the collective governance of the consequences of growing labour market flexibility. The project of combining flexibility and security is actually one of the main normative orientations that contrasts the European Employment Strategy with the mainstream orthodox liberal policy mix[27].

Interestingly, the case studies give evidence that the use of precarious forms of employment might be particularly high in typical national service sector labour market segments, where international competittion is low or inexistant.

[26] It should be stressed that, in the Scandinavian countries, a double movement of high decommodification and high commodification is present in the model for this period.

[27] Note that this dimension was particularly mentioned in Wim Kok's Task Force on the EES (November 2003) labelling it a 'two-tier labour market' (www.europa.eu.int).

In Europe, the increasing flexibility of work[28] has been mostly implemented along with the greater flexibility of employment relationships: the European situation nevertheless remains very different from the US one, as described for instance either by Senett (1998) and Reich (2000). It has however brought to the fore a new type of 'employment relationship', which Beffa et al. (1999) have named '*la flexibilité de marché*' (market flexibility). The relative prevalence of such employment relationships against the mainstream 'permanent' ones, which Auer and Cazes (2000) have shown are very resilient overall, is very diverse across the ESOPE countries.

With the hindsight of the research, we can underline the limits of a general approach connecting globalisation, flexibility requirements and precarious employment, especially when we try to explain the differences in the incidence of precarious employment between countries. Economic globalisation and increasing competition at the international level, with the monetary policies of governments driven by markets, could be conditioning the development of the local labour market in various sectors of activity and may be limiting the ability of local, regional and national administrations (and also the social actors) to improve employment both in volume and quality. Nevertheless, this general context cannot adequately explain how precarious employment expands in some sectors (and to a much lower degree in others) and in some territories (with differences even within the same sectors and countries).

The expansion of precarious employment only appears to be a consistent strategy in the context of a low productivity production model allowing for an extensive use of numerical flexibility, which may produce immediate economic growth but is contradictory to a medium-term strategy of stable growth, quality and productivity. Thus, Spain and the UK show the highest figures of short tenures. In countries with high-wage/high-productivity strategies there is a stronger interest in stable employment relationships, as instability is linked to costs like the loss of firm-specific skills. In particular in Germany it has been argued that a high skills level and stable employment relationships constitute the basis for its high wage/high productivity strategy (see for instance Hofmann, Walwei 1999). It appears that the same can be stated for the case of France. In contrast in the UK and in Spain precarious employment needs to be placed in the context of the poor productivity performance in the economy of both of these two countries but in particular in Spain. In the case of Italy, such general statements

[28] We have shown that flexibility of work in the 60s and 70s also existed, but under very different conditions that did not lead to the emergence of flexibility of employment and to employment precariousness (Barbier and Nadel, 2000; Lindley, 1997).

encounter the problem of the very high disparity between Northern and Southern Italy.[29] However, it seems that the general link between the "productive" model of a country or a region (and, linked to it, the flexibility strategies adopted by companies) and the incidence of precarious employment could also be an explanation for the regional disparity in Italy.

This hypothesis opens a debate on the viability of generalising the European strategy of high quality and high productivity to all European Member States, a debate that will be even more necessary with the enlargement of the Union. (See chapter IV)

2. The economic rationale of each sector and the extension of PE.

The economic rationale of one sector is at the same time a product of the differential impact of national policies on sectors and both sectoral policies per se and the strategies of the actors, which we analyse later. Normally, the joint action of – or combined effects of – governmental policies and business strategies produce markets for products and services structured in a particular fashion in terms of ownership, competition mechanisms, and segmentation. This is particularly clear in the case of call centres and domiciliary care for the elderly, the market structure of which can be characterised in the following way.

The market structure of call centre services displays most of the characteristics of a *captive market*, one whose rules are, directly and indirectly, dictated by the big telecom companies and large banks, especially in Italy and Spain where they have nearly complete control of a market highly concentrated in terms of ownership. In effect, (1) in Spain and in Italy, the most important call centre suppliers *are owned by companies which are at the same time their main clients*: commercial relations between call centre companies and their main clients are thus from the beginning subject to power relations based on ownership. (2) In the three countries, commercial contracts with suppliers are the instrument used by client companies to impose upon call centre companies extremely harsh conditions and to force *fierce competition* between them mainly in terms of labour costs; in some cases this has led to the creation of call centre companies located at the lowest end of the market which regularly act as *sub-contractors to* by better-positioned call centre companies. In many cases, small call centre companies are thus highly dependent on one or very few clients. (3) The driving down of standards as

[29] In contrast to the regional differences between East and West Germany, Northern and Southern Italy show significantly differences in both the productivity level of the regional economies as well as in the relative incidence of precarious employment.

a result of such a situationautomatically displaces the pressure of competition onto workers, who see their employment and working conditions deteriorate increasingly, as the portrait of precarious employment drawn above emerges. However, it should also be noted that the case studies also gave evidence regarding the limits of this process. Thus, as has been shown in the case of Italy and Germany, the call sector centre is being diversified as regards the type of work carried out and the types of service delivered. In the case of Germany, a trend towards re-internalising some of the call centre activities can be observed, as the quality of the service suffered unduly from cost competition.

The market structure of domiciliary care for the elderly is determined by the policy framework and above all by a *lower growth in funding than in latent and explicit demand*. This has led to market *segmentation* with middle-class and less-dependent elderly people often resorting to undeclared individual care workers in Spain and Italy, or to private provision in England.

In England underfunding combined with the new national standards which have partly replaced local regulations seem to be greatly favouring large providers with a managerialist approach. In Spain sheer defection by local authorities in some cases consolidates the dominating position of a few big compamies with dramatic consequences for the growth of precarious employment, professionalism and the services provided. In France, the successive and co-existing employment policy focus (legalisation of individual workers through vouchers) and welfare policy focus (support to associations for the provision of a universal service) have led to competition between organised providers and individual care workers, which has also driven down standards, often resulting in insufficient numbers of care hours to be worked, and thus precarious employment on both sides.

The possibility of substituting workers, reducing the skills actually needed to carry out the work (risk of de-skilling in the care sector or in call centres), or the social significance and professional identities associated with the activities (e.g. the acknowledgment of artistic creation or performance and its unusual and outstanding character) also have a bearing on the outcome for different sectors and have been considered in some of the cases analysed. The ease of outsourcing some activities more than others and the economic structure of these sectors in each country (or region) are also factors that could be included in this chapter. Some particularities directly related to the content of the activities (e.g. the needs of the elderly for care at unsocial hours) have also been identified, although various organisational solutions can be pursued. . Precarious employment in some sectors could be partially explained by their characteristics as emergent sectors (e.g. home care, at least in countries like Spain and Italy), and then the question is whether or not these sectors will evolve in a different

way in the future or if this precarious starting-point will mark their development for the long term.

3. The ambivalence of regulations to explaining actual precarious employment.

Except for the United Kingdom, all ESOPE countries are characterised by the existence and prevalence of a *legal norm of regular employment* (in fact a mix of state regulation and regulations/norms stemming from collective agreements), which can be considered as a cross-national functional equivalent: in Germany, there is the *Normal Arbeitsverhältnis*; in France, the *contrat à durée indéterminée*; and in Italy and Spain, the norm is defined by the legal connection of the contract to their "workers' statutes" (*Statuto dei Lavoratori* in Italy[31]; *Estatuto de los Trabajadores* in Spain). In the UK, on the other hand, the notion of "regular employment" is commonly used to distinguish between types of employment relationships. Common everyday usage may refer to this as the 'most common kind of', or a 'conventional', 'normal', 'usual', 'regular', 'permanent' job, but none of these adjectives is used in a way which seems to match the significance of 'the norm' on the continent.

In the UK, a minimum legal regulatory regime prevails, in connection with a consistently and firmly established assistance safety net, which is currently being thoroughly reformed under the 'welfare-to-work' and 'make work pay' rationales. Hence, existing legal *employment and social protections* are (on average) comparatively weak. Inequalities which are growing (more than in other countries) are related to a complex group of factors, including unequal access to private provision of protection, the structure of jobs, unequal job careers, etc.

While very little attention is put on 'precariousness' as such in the UK, similar negative labour market phenomena exist, which can be compared with what is perceived 'on the continent' as 'employment precariousness': the existence of low quality jobs, into which sections of the labour force seem to be trapped. Here, *the traditional approach in terms of 'fixed-term' contracts or 'atypical' jobs is even less relevant* than in the Latin countries, in identifying these low quality and potentially

[30] Law n° 300 of May, 20, 1970, containing rules on the protection of the freedom and dignity of workers and trade union freedom and union action in the workplace and rules on the public employment service.
[31] Law n° 300 of May, 20, 1970, containing rules on the protection of the freedom and dignity of workers and trade union freedom and union action in the workplace and rules on the public employment service.
[32] Not to mention the frequently associated exposure to inactivity and 'stigmatising' welfare provision, which seems higher than in the other continental countries.

'dead-end' jobs[33]. Moreover, despite the fact that the UK's labour force as a whole is faced with employment relationships which are only weakly regulated, inequality problems also exist in the degree of exposure to bad quality jobs, the main discriminating criteria being related to age, gender, skills and occupations.

In Spain, Italy and France, flexibility of employment has been introduced by way of exceptions to the normal employment relationship, to varying degrees, under very diverse justifications for policies and with varying outcomes. Inequalities have appeared as the previous legal norm was collectively deemed not sustainable because it conflicted with labour market flexibility requirements. Exceptions to the norm have often been introduced 'by stealth' - the *de facto* expansion of the *parasubordinati* employees in Italy is a case in point, because their status was not regulated until 1995 and its reform failed in 1999 (Frey and al., 2002); see also the *de facto* negative consequences of the '*insertion* policies' and of the promotion of part-time work in France - under the justification of the solidaristic necessity for job creation but, elsewhere, sometimes effectively debated and negotiated by the state and the social partners (Italy and Spain). In all these countries, consistent tendencies point to the growing inadequacy of *instant* protection for certain categories of people (despite other protective norms and regulations), but also to problems of employment *careers* and transitions for certain categories that appear to be at a persistentdisadvantaged. In these three Latin countries, such persistent problems can be captured under the label of 'employment precariousness' (along the dimensions quoted above).

Where they have existed (predominantly in France and Spain[35]), policies which have sought to alleviate or to prevent the negative consequences of this situation have only been *partly and selectively* effective. Indeed, some policies intended to encourage employment creation have also indirectly created bad quality jobs. Moreover, policies which have allowed for exceptions to the 'legal normal employment contract' have resulted in the spread of bad quality and insecure jobs: the extent to which these jobs are only 'entry-level' and open up subsequent career prospects is only sparingly documented, which prevents possible in-depth cross-national comparisons. It is, however, certain that 'precarious employment' situations are concentrated, in all three countries, in *certain sectors* of the labour force; that there is a strong gender bias, a strong age bias, and a sectoral and occupational concentration in the prevalence of

[33] Not to mention the frequently associated exposure to inactivity and 'stigmatising' welfare provision, which seems higher than in the other continental countries.
[34] See the two typical cases of the French policy in the public sector, and the Spanish policies to limit '*temporalidad*'.
[35] See the two typical cases of the French policy in the public sector, and the Spanish policies to limit '*temporalidad*'.

precariousness in employment relations.

Family support, especially in Spain and Italy, has provided a sort of 'buffer' against employment precariousness for women, and mostly for young people even into their 30s; however it has many negative consequences, the main one being the gender biased activity patterns and their consequences in terms of inequality (private/public; young/older; men/women; sector; qualification).

In Germany, the normal employment relationship *still holds*, and exceptions have remained marginal, as the German iconic notion '*geringfügig*' [= marginal] exemplifies. However, there is a growing consciousness in society that, in the near future, keeping the normal *Arbeitsverhältnis* will be at least partly impossible. Under the aegis of the Hartz Commission, wide-ranging labour market reforms have been heralded which remain to be implemented and negotiated among the social partners and which yet do not amount to a radical and liberal flexibilisation of the labour market[95].

From the German data studied during the research, it was difficult to identify a problem of 'employment precariousness' comparable to what was documented in the other four ESOPE countries. Actually, throughout the post-war years, employees' statuses have been socially constructed *so as not to be precarious*[37]. Relatively speaking, in the context of comparing the five biggest countries of the EU, Germany also combines egalitarianism and generous social protection – although certainly less egalitarian and less generous than the Scandinavian countries. However, contrary to the Scandinavian countries and to the Netherlands, Germany has had a major unemployment problem (and a long-term one at that) which is currently considered to be unacceptable and unsustainable. Most analyses tend to consider that the high costs of labour (and the high tax wedge) in Germany are an obstacle to solving the unemployment and 'incentives' problems. Currently implemented reforms apparently do not consider the option of explicitly increasing the precariousness of employment as a solution to German labour market 'rigidities'; what seems to be sought for is a policy that increases the flexibility of work within certain secure employment relationships. However it is much too early to envisage the possible outcomes of the present reform process.

Hence, whereas in Germany the superior normal protection against precarious

[36] (security has even been enshrined in highly legitimated legal rules including the constitution and the 'constitution of businesses' (BVG, *Betriebsverfassungsgesetz*).

[37] (security has even been enshrined in highly legitimated legal rules including the constitution and the 'constitution of businesses' (BVG, *Betriebsverfassungsgesetz*).

[38] This assessment should be revised to include the situation of quasi-self-employment and illegal work, and to analyse the level of compliance of labour regulations in each country, as explained below. Then these two Latin countries probably would appear more liberal.

employment applies very generally, in the three Latin countries, the proportion of the workforce not legally covered varies between 10 and 30%. In the UK this perspective is irrelevant. The fact that, in the sample of five countries, only Germany appears to be *relatively* spared the extension of bad quality employment relationships, underlines the differences in the role played by 'regulations' in each country. The UK labour market, the least regulated of those surveyed, and the 'Latin' labour markets, often assumed to be 'over-regulated' in the international literature[39], seem to produce similar proportions of bad quality jobs. Nevertheless, in the case of Italy and Spain the lack of compliance with these regulations should be taken into account, making them more similar to the British case. Thus, employment 'regulations' and legal protection systems have to be analysed in each national context to understand how they have functioned to create or prevent the emergence of precarious employment relationships in practice.

4. Sector policies paving the way for the extension of precarious employment

As explained before, general labour legislation, employment and social policies (especially social protection for the unemployed and low paid workers) implemented by national governments are factors that may foster or restrain precariousness. But what should be underlined here are the sectoral policies directly generating employment precariousness. For example, in the home care sector, the decision to outsource the service, the system established for tendering, the requirement to tender, the selection criteria, the public prices or the ways of funding (economic helpfor the elderly vs. direct care by the service) are directly related to the quality of employment. In some cases, public administrations seeking cost savings are at the root of these measures. Thus, we can relate this process to public funding restraints and to tax/budgetary/monetary policy and even to financial globalisation (the feasibility of alternative tax/budgetary policies in this context falls beyond our research focus). But this is not the whole story. We have found other decisions and practices with no direct effect on the cost levels which also foster precarious employment.

Business strategies are often adjusted to situations generated by policy initiatives. . This has occurred in all the sectors studied, where some policies and political decisions have generated the conditions for expanding precarious employment in these sectors:

[39] This assessment should be revised to include the situation of quasi-self-employment and illegal work, and to analyse the level of compliance of labour regulations in each country, as explained below. Then these two Latin countries probably would appear more liberal.

Call centres: policies have facilitated the *emergence and growth of the sector*, i.e. of call centre companies, by means of, first of all, the de-*regulation of the telecom sector* at the state level in all countries, which occurred in parallel with further labour market de-regulation policies, which respectively led to the lowering of the costs of phone calls for companies and to greater facilities for using low-cost labour. Secondly, the sector has been greatly aided by means of *promotional policies through subsidies.*

It must be made clear, however, that call centres do not constitute a «field of policy» in any meaningful sense of the term 'policy' in any of the countries of our study, although the object of the so called 'promotional policies' by central, regional, and local governments consisting of public subsidies to set up call centres, both in money and in kind (e.g. real estate at very low prices, free or very low rent of venues, subsidies to recruitment and training of employees, and – at least in the case of Spain – reduced social costs linked to certain forms of employment contract).. As a rule, these subsidies to the call centre companies or their owner companies, (1) are a one-off action, typically detached from a planned economic or employment policy; (2) are very opaque, often lacking the most basic standards of public scrutiny and fairness; (3) generate the typical pressure to lower standards through competition between regions, cities and localities; and (4) do not create sustainable jobs in any respect, the more so taking into account that call centres can be very easily relocated.

Performing arts: The traditional funding policies of the cultural sector have been reoriented, more intensively in the UK than in France, away from a largely public arts rationale and *towards a much more diversified rationale including economic competitiveness, (via stimulating the creative industries), regional/local regeneration,* educational and inclusion objectives and the use of new technology as funding criteria. These motives for funding, particularly the competitiveness rationale, can be in tension with and sometimes in direct conflict with the artistic or aesthetic rationale inherent in theconduct of cultural activities. In particular, one of the key components of this funding policy is the promotion of the entertainment industry and the dissemination of culture and the arts to a wider public, which has brought about the predominance of the criterion of 'appealing to more people' and the capacity to relate to a variety of audiences, in lieu of purely aesthetic criteria. Policies in the case of the multimedia industry have been mainly focused on the promotion of ICT and multimedia technologies.

The *scope of public funding* in the cultural sector is rather large in both France and the UK. Public funding is critical not only in sustaining diverse sub-sectors, and in

giving stronger identities to some art forms, e.g. street arts and new circus in France; funding policies also shape the sector in that arts organisations and companies position themselves at points along the spectrum between being fully-funded organisations and wholly commercial companies.

In the case of domiciliary care for the elderly, sectoral change can be said to have been entirely *policy-constructed.* Rather than simply paving the way for the creation of a market of domiciliary care services, policies have directly developed *a new welfare policy area* with a universal vocation , not materialised except in France, precisely at a time when there were very important cuts in welfare expenditure.

In practice this disjunction has meant, in England, Spain and Italy, *poor funding and very restrictive access* regulations to public domiciliary care, which has led, among other things, in Italy and in Spain in particular, to the development of illegal work in the sector and, in all three countries, to labour market segmentation. In France, the introduction of the Allocation Personnalisée d'Autonomie (APA) in 2001 led to a considerable increase in sustainable demand and the transformation of domiciliary care into a truly universal service for dependent old people. In effect, it seems that the APA led to a further wave of regularisation of undeclared labour (a previous wave had taken place at the end of the 1990s, through the introduction of vouchers and other measures to support employment in the sector). However funding difficulties have already prompted a reform which restricts the scope of the benefit and increases user participation. One hypothesis is that this might translate into a new surge of undeclared work. Overall, our review of the different systems of domiciliary care in place in the various countries suggests that universal access to publicly funded domiciliary care and comprehensive coverage can indeed make a difference with regard to undeclared work.

5. De-regulation reforms generating precarious employment

In terms of the regulation of recruitment, employment, dismissal, redundancy, working conditions, etc., the British labour market was already highly de-regulated in the 1970s with far less regulation than applied to other European countries. Changes to the law directly governing the individual employment relationship during the 1980s and 1990s were relatively minor. In that sense, management's capacity to manage the *employment relationship* was affected not so much by the law as by *practice*: its own practice in particular. Conservative legislation can be seen as having put more 'backbone' into managerial behaviour through legislation aimed at shifting the balance

of power in the industrial relationship by emasculating the trade unions and giving greater confidence to management to extract more than was hitherto the case from the employment relationship (Lindley 2002).

Quite early on in Spain and France, deviations from the general norm were allowed in some circumscribed cases (France) or without much restriction (Spain) under different lines of argument.

Thus, in Spain, a flexibilisation strategy was initiated, mainly by the 1984 reform which created new temporary contractual modalities, justified by the quick modernisation process of the Spanish economy required to join the EU, which was boosted in 1994 with the introduction of temping agencies and part-time contracts. The 1996 reform was aimed at reducing the regulatory functions of the state, giving more weight to employee-employer contractual relationships. In addition to this *empresarialización* (increasingly company-based employment relationship, as it is known in the scientific literature), a great number of labour and employment issues were left to collective bargaining for regulation. Thus the collective agreement became a means for the attainment of labour reforms, including the adaptation of the agreements, and the subordination of some clauses, to the specific economic circumstances of businesses (Laparra et al 2002).

In France, although there has been a tendency to devise policies and programmes so as to minimise the content (via derogations fromthe legal norms) of the new employment statuses which have been the result of flexibilisation policies (Barbier et al. 2002b), policies which have allowed for exceptions to the 'legal normal employment contract', for example for labour market integration purposes, have resulted in the spread of poor quality and insecure jobs: the extent to which these jobs are only 'entry' jobs and open up to subsequent career prospects is barely documented (Barbier 2003).

Only in Germany is it possible to say that, throughout the post-war years, employees' statuses have been socially constructed *so as not to be precarious*. Although, a gradual flexibilisation of the labour market has occurred in the 1990s, this had little effects in terms of generating precarious employment (Düll et al. 2002). At present, one strand of the flexibility debate is arguing not only for a deregulation and flexibilisation of the labour market as in other countries, but is advocating the stimulation of atypical employment (e.g. as in the debate on the positive aspects of transitional labour markets) and the promotion of a larger low wage sector. Indeed, the social-democrat government has taken up the debate to promote the development of a low wage sector and is actually implementing a set of proposals to enhance the flexibility of the labour market (as proposed by the Hartz Commission).

Finally, it has to be said, we have found in some cases that lack of control on the compliance of regulation means an implicit deregulation policy. Non-compliance with collective agreements and labour regulations has been widespread, especially in the home care sector and call centres in Southern countries. Neither public administration nor unions have been able (or even sometimes willing) to devise a strategy to control this non-compliance.

6. Mechanisms preventing PE: analysing differences by country[40]

6.1 Unemployment compensations

The only ESOPE country where unemployment insurance benefits function as an effective protection against employment precariousness is Germany. In the light of this ineffectiveness, various policy instruments have been used in France, Spain and the UK, and only marginally in Germany and in Italy so far.

The first alternative route has been the 'work pays' rationale, via the introduction of tax credits. Because it is a way of 'activating' social protection (Barbier, 2002), and a way of targeting the cost of labour, this strategy can be analysed along with the subsidizing of indirect labour costs (social contributions and other taxes).

Comparing unemployment compensation

Type of regime	**Coverage**	**Level and duration of cover**	**Active Employment policies**	**Examples of countries**
Sub-protective	Very incomplete	Very weak	Quasi-non existent	*Italy, Spain*
Liberal/minimal	Incomplete	Weak	Weak	*The UK*
Employment-centred	Variable	Unequal	Extensive	*France, Germany*
Universalistic	Comprehensive	High	Very extensive	*Denmark*

Note: from Galie and Paugam, 2000, p.5: the last column is from Barbier and al.

[40] Based on Barbier, Jean-Claude, Angélica Brygoo, Fréderic Viguier and Françoise Tarquis (2003). "Normative and regulatory frameworks influencing the flexibility, security, quality and precariousness of jobs in France, Germany, Italy, Spain and the United Kingdom. ESOPE Project, Work package 1.2." Paris, Centre d'Etudes de l'Emploi. Financed by the European Commision, DG Research, V Framework Programme.

ADDIN Furthermore, large scale programmes of social assistance (minimum income schemes) exist across ESOPE countries, which target people in danger of social exclusion or socially excluded persons. Except in Germany, these programmes provide benefits which are clearly less generous – this is an understatement – than the levels of income unskilled jobs yield for individuals. Again with the exception of Germany, these programmes amount to a 'second rate' socialisation of risks and cannot seriously be used as protections against the precariousness of employment – contrary to what happens, to a certain extent, in Scandinavian countries like Denmark.

This difficulty is especially present in the case of Italy and Spain where minimum income schemes are more limited in benefit quality, and in population or territorial coverage (80% of the Spanish population lack a proper minimum income programme as it is usually defined in Europe). (Laparra and Aguilar 1999)

6.2 Tax and benefit systems (especially subsidies and reduced contributions for open-ended contracts)

The UK way encapsulates the most extreme rationale of the 'work pays' route: indeed in this case, employment is considered as a *panacea* for all social needs. Only a tiny minority of the population should, in theory, remain 'dependent on welfare': the old are supposed to be active, if possible, even after retirement age; the disabled are to be persuaded into employment; in theory, the poor will cease to be poor once they are in employment. This overall motto has been introduced as such in the EU's employment strategy from the Lisbon summit (Barbier, 1999; Barbier and Sylla, 2000). The *effective* capacity of 'work' to 'pay' is here the key question to assess. Here we would need evaluation data which we lack to show whether people leaving 'welfare' and now in employment have increased their positions so that the precariousness of income, or of access to social protection has receded**.**

British tax credits tend to sustain a pool of low quality and low wage jobs. On some counts these jobs are the most 'precarious' by nature, so that it can be argued that the tax credit programmes are a way of alleviating income precariousness linked to precarious jobs but at the same time, they sustain the existence of low quality jobs.

As for the French system, a general controversy has emerged regarding the assessment of the impact of the lowering of social contributions in terms of job creation (INSEE, the *Commissariat general du Plan* and other researchers have produced widely diverging evaluations). However, and at least provisionally, it is considered that a

certain increase in the 1990s of the proportion of the less skilled jobs in total employment has been linked to the programme of decreasing social contributions. Will it be a sustainable effect, which appears contrary to international trends? As for the targeted schemes (on part- time contracts, on the employment and 'insertion' programmes – see Barbier and al., 2002b), a significant proportion of the jobs created figure are among the most precarious in France and this especially affects certain groups in the labour force: women, the young, older unskilled persons at the end of their careers.

Spain and Italy, up to now, have not implemented large scale programmes of tax credits or systematic large scale reductions in tax and social contributions. More than being just a policy consistent with the aim to sustain their system of social protection, their reforms have rather gone along with the flexibilisation of contracts, irrespective of lack of social and employment protection. Nevertheless, at least in Spain, reduced social contributions for new open-ended contracts and for transforming temporary into permanent employment (up to three years with a 50% reduction) seem to have had a clear effect.

Across all countries, except Germany, these developments have fostered – albeit quite differently – the development of a low wage sector, and of relatively low 'entry wage' jobs for the young (Frey, 2002, p.6 gives an Italian example, in the South).

But in Germany also, subsidised labour has been discussed as generating precarious employment. In the context of subsidised state-sponsored temporary employment (ABM: "*Arbeitsbeschaffungsmaßnahmen"*) according to the employment and promotion act ("*Arbeitsförderungsgesetz"*) some observers have spoken of the emergence of a "zweiter Arbeitsmarkt" ("second" labour market characterised by wage subsidies) (Kühl 1993, Schmid 1996). At a lot of criticism has been expressed pointing to important displacement effects. Furthermore, from the late 1980s onwards, "alternative" social plans have been elaborated mostly under pressure from the trade unions, creating subsidised qualifications and employment agencies (*Qualifizierungsgesellschaften* and *Beschäftigungsgesellschaften*). These subsidised temporary employment relationships are precarious in many respects: they are of limited duration and the reintegration in the "regular" labour market or in the former company is rather uncertain. This labour market policy measure played a major role in the context of the transformation process in East Germany.

6.3 Employment by the state (ambiguous: also generates precarious employment)

The state might provide protection against employment precariousness, either because employment contracts with state entities are more secure and stable, sometimes even offering lifelong employment (in the case of the French, Spanish or Italian civil servants)**,** or because the state acts as an employer of last resort, when the market fails to deliver jobs.

Share of public employment (% of total employment)

	1990	1998
UK	19.5	12.7
Italy	na	15.4
Spain	14.0	15.5
France	20.4	21.3 (1997)
Germany	15.1	12.6
Finland	23.2	24.3

Source: OCDE, PUMA/HRM(2001)11, June, 24th, p.16

These figures certainly show that the case of France is, presently, different to those of other ESOPE countries. However, as we have found (Barbier *et al.*, 2002b, pp.42-43), public employment in this country is not evenly associated with security of employment: actually, over the last few decades, there has always been a significant proportion of state employees who have been contracted in precarious employment relationships; nevertheless, renewed plans have always been implemented by successive governments to dispense with precarious employment in the sector (*ibid.*).

Temporary subsidised employment (in the public and the non-profit sectors) should also be taken into account here. Typically the creation of such schemes (sometimes called 'public works' (see Brodsky 2000) pertains to a function of the state as 'the employer of last resort'. In the ESOPE countries, this function has been fulfilled by the implementation of special schemes that we have compared across four of the five countries (Barbier, 2001). The UK has altogether ceased to create and fund such programmes, after the community programme was cancelled in the early 1980s (Finn in Barbier, 2001). Italy and Spain have had only limited programmes of this sort. France stands out as the country which has implemented large scale programmes since the mid-eighties and even into the late 1990s, despite the favourable labour market situation [see the case of the '*emploi-jeunes*', and the '*contrats emploi solidarité*' (Barbier *et al.*,

2002a and 2002b)]. However, they are at least partly similar to measures implemented in Sweden and Denmark (Barbier, 2001). Their contribution to alleviating employment precariousness is indeed ambiguous in France, especially when compared with their respective contribution in the Scandinavian countries. In France, as we have documented, the effectiveness of the schemes in terms of achieving effective integration of individuals into the labour market, varies according to the particular scheme. On the other hand, we also noted that successive governments have implemented the schemes along statuses which – although second-rate – have always been 'wage-based' and not 'assistance-based'[42], a favourable circumstance in terms of precariousness.

6.4 Education and training systems

6.5 Early retirement

Participation in higher education and vocational training (such as apprenticeships) functions as an important tool to alleviate and prevent employment precariousness. When apprenticeship schemes are effective, (which they still are comparatively in Germany, despite much criticism over the last few years) they provide effective ways for the young to find secure positions in the labour market: but if the schemes are effective in Germany, they are much less so in France (Barbier *et al.*, 2002a) and even less in Italy (Frey *et al.*, 2002) or in Britain.

Where large scale university education is available, as in France (and also Italy or Spain to a lesser extent), the prospects of integration into the labour market are not always rosy but, during the period of education, the young escape full exposure to labour market risks and are not forced into taking low quality jobs as they are in countries where entering the labour market takes place much earlier, as in the UK**.** Very generally, as the French case also demonstrates, employment programmes entailing adequate vocational training (and training within firms) show greater effectiveness (Barbier *et al.*, 2002a and 2002b).

Altogether, it is also interesting to compare two indicators - the first is the age at which the young enter the labour market, the second the status of the 18-year-old - both can be drawn from a comparative study published by CERC (2002). This particular

[42] A fresh (?) (2004) although apparently marginal reform of the revenu minimum d'insertion might introduce a new rationale here.

[43] A fresh (2004) although apparently marginal reform of the revenu minimum d'insertion might introduce a new rationale here.

study was implemented because France certainly appears as the country where the rate of activity among the young has been the lowest in Europe for quite some time. Thus, in a way, young people in France are 'protected' on average from employment precariousness, at least temporarily.

Comparing the overall performance of education and training systems across countries, as a means of preventing and alleviating possible future employment precariousness is a very difficult and multi-dimensional exercise. Within the European Employment strategy, few indicators exist so far to assess these performances. One such indicator is the proportion of pupils that leave school education without qualifications.

Rate of early school leaving.
Percentage of 18-24 with lower secondary education or less and not attending further education or training

□	Total	Men	Women
Eu-15	17.6	19.7	15.4
France	13.5	15.0	12.0
Germany	12.5	12.2	12.8
Spain	28.6	34.9	22.2
Italy	26.4	30.2	22.6
UK	7.2	7.2	7.2
Denmark	16.8	16.9	16.7

Source: CERC, 2002, p. 30 (calculations from Eurostat data)

Nevertheless, it is not easy to conclude that low skill is always an actual factor explaining precarious employment. In some countries, as in Spain, a problem of over-training relative to labour market demands has been demonstrated. Thus, the effectiveness of education and training systems should be assessed in relation to each national economic model.

Indicators of access of young people to education system

□	Age of entering the labour market	In education or training at 18 years old (%)	Of which, also active (%)
Eu-15	20	76	17
France	22	91	7
Germany	19	87	39
Spain	21	72	6
Italy	21	71	7
UK	17	56	29
Denmark	16	90	60

Source: CERC, 2002, p. 30 (calculations from Eurostat data)

In the absence of adequate comparative data, it is difficult to estimate whether a high degree of access to higher education (as in France or Italy, and in a relatively egalitarian manner as to the first years of this level of education) effectively functions not only as a *temporary* relief from a possible early age exposure to bad jobs (existing in Britain, and in a relatively unequal manner across social classes), but also an effective investment for the acquisition of skills and human capital for their future careers.

There appears to be a link between the vocational training system of a country and the extent of the labour market entry problem for young people. Thus, the German "dual" system of vocational training seems to be comparatively successful in bringing young people into permanent employment. The tradability of qualifications on the external labour market may also lower the risk of being trapped in precarious employment when (re-)entering the labour market. In France, several qualification programmes have been initiated by the state in order to enhance the skills level mainly of young workers such as training schemes in the public sectors (Barbier *et al.* 2002a).

In the UK, the evidence points to certain sections of the population failing to acquire the most basic skills required to function in the labour market. This has been seen by some as a system failure which recognises that the deficiencies of the compulsory education system are such that post-16 vocational education and training is unable to compensate for them. Related to this is the 'low skill equilibrium' analysis that speculatively suggests that the supply and demand for skills has reached equilibrium at a sub-optimal level in relation to productivity.

In the case of Italy, it has been argued that, on the basis of available information, limited duration employment and other contracts with low dismissal costs have been utilised by employers as a mean of workforce selection given the unsatisfactory quality of skills provided by basic and vocational education.

In the case of Spain, the phenomenon of an over-trained working population has

been demonstrated in the case studies. This points to the limits of these kinds of policy to improve employment quality where the economic fabric and the productive model are orientated towards the contrary direction of low productivity, low

6.5 Early retirement

Although the new EU political discourse seems to consider the question of an ageing workforce and of the necessary reforms of pension systems as settled, actually this is not so in any of the ESOPE countries, except maybe again the UK[44]. What has been settled in the UK is that early retirement schemes are no longer seen to be instruments for dealing with the potential redundancy of older workers.

The key reason is of course that pensions are everywhere a crucial element in the social compact, and that, overall – although less in the UK and Spain - the resort to transferring older workers to social protection schemes has been one of the policy instruments used in times of high unemployment, and that this has, consequently been established as a durable characteristic of the 'continental' model. It has also favoured the building up of expectations among workers and employees about the 'normality' of retiring earlier and earlier, as the years passed. Contrary to the mainstream current political discourse, Speckesser and Auer (1998) showed that intelligent and efficient ways of handling early retirement programmes have nevertheless existed. And indeed the relationship between early retirement and employment precariousness is very important. Early retirement has been, and, in France and Germany, still is to a very large extent, a key policy instrument to protect older and ageing employees against the precariousness of employment (and from the scarcity of jobs available at the same time).

In Italy, the pension system also functions *de facto* as a protection system against the exposure of older workers to employment precariousness, and very little so far has been attempted to change this situation (Foden *et al.*, 2002, p. 445).

The UK way of protecting older workers from employment precariousness has been different (and more similar in a way to that of the Dutch): whereas no public funded early retirement schemes now exist in the country, significant private agreements have been implemented by large firms.

[44] This qualification would not apply to the sustainability of the pensions system in this country.

Estimates of average age of transition to inactivity

	Males		Females	
	1990	1995	1990	1995
Denmark	63.3	62.7	59.9	59.4
UK	63.2	62.7	60.5	59.7
Spain	61.6	61.4	59.7	58.9
Italy	60.9	60.6	57.5	57.2
Germany	60.3	60.5	58.2	58.4
France	59.6	59.2	59.0	58.3

Source: Jepsen and alii, 2002, p. 28 (from Blöndal and Scarpetta).

Where public retirement and pensions provisions are comparatively generous (in Germany, France and Italy, although to varying degrees) these programmes have served the social function of protecting the old from employment precariousness. These sources of protection have been significantly less effective in Spain and in the UK. Moreover, their future sustainability is under question.

6.6 The double role of the family: preventing precarious employment (allowing its rejection) and protecting against the consequences.

Traditionally, the family has functioned as a buffer against precariousness of life and poverty, especially in the most family-based societies. If it is no longer a crucial element in liberal and social-democratic regimes (Esping-Andersen, 1999), it still is in the continental countries (Italy, Germany and Spain), although less clearly so in France. However, distinctions should be made with regard to employment precariousness and precariousness of life conditions. Moreover, family-based assistance, often informal, also entails a strong gender bias.

In a way, in all three countries, and despite the clear relative disadvantages experienced both by the young and women on the labour market (less prevalent for women in France), the familialization of the systems has been able to alleviate the consequences of precarious employment (for the young and for women): in its absence, they would have been exposed to the full risks of the market and the inadequate *individualized* social protection programmes.

It should be underlined that, in Italy and Spain, the subsistence of young students is mainly funded by their families, allowing the education system to reduce earlier

[45] This qualification would not apply to the sustainability of the pensions system in this country.

entrance into precarious jobs, fostering the chances of avoiding them in the future, or increasing the possibilities of positive trajectories.

In contrast, sometimes, precarious jobs (for women and young people) are made possible and their direct consequences are compensated for by the coverage of the family, providing stability and complementing the resources with other sources of income (via permanent jobs or pensions). In these circumstances, the family may be a disincentive to reject an offer of a precarious job or may even discourage the search for better jobs. Thus the role of the family in preventing precarious employment could be assessed as being ambiguous.

The 'familialized' systems are possibly neither sustainable nor equitable and they are heavily gender biased, so that their rationale cannot be considered in general as a progressive solution to the negative consequences of employment precariousness. Nevertheless, in the absence of alternative protections, it is certainly not likely that the population will easily dispense with protection via the family and willingly turn to the market as a provider of social protection, which it evidently cannot yield, as the UK situation demonstrates.

7. A general perspective: employment precariousness, social protection and labour market policies

A summary of some essential aspects of the context of employment relationships

Dimensions	**Germany**	**France**	**Italy**	**Spain**	**UK**
1. Legal employment relationship	Yes	Yes	Yes	Yes	No
% not covered	5	10	9	30	Not relevant
2. Unemployment protection	3-tier[46]	3-tier	Insurance	Insurance and assistance	Assistance, flat rate
Comparative generosity/duration	Generous	Generous	Weak	Weak	Weak
3. Tax credits and social contributions reductions	Marginal	Extensive	Weak and unequal	Weak and unequal	Extensive
Comparative role	Individual subsidy (social cont.)	Subsidy to employers contributions+ tax credits	Targeted subsidies to employers	Targeted subsidies to employers	Incentives to work Substitute for welfare
4. Assistance	Yes	Yes	No	Yes	Yes
Comparative generosity	Generous	Medium	Not relevant Weak	Weak	Weak
5. Public employment % labour force	12.6	21.3	15.4	15.5	12.7
Share of secure public employment		Extensive	Extensive		
Type of employment schemes	Medium Wage based	Extensive Wage based	Marginal Assistance based	Medium Wage based	Marginal Assistance based
6. Training and university for the young	High	High	High	Medium	Weak
Age of labour market entry	19	22	21	21	16
Share of students also active	39	7	7	6	29
7. Early retirement	State, extensive	State, extensive	Pensions system	Weak	Weak, Private, large firms
Effective age of transition to inactivity (M/F)	60.5/58.4	59.2/58.3	60.6/57.2	61.4/58.9	62.7/59.7
8. Support role of the family	High	Medium	High	High	Weak
Type of family policies	Gender biased	Universalistic (formerly familialistic)	Marginal	Marginal	Extensive: work-oriented/gender biased

From Barbier and al., 2002

[46] In Germany and France, the 3-tier systems are currently being reformed into 2-tier systems (2004)

1 – No significant problem of employment precariousness exists in countries which combine two characteristics: a relatively general egalitarian orientation (wages, incomes, statuses) and a generous social protection system. In Denmark, for instance, the unemployed and the assisted are not poorer than the employed (or only slightly poorer), so the problem of being fired and looking for another job does not lead to social inequality, nor to exposure to precarious conditions of life.

Not only do the Scandinavian countries (Finland's case is certainly more questionable), but also the Netherlands[47] tends to fit both these requirements. Employment protection regulations do vary considerably across these particular countries[48], but, overall, they are generally considered significantly more 'flexible' than in the other continental countries. The Scandinavian countries also have a very high share of their employed population in the public sector, and especially in the case of women employees.

2 – Secondly, in Germany, there is presently no wide-ranging problem of employment precariousness either, in the sense of the initial ESOPE definition (and its four dimensions – insecurity of contracts and careers; income instability; lack of social protection; difficult working conditions). As Vogler-Ludwig (2002, p.26) and Düll *et al.* (2001) demonstrate, the precarious people in Germany are not to be found mainly on the labour market because, all through the post-war years, employees' statuses have been socially constructed so as not to be precarious. Relatively speaking, in the context of comparing the five biggest countries of the EU, Germany also combines both the elements noted in point 1 (egalitarianism and generous social protection). However, currently mooted solutions do not consider the option of increasing the precariousness of employment as a solution to German labour market 'rigidities'; what seems to be sought is a policy that will increase the flexibility of work within certain secure employment relationships[49].

3 – In the three Latin countries, there is a current and persistently significant problem of employment precariousness, in particular in Spain and less so in France, where the generosity of the social protection system is much higher compared to Italy

[47] The Netherlands social compact comprises a specific part-time dimension: the mainstream working age household in the Netherlands has only 1.5 jobs (only 10% of active households have two jobs of more than 30hours, Weirink, 2002).

[48] It is interesting to recall that, in the case of Sweden in the early 1970s, G. Rehn did not favour the introduction of employment protection regulation (interview with former Swedish minister, December 2002).

[49] Significantly, Germany also seems the only country among the five surveyed which has integrated its arts workers into mainstream social protection (Schmid, 2002).

and Spain.[50] Where they have existed (predominantly in France and Spain), current policies which have sought to prevent or to alleviate the negative consequences of employment precariousness (along the dimensions quoted above) have only been partly and selectively effective. Indeed, some policies intended to encourage employment creation have also indirectly created more precariousness linked to bad quality jobs. It is however certain that precarious employment situations are concentrated, in all three countries, on certain sectors of the labour force; that there is a strong gender bias, and a strong age bias, a sectoral and occupational bias to the prevalence of precariousness in employment relations. Family support, especially in Spain and Italy, has been a key element which functions as a 'buffer' against employment precariousness for women, and for young people even into their 30s; however it has many negative consequences.

Here the overall review of policies points to a problem of limited effectiveness and to the key question of unequal exposure to employment precariousness across the national labour forces. This well-documented situation explains why the 'insider/outsider' approach has been so warmly received. However, one of its dominant assumptions – i.e. that there would be a 'trade-off' between decreasing the protection of the protected and increasing the opportunities for the 'outsiders' has not been convincingly demonstrated so far by the evidence gathered in international comparative research.

4 – In the UK, the notion of 'precariousness' is alien to the social actors' general perceptions; the academic debate also has not used the notion as such. Nevertheless, very similar labour market phenomena exist, which can be compared to what is perceived 'on the continent' as 'employment precariousness', in terms of the existence of low quality jobs, in which sections of the labour force seem to be trapped. Here, the traditional association between 'fixed-term' contracts or 'atypical' jobs low quality and potentially dead-end jobs breaks down. Moreover, despite the fact that the UK's labour force as a whole is equally confronted to employment relationships which are only weakly regulated, inequality problems also exist, as to the relative exposure to bad quality jobs, the main discriminating criteria being related to age, gender, skills and occupations.

5 – Hence, we observed a very marked phenomena of employment precariousness (or bad quality jobs) both (i) in the three Latin countries, which the international economic orthodoxy considers to be still in need of important 'structural reforms',

[50] Due to these differences, the French case could be analysed in an especial position within the 'Latin model'.

though they take contrasting perspectives with regard to 'employment programmes' (France versus Italy and Spain) and (ii) in the UK, which obviously has had the least 'regulated' labour market of all the ESOPE countries, and which seems bound to remain 'deregulated', if one takes into account the limited developments introduced by both Blair governments during 1997-2002.

This qualitative assessment tends to vindicate the view that employment 'regulations' and legal protection systems are much less relevant to addressing the actual existence of precarious employment relationships than might otherwise be expected. The role of regulations in each country could be different depending of how they are articulated with other factors.

Either these emerge as a 'natural' outcome of the market forces (the UK) and are relatively acceptable in a comparatively 'market-orientated' society, or they emerge as by-products ('unintended effects', sometimes) of the flexibilisation of the labour market, which has been the result of explicit flexibilisation policies (as in Spain) or of more implicit ones ('stealth' policies, as in France and Italy).

8. Flexibility strategies of the firm: the "flexible firm"[55]

Pioneering research on the model of the "flexible firm" was carried out at the beginning of the 1980s in the UK (Atkinson, 1984). In a much debated article, Atkinson defined different types of flexibility (functional, numerical, financial) and analysed their occurrence in the "flexible firm". The flexible firm typically organises functional flexibility for its core workers and numerical flexibility for workers on the "periphery", in order to respond to fluctuations in markets and heightened competition.

There has been much discussion in the UK relating to whether the use of temporary employment contracts by employers is a strategic response to meeting uneven flows of

[51] The Netherlands social compact comprises a specific part-time dimension: the mainstream working age household in the Netherlands has only 1.5 jobs (only 10% of active households have two jobs of more than 30hours, Weirink, 2002).
[52] It is interesting to recall that, in the case of Sweden, G. Rehn was unfavourable in the early 1970s to the introduction of employment protection regulation (interview with former Swedish minister, December 2002).
[53] Significantly, Germany also seems the only country among the five surveyed which has integrated its arts workers into mainstream social protection (Schmid, 2002).
[54] Based on Frade, Carlos, Isabelle Darmon and Isabel Álvarez (2002). "Precarious employment in contrasted sectors: an in-depth comparative analysis across five European countries". Barcelona, ICAS Institute. Financed by the European Commision, DG Research, V Framework Programme.
[55] Based on Ibid.

work, or a more ad hoc response to the unpredictability of peaks in demand or staff shortages. In the late 1980s and early 1990s the 'core-periphery model' was presented which suggested that firms had a core of permanent staff, central to the functioning of the business, and a peripheral group of workers who were hired for a limited period to meet peaks in demand (see, for example, Atkinson and Meager, 1986). However, the evidence, at the time, for the strategic deployment of temporary employees was not totally convincing (Pollert, 1994).

More recent evidence has revealed that some workplaces have developed strategic human resource policies in the manner described above (Purcell *et al.*, 1999). In sectors with highly competitive product markets and where labour costs were a substantial component of their prices, the employer had attempted to transfer the risks attached to the product market to the individual. In areas where trade unions were still able to exert some influence to protect permanent contracts of employment, employers had sought greater flexibility within the permanent contract of employment (e.g. more flexible working hours). In general, employers preferred directly employed temporary staff, and used agencies or sub-contracting arrangements only when faced with labour shortages which could not be met in any other way.

In particular in Spain, it has been shown that companies are following a strategy of external or numerical flexibility. In respect to subcontracting it has been argued that the higher the company's dependency on other companies, the greater the tendency to shift adjustment costs to employees by means of precarious employment (Cano, 1998). This can be clearly shown in the case of the outsourcing strategy in the call centres.

The main business strategies in each of the three main service sectors studied can be characterised as follows:

Call centres: Call centre companies, i.e. the call centres sector, are the result of a long-range strategy of *services and labour externalisation* mainly carried out by big telecom companies and partly by large banks. This strategy produced important benefits: (1) it soon attracted the public sector, and public sector communication services such as, e.g. information for citizens, health emergencies, etc., instead of being externalised, were allocated to the new call centre companies; (2) the newly created call centre companies began a *fierce competition among themselves for clients mainly on the basis of costs, and particularly of labour costs;* (3) such a strategy was also used in the *expansion toward foreign markets* where labour is half or a third of the cost: Morocco in the case of Spain, and Eastern European countries and Turkey in the case of Germany.

The principal rationale of such a strategy was the *displacement towards workers of practically all the insecurity and risks* attached to the economic activity, in what we

could call a *'risk transfer chain'*. Its main consequence has of course been the extraordinary high rates of *extremely precarious employment* we have just reported.

Performing arts: Alongside generating funding through a diversification of funding sources, one of the main strategies developed by the companies in this sector concerns *ways of competing for public funds*, which are deployed in parallel with, and partly subject to, strategies for gaining, or at least maintaining, public legitimacy and recognition. *Funding regimes* are typically extremely complex and involve a plethora of agencies (e.g. in the UK, regional development agencies, local authorities, trusts, funds and foundations). The Arts Council England, for instance, allocates funds both to individuals and arts organisations, both directly to national companies and through the regional Arts Council offices, and provides some companies with regular funding and others with 'one-off' grants and awards. In addition to regular funding, there are also activities funded within programmatic initiatives oriented towards specific sub-sectors such as theatres or to the educational requirements of the artistic world. Eligibility criteria vary according to the specific programme, scheme or fund; companies normally draw on a mix of support from national, regional and local sources.

Domiciliary care for the elderly: Business and organisational strategies, in accordance with the particular sectoral policy frameworks of each country, are marked by important differences across countries. In Spain, the prevailing strategy of the dominant for-profit providers, with a high and rapidly increasing market share, is a combination of *aggressive acquisition of public procurement contracts* in a variety of sectors and *dumping*, the latter realised in the form of offering public funding authorities the lowest market rates essentially based on very low-cost labour and highly precarious employment. In England the last few years have seen critical developments in this respect: a speeding-up of *mergers and acquisitions* has taken place whilst particular *national standards* (they used to be set by local authorities) have increasingly lobbied for and finally obtained, a process which we see as instrumental in bringing about the national consolidation of a few, powerful insurance and health care private providers, able to control the domiciliary care market.

In Italy and France the private for profit sector has only marginally developed and therefore a national market proper does not exist, but providers belong to national networks involved in lobbying public authorities. In Italy the situation differs between areas where local authorities organised price-based competition to which third sector providers respond by a race for the lowest price and joint action for a change in selection criteria, and areas with fixed prices where providers struggle to develop their local reputation. In France competition between organised providers is kept to a minimum and if anything there is a lack of supply. Business strategies include

developing one's local reputation, diversifying into as many related markets as possible and becoming an indispensable local actor on various fronts.

The sector case studies and the innovative case studies have also shown that there is more than one way to adapt to or respond to market pressures. The use of training programmes, workers' participation, negotiation to achieve flexibility at the company level, consideration of workers' constraints and needs (e.g. family responsibilities) have been possible in some cases but not in other companies with more authoritarian management models. In the home care sector, we have underlined the significance of non-profit organisations and their partnership with the public administration as an alternative way to achieve work flexibility and cost reductions, limiting the effects on precarious employment. Similar possibilities may not be easy to find in other sectors.

The innovative cases also identify various practices at this level that demonstrate the room for manoeuvrability possessed by local authorities (selection of the company, social criteria in tenders, partnership processes…). This last aspect of the decision-making process is especially interesting because of its political significance and should be extensively analysed.

9. Collective bargaining and PE: an ambiguous relationship[56]

Unionisation has been a factor that, in general, has prevented precarious employment, albeit with several weaknesses and mistakes at ground level.

Resistance strategies may have been useful for coping with savage flexibility strategies by the companies in several sectors (and also at the national level to cope with some precariousness-oriented labour reforms). From this point of view, the spread of precarious employment should be linked to the decline in union power in a number of countries.But, in fact, the spread of precarious employment has taken place more in sectors where union density has never been high (e.g. catering, or from our case study evidence in call centres) as well as among groups of workers who have never been sufficiently targeted by the unions (women, low-skilled, younger worker, etc.).

However, it has to be noted that the industrial relations systems as well as the level of union power vary significantly across European countries. Thus, in Italy the recourse to atypical employment was seen as a way of reducing the influence of powerful trade unions. Those parts of federal unions so affected are meeting the further spread of

[56] Based on Ibid.

limited duration employment by limiting the share of it by means of collective bargaining and creating some forms of union organisation in the field of atypical employment (Frey *et al.* 2002).

Moreover, in the German context, although Union influence has declined, unions still hold a great deal of power which has led some authors to explain the relatively low level of precarious employment by the relatively high level of union power bargaining strength (Vogler-Ludwig 2002).

But union involvement in bargaining on work flexibility at the sector level is of special interest. Another relevant question would be how unions have been able to include precarious workers' interests in their activities and campaigns. A reflection on the limits and contradictions of the unions in these topics would also light the way for the future, but should be based on the actual conflict analysed in the case studies.

Case study evidence shows that unions are weak especially in call centres sector and in the domiciliary care sector. Unionisation is low as the companies are small, or the workers are not physically at the company's workplace (domiciliary care), or the shares of women (call centres, domiciliary care) and of students (call centres) are high and demand fluctuations are high (call centres). Where unions do reach an agreement, the employment conditions are set at a minimum standard.

As regards *call centres*, only in Spain are workers from call centre companies covered by a sector-specific collective agreement, called "collective agreement of telemarketing", signed by the two main unions in 1999 but opposed by other unions such as the CGT and by many workers. In Germany and Italy, workers are covered, if at all, by other traditional sectoral or company agreements. However, contrary to what the existence of a specific call centres' agreement might suggest, workers in Spain are not better covered and collectively protected than workers in Italy and Germany. It seems that collective agreements in Spain, far from improving the situation of workers, have actually, to a large extent, legitimised the generalised precarious employment conditions actually existing in call centres. Thus, the sector continues to be riven by industrial conflicts and above all by multiple demands to the Labour Inspection Services and hundreds of lawsuits in the courts. Salaries, which were equalised downwards in many call centre companies when the agreement was signed, continue to be very low.

As regards the *domiciliary care* sector for the elderly, the agreement for the domiciliary care sector is embeded in a wider agreement for elderly homes and home care services, except in some Autonomous Communities in Spain. In addition, large shares of the workforce are not covered by any collective agreement: this is the case of private sector staff in England (though there are some collective agreements in a few

large charities) and of individual care workers in Spain.

Overall, the primary function of collective agreements applying to the sector can be observed in structuring the profession, designing new qualifications and organising bridges with other social or (in Italy) healthcare related professions. The better structuring and promotion of training has contributed to a developing sense of belonging to the profession, although funding issues are limiting the scope of the training effort, and the lack of material recognition leads to a certain frustration. In England, regulations on qualifications have been introduced by the government, rather than through collective bargaining. The functions of these regulations are equivalent to those just mentioned.

The standards fixed by national agreements are extremely low. collective bargaining in England and in Italy is strongly affected by subcontracting which has weakened the bargaining power of public sector staff. In the private sector, wages have been established at very low levels, with little recognition of seniority or official qualifications (which cuts across the agreements' attempts to promote upward mobility), and often with no mention of travel expenses. Nor have standards generally been fixed on the minimum numbers of hours to be offered.

The *performing arts* (and the cultural sector in general) display a structured, if diversified and complex, fabric of occupational and industrial organisations. And yet, the logic of occupational/professional associations does not always coincide with the logic of activity.

Thus, in France, the articulation and complexity of industrial relations in the performing arts is shown by the existence of several employer organisations, unions, collective agreements, professional associations and institutions dealing with the collective management of *droits d'auteur et des droits voisins* (with a different logic to the Anglo-Saxon model of copyright) and of support funds, and a number of welfare institutions dealing with social insurance, pensions, training, etc. There are four collective agreements which cover the majority of the performing arts sector. All in all, since intermittent workers often have many employers, they often shift from one agreement to another, so that *the sector is not very consistent* from the occupational organisation point of view.

In the UK a high proportion of workers in the entertainment world are self-employed and a high proportion of employees are not unionised. There is a Federation of Entertainment Unions comprising several unions, some of which specifically cover performing artists and related professionals. Overall, collective bargaining in the cultural industries in Britain presents rather fragmented representative structures on both

sides, without a clear definition of bargaining actors and issues, although minimum standards are negotiated and Equity, the union representing performing artists across the spectrum of cultural and entertainment activities, focuses an important part of its efforts on ensuring compliance with such minimum standards. Yet this is a continual problem in a sector where it is common to accept working without pay to gain experience and where financial limitations on productions frequently lead to lower than minimum standards, casual working and discontinuous working patterns.

IV. Conclusions and policy implications.

From a *political* perspective, the main question is: what are the current ways and channels through which *new social norms* are constructed and agreed upon by the relevant social actors, that allow for two analytically distinct (but actually interwoven) processes to develop and become reconciled to each other, i.e., the flexibilization *of work* on one hand, and the security of stable employment relationships on the other (or, at least a process of limitating the consequences of the introduction of flexible jobs, and defining certain characteristics of their *quality*). The outcome can be described as a national 'flexibility/quality/security regime[57]' (*national FQS regime*). Such regimes will of course not be fixed forever, although they depend upon particular national institutions. Crises of legitimacy will occur from time to time and the then current FQS regime will consequently be altered[58]. Labour market and social protection norms are central here.

During the course of the ESOPE research, the Danish case was presented and analysed and emerged as the closest actual example for a possible 'model' of combining

[57] We prefer the notion of an FQS regime to the notion of an 'employment system', to which it is complementary. It encompasses the whole range of institutions and social norms (legal, collective agreement based, firm based) that command the particular substantive content of *flexibility of employment relationships, security of employment and quality of employment* in each particular nation and which are the outcome of collective action (since sector regimes exist, regionally based regimes might also exist in certain countries).

[58] In the twin areas of work and employment, a FQS regime combines agreement on a certain and 'acceptable' (see also the notion of 'decent' work introduced by the ILO); flexibility of employment relationships; a certain and acceptable level of job security; a certain and acceptable quality of jobs. Each national context produces its own compromise. Adding the notion of 'quality' to the frequently used 'flexicurity' notion is particularly important because of the recent developments building on the 2001 European Commission's 'communication on quality' and the subsequent adoption of quality indicators for the EES. The FQS regime does not stand alone as a labour market device, only depending on economic (internal and international) factors and economic performance: it is closely articulated with the welfare regime – or, better, with the social protection system (in the widest sense), which includes all sorts of norms, policy instruments, institutions and actors (including the role played by social partners and the industrial relations system). It is also strictly interlinked with an 'employment and activity regime', i.e., a current and constantly evolving, but stable, pattern of the distribution of jobs and labour market participation across the active age population (genders, ages, access to benefits alternative to employment income, household activities, collective non-market activities). This regime organises dominant life-courses patterns (A.M. Guillemard, 2002, Special issue, n°43-2, *Revue française de sociologie*). The national 'activity and employment regime' is also sector-specific, as will explored in detail further. For instance, in the care sector, a key element is how care is or is not 'de-familialized'. Existing employment norms (labour standards) in the care sector act as incentives or disincentives for the supply of labour. For instance, because mostly unskilled and dominantly female labour supply depends on existing norms in other sub-sectors, where in a particular region in France a new factory employing unskilled personal opens, care employers experience immediate labour shortages.

flexibility, quality and security of employment. Innovative schemes to avoid or temper the effects of employment precariousness seemed superfluous because employment precariousness itself appeared to be largely absent from Denmark.

In general, labour market (employment) norms may be legal, collective agreements based, or firm-based. As proposed in Section 1.2, three types of norms are of importance within the regime's framework. They comprise: (i) norms explicitly devised to limit and contain *employment* flexibility (including those relating to atypical forms of employment) as well as *employment* insecurity, or, more positively, to enhance the quality of jobs; (ii) social norms that have the same effect without being agreed upon for such an explicit purpose; (iii) social norms, that, on the opposite, increase *employment* flexibility and insecurity at the same time, or degrade the quality of jobs.

1. The impact of European employment policy

International influence (prominently via the European Union) is important and may modify the regimes. One of the issues for current thinking about innovating in matters

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of FQS regimes bears on *the roles to be played at the EU level*. Another is the possibility of drawing better lessons from local innovative cases and possibly transfering them to other national contexts, as is clearly intended by EU support for 'peer review'.

Hence innovation at the national level should be analysed with two possible sources of change, the local and the European. However the national level remains central, even in the case where compromises and decisions are taken at various 'local' levels: this situation is exemplified by the well-known German notion and practice of *Subsidiarität*.

For this reason, policy implications of our analysis on precarious employment need to be contextualised in the overall perspective of the European Employment Strategy.

To use the "European social model" as a reference is certainly questionable since this model is not clearly defined due to the differences between national regimes of social protection and labour markets. Despite the rhetoric of the EU policy debate, the lack of clear shared objectives regarding future development or possible convergence reinforces this point (Lindley, 1993). Nevertheless, the developing EES introduces a set of more limited common objectives and benchmarks that could help us to define some features of this 'collection of models' , regarding employment partly as a political aim rather than as anticipated trends in different European societies.

The end of the millennium saw Europe in ambitious mood when a new strategic goal for the European Union was set at the Lisbon European Council in 2000: "To become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion".

This goal is made concrete in "three complementary and mutually supportive objectives of full employment, quality and productivity at work, and social cohesion and inclusion", which, at the same time are developed in 10 specific guidelines that should be implemented with "good governance and partnership":

1. Active and preventative measures for the unemployed and inactive
2. Job creation and entrepreneurship
3. Address change and promote adaptability and mobility in the labour market
4. Promote development of human capital and lifelong learning
5. Increase labour supply and promote active ageing
6. Gender equality

7. Promote the integration of and combat the discrimination against people at a disadvantage in the labour market
8. Make work pay through incentives to enhance work attractiveness
9. Transform undeclared work into regular employment
10. Address regional employment disparities

In parallel, a new regulatory framework has been developed in the area of employment. For instance, several directives on health and safety at work, or the directive on organization of working time in 2003. This European legislation is usually understood to set a minimum standard at European level, which may already be exceeded by some countries but be improved or developed by Member States in their national legislation, or by social partners through collective bargaining.

Through the so-called "Open Method of Coordination" established by the European Employment Strategy and the European regulatory framework on Employment, a new model is being built for the Member States. In this model the importance of job quality is underlined, and it is related first to the economic strategy of quality-based competition in a knowledge society, but also to the maintenance of the social cohesion and inclusion of European society (Lindley, 2000. At least, several measures of different actors are embedded within a cognitive and normative framework, with a common procedure in all countries, coached by the Commission (Barbier 2002).

Nevertheless, the EES, and the quality approach within it, is based on the establishment of policy "objectives", and the evaluation is made in relation to such objectives. This is precisely the essence of what is normally called 'new modes of governance' ("soft" regulatory methods, and particularly "self-regulation"). The OMC (Open Method of Co-ordination) is the key soft regulatory method at the European level and this characteristic limits its normative influence.

If we contrast this political process with the results of our research in five large European countries, two main questions arise: 1) How has European policy actually impacted on national labour markets? and 2) How can the tendencies to increase precariousness, both in employment and social protection, observed in some Member States affect the viability of the EES?.

With regard to the Union's present influence on the normative systems, the picture is very diverse again. First, the cognitive coordination has increased, notably through the implementation of the various OMCs, of which the EES is the main pillar. This has allowed for a limited number of 'quality' indicators to be approved by Member States (Laeken summit), which will be updated in the process of the 'new' EES, starting from

2003. The notion of quality has been introduced in one of three new overarching objectives, under the label 'quality and productivity', and future developments might allow more coordinated policies tackling the "low quality" employment.

Of higher importance has been, on the other hand, the incorporation of EU directives into national labour laws. If the influence on French and German legislation can be altogether considered as limited (except on the question of equal opportunities for men and women); it has been more substantial in Spain and Italy with regard to the implementation or the passing of regulations allowing for more flexible contracts, part time regulations and temporary agency work. Yet, the largest influence seems to have occurred in the UK since the adoption of the Social Chapter: this is consistent with the fact that the labour market there has been the least regulated. Exceptions to a universal and extensive adoption of European regulations in the UK however remain, as for instance, in the case of working time regulation.

Hence, in some countries, European regulations seem to have accompanied the spread of employment flexibility and possible negative effects in terms of 'employment precariousness', whereas in the UK, positive developments have occurred. Overall, the positive normative influence is clear – albeit with limited evidence of substantive change – in the domain of equal opportunities for men and women (see the Commission's communication on the 'new' EES).

The second question leads us to the debate on the viability of generalising this strategy at European level. Is it possible for all Member States to be successful (in economic and social terms) with this strategy? Do all of them have the same opportunities to enjoy this process of improving quality? These are partly political questions, but they may be relevant for our reflection. We can identify two different scenarios within Europe:

In some countries (and specific branches), new organizational models permit, simultaniously, an increase in flexibility and productivity while employment quality is maintained or even improved. Economic logic justifies this as a means to improve competitiveness (flexibility+quality) in activities with higher added value which are more based on workers' creativity or involvement. Here, quality measures (e.g. lifelong learning) may even be used to compensate for the cost of increased flexibility, especially where wages and employment security have historically been high. Thus, employers have a direct interest in introducing quality measures as a way of increasing productivity.

In other countries (or branches) we find a high level of flexibility, but it is an "insecure flexibility": the use of precarious employment as the way to introduce

flexibility has spread significantly, with no account being taken of the impact on employment quality. Why should employers introduce new organizational models if low wages associated with precariousness guarantees profits in knowledge-poor activities? When flexibility costs are externalised (to individuals or to the public sector) and the economic achievements are significant with this model, what will be the incentive to move onto the quality road? Some countries (e.g. Spain) have made *precarious employment one of the key issues for their competitiveness strategy*. And this strategy becomes a vicious circle that thwarts even reformers' attempts to improve employment (and social) quality.

These different rationales, with conflicting impacts on regions, sectors and individuals, increase "the gap between the knowledge-rich and the knowledge-poor within society across Europe" (Wim Kok coord. 2003). Extending the quality-based European Employment Strategy all over Europe will probably require specific policies with complementary measures adapted to these countries, regions or activity branches, in order to break this vicious circle. Otherwise, maintaining economic models based on low productivity, low quality and low wage patterns will be increasingly incompatible with the notion of an incipient "European social model", producing in social and employment terms, a "two-tiered Europe".

2. Monitoring and assessing achievements of EES

The Employment Committee is doing very interesting work proposing a system of indicators which will facilitate the comparison of the achievements under the EES by Member States. This is a valuable initiative that should provide very pertinent information in the future. With this tool, the Commission should be better able to assess the content and effects of the NAPs, and then to negotiate further developments with the national administrations. Previous assessments may have been too conditioned by the diagnoses and data provided in the national reports[61]. Now this perspective should be contrasted with less contestable and more internationally comparable data. The task of this Committee should be reinforced in the future.

Considering the progress already achieved by the indicators, and considering the recommendations for better implementation of the EES especially at national level, it

[61] E.g. Spanish NAPs were decidedly uncritical about the resilience of temporary employment and about the small effort in investing in active policies. See: Laparra, Miguel, Carlos Frade, Isabelle Dardmon, Javier Silva, Raquel González and Isabel Alvarez (2003). "Analysis of Spanish policy framework for managing labour market risk". Pamplona, European Commision, DG Research.

would be worth following this up by new developments in these directions:

1. *Measurement of precarious employment* (in the sense used in this project) should be able to be done with this collection of indicators. That means to measure quality in objective terms from the point of view of the workers (i.e. what "fulfils the wishes of the employees" as distinguished from "the requirements of competition" in the framework agreement on fixed-term work[62]). Some of the proposed indicators address both quality and productivity. However, there might exit conflicts between these two dimensions for the employees as well as the employers. Thus, the indicators have to be handled with caution. Both notions, quality and productivity, are equally interesting for the analysis of European labour markets, and interactions between them should be studied.

2. As is recognised in the EES, "Quality is a multi-dimensional concept addressing both *job characteristics* and the wider *labour market*." A lot of indicators are oriented towards assessing the labour market in general (working age population participating in education and training, transitions, employment rate, labour productivity and so on). Of course nobody can doubt the usefulness of these context indicators: the policy implications of the incidence of "bad jobs" may be quite different if unemployment figures and low employment rates are taken into consideration. However, we lack key indicators to assess jobs directly. Involuntary part-time or fixed-term jobs and wage levels are exceptions. Further information on physical working conditions, working time or social rights should be included.

3. The indicator of 'temporary employment' should be revised disaggregating more clearly different kinds of atypical jobs in order to make easier cross-national comparison. (See section 1.1.5 of Chapter I)

4. Involuntary part-time should be redefined to take into account the constraints of family responsibilities without available services. (See also section 1.1.5 of Chapter I.)

All these methodological recommendations would help to promote a more rounded representation and understanding an accurate measurement of precarious employment or, in the sense explained above, low quality jobs.

From the research of this project, we have detected how undeclared work may be distorting the comparison of the quality of employment. The assessment of labour market rigidities, the size of precarious employment and other significant dimensions of the labour market may be wrong in comparative terms because the hidden economies have different sizes and features in each country and region. As the Council Decision of

[62] Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP. The agreement is included in the Annex.

2003 July 22nd states, “Improving knowledge about the extent of undeclared work in Member States and the European Union should be encouraged.” “Broad actions and measures to eliminate undeclared work” will only be credible and effective if they are based on a much better knowledge and understanding of this issue than is currently possible.

3. Regulatory frameworks.

The diversification of employment forms and the multiple segmentation of the workforce call for adequate social protection of workers. There are recent examples of such attempts. The setting up of a minimum wage in the UK has not contributed towards decreasing the number of low wage workers, but has rather lowered the number of very low wage workers (Lindley 2002 and Ioakimoglou, Soumeli and Carley 2002). Attempts have been made in that direction in Italy, with regard to freelance co-ordinated workers, but with little success so far (Frey 2003). However this route is worth pursuing.

In that sense it is useful to mention some of the provisions currently discussed in Italy, which go in that direction (Frey 2003): extension of labour protection to every worker, increasing the value of collective bargaining and the playing down of individual bargaining, and clearer rules of service contracts.

The reforms introduced between 1997 and 2000 in Spain were also specially interesting, in three respects: the decision-making process for passing the reforms (through social agreements), the content of the reforms (creating new stable contracts with lower dismissal cost, and reductions in Social Security contributions for three years while social protection for temporary jobs was slightly improved), and their results in the labour market (growth of stable employment - something unknown since the 1970s in Spain). All these aspects meant a historical change, being contrary to the trends of more than two previous decades. Nevertheless the ratio of involuntary fixed-term contracts remains the highest in European Union.

Interestingly, one strand of the flexibility debate in Germany is presently not only

[63] E.g. Spanish NAPs were decidedly uncritical with the resilience of temporary employment and with the small effort in investing on active policies. See: Laparra, Miguel, Carlos Frade, Isabelle Dardmon, Javier Silva, Raquel González and Isabel Alvarez (2003). "Analysis of Spanish policy framework for managing labour market risk". Pamplona, European Commision, DG Research.

[64] Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP. The agreement is included in the Annex.

arguing for a deregulation and flexibilisation of the labour market as in all other countries, but also advocates enhancing atypical employment (see the debate on the positive aspects of transitional labour markets) and promoting the enlargement of the low-wage sector. Also the social-democrat government has taken up the debate to promote the development of a low-wage sector and is presently engaged in a reform process relating to the labour market and the social welfare system. Most importantly, both policy and academic debate link labour market deregulation and social policy reforms. The core of this debate rests on the argument that in a sense more "precariousness" is needed and that people have to be "forced" into work. Thus, in contrast to the other countries studies, the argument is supply-side driven rather than demand-side driven. Neither the competitive stance of the German economy nor the needs of companies for more flexibility is at the root of this debate; rather it is the high unemployment figures, the distribution of risks between groups of workers and the type of social consensus. Thus Germany is also looking for a new balance between flexibility, quality and security. In this respect, part of this strategy is also to combat hidden unemployment and to limit the negative effects linked to atypical forms of employment as a part of the social compromise (based on the "transitional labour market approach").

Measures and reforms where an overall protection of workers is oriented to maintaining a balanced flexi-security combination are possibly needed in the future: fair monetary and non-monetary job guarantees, extending to every long-term worker economic safeguards as to the income, the production time, mobility, training, insurance and social security aspects, with particular reference to health, maternity, industrial accidents, the exercise of rights of association, or collective representation and information.

At the European level, the extension of labour protection to each worker, unrelated to the specific characteristics of the employment contract and company size, was the aim of the framework agreement associated with *Directive 1999/70.*

The *1999 Directive on Fixed-Term Work encouraged* Member States and/or the social partners to introduce *one or more* of the following measures: (1) define objective reasons justifying the renewal of such contracts; (2) limit the total duration of successive fixed-term employment contracts; or (3) limit the number of renewals of such contracts. Now, this Directive (a) leaves open the choice between these three measures; (b) does not specify the content of the "objective reasons"; (c) only applys such objective reasons to the renewal of the contract and not to its adoption in the first instance. In brief: all these options seriously limit its protective status. In short, it has been suggested that the introduction of this Directive has led to the promotion of fixed-

term employment in several countries, Italy among them (Pedersini 2002). In Spain, unjustified renewal of such contracts has been one of the main ways in which fixed-term contracts have been growing during recent years. The measures proposed in this directive, which already exist in Spanish legislation, have had very limited impact because of the lack of control.

This point thus leads to the need for increased monitoring, not only of implementation into national law but arrangements for ensuring *compliance*. Reinforced labour inspections might at least curb abuses, and perhaps have a more general symbolic effect. The issue of compliance will probably be increasingly present in relation to the EES. Some of the indicators proposed are directly oriented to assess the compliance of each Member State. Regarding undeclared work, special mention is made of improving "law enforcement and the application of sanctions" in the guidelines[65].. In this respect, the Employment Taskforce Report (Wim Kok coord. 2003) asks for a mixture of information (improved statistics), effective regulation (sanctions and law enforcement capacity) and positive measures (simplifying business environments and improving the incentive effects of taxes and benefits) "to cut undeclared work", which will probably have a positive impact on the reduction of precarious employment.

We might hope that *companies* feel a clear *responsibility* to reach a balance between flexibility, security and employment quality and thus, adoption of the best company strategies to improve the overall management of their labour forces should be encouraged. Taxes, social security, training and employment policy could be oriented in this direction. Reductions in social contributions for permanent employment have been an effective incentive in Spain during recent years, especially for contracting vulnerable groups, and have also had a contrasted impact in France for low paid jobs. These policies could be broadened to include consideration of employment quality.

4. Social policy

The final guarantee of security and employment quality is a responsibility of the political community, and not only of the economic agents, and this is why *social policy* has a key role in boosting job quality. Economic support to unemployed and low-paid workers, activation policies more based on providing opportunities and avoiding low

[65] Council Decision of 22t July 2003 on guidelines for the employment policies of the Member States (2003/578/EC)
[66] Council Decision of 22nd July 2003 on guidelines for the employment policies of the Member States (2003/578/EC)

protection and sanctions could be advocated in this section.

A generous, egalitarian and consensually managed system of social protection appears as a particularly adequate means to prevent the possible permanent installation of employment precariousness (and, indeed, precariousness of living in general). This conclusion is important because it focuses on *the role played by the socialization of risks* (and indeed, the de-commodification dimension of the regimes), i.e. the ability of social protection (in the wide sense accepted here, including education and 'employment protection') to create the conditions for safe life and to widen the ability to reject precarious jobs. Given the comparative economic performance of countries like Denmark and Sweden, the risk-socialization route also appears to be sustainable so far (see for instance, Jorgensen, 2002).

In this respect, the quality, the generosity and efficiency of social protection in preventing and/or alleviating the consequences of employment precariousness have had a substantial cumulative social impact. Presumably, this is because efficient and equitable social protection systems are not only able to prevent and address the "failures" of employment as a panacea policy against poverty (Barbier, 2001 4p), but also to raise security and welfare in society in general, including for those who do not derive their income from immediate work (the universalistic rationale).

In some cases special social protection schemes should be introduced (or maintained where they already exist) in order to address adequately the needs of specific groups of workers potentially affected by precariousness because of the nature of their jobs. Unemployment protection for the 'intermittent' employees in performing arts in France gave us an example of how this adaptation may prevent precarious employment in one specific sector. However, the French scheme proved not to be sustainable, financially and socially, and reforms currently underway may affect the availability of this feature.

On the contrary, other groups of workers have not secured a proper system of social protection adapted to their specific needs. In the sectors analysed, the case of domestic workers is perhaps the most significant, especially in Spain and Italy. Unprotected work (with no unemployment insurance and without dismissal compensation), even when the job is declared, reinforces other aspects of their precariousness (low wages, working time, etc.). The French experience of improving the working conditions of domestic workers should be analysed as a possibly transferable practice to other countries.

5. Sector policies and precarious employment

A better understanding of public responsibility in relation to *sectoral policies* to avoid precariousness is needed. When the State is the employer, it sometimes becomes a generator of precariousness (e.g. temporary employment in the public sector). To transform this situation probably implies, especially in southern countries, a general reform of the public sector (with the same rationale of combining work flexibility and workers' security). Nevertheless, this reform is usually rather difficult due to budgetary costs, and to political and bureaucratic resistance. The case of home care services in Pamplona has shown the limits of the capacity of the public administration to reduce precariousness through the expansion of public employment without reforming general regulations. Comparatively high rigidities (working time, human resource management and so on) at double the cost in the public sector made it easier to expand non-profit providers while Local Council services remain stagnated

When the State is the client, the introduction of social criteria in public tenders has been analysed as an interesting measure. These social criteria may be related to some standards of employment quality: training, career promotion, general HRM, the access of disadvantaged groups; or may be represented through priority given to third sector companies; or may be considered when establishing prices (and thus, wages). Especially in home care services these practices have been shown to be positive from the point of view of employment quality as well as for improving service quality.

Paradoxically these practices have sometimes been identified as contrary to fair market competition and European, national, regional or local authorities have refrained from using them. In most cases, amongst the public tendering criteria mentioned, one does not find much trace of concern with the quality of employment - the type of contracts used, the hours worked, pay etc. Of course, including such criteria would meet with a number of obstacles, the first of which being the consequences this would have for costs faced by the public authorities in contracting out the service. Given that a major motive for contracting out is precisely to cut costs, such practices have to be studied more in depth in each particular context. Anyhow, this should not be seen as an automatic reason for discarding these options and a wider approach may be developed that that allows for the overall collective interest.

The participation of third sector companies made cost reductions possible (in comparison with public provision) and reduced precarious employment (in comparison with for-profit companies). This process may be demonstrated at the national level and in international comparisons. Non-profit organizations are more willing to develop

strategies which compensate for flexibility and moderate wage through other improvements in employment quality. These achievements do not directly imply higher costs.

Especially in the case of Pamplona, these “trade-offs” are at the very centre of its interest from the point of view of innovation. Some organisational innovations were analysed in a non-profit company: workers’ participation, insertion contracts with disadvantaged workers, training, fostering workers’ careers through access to better jobs, adequate working hours to march workers’ availability, etc. The idea is that these advantages (in comparison with other private companies in the sector) could compensate, at least partially, for the low wages received by carers, in an overall perspective of employment quality. This could explain why turnover in the company was comparatively low. Something similar applies to the case in Arcadia, another innovative case analysed in French home care services.

Furthermore, low wage is not the same as moderated wage: wage-blind strategies of public administrations oriented to cost reductions through outsourcing should be differentiated from other practices of outsourcing which allow moderated, but still acceptable wages.

Similarly, one of the criteria in allocating public procurement contracts could be, if we continue along this line of seeking consistency in public policy, the provider's record of compliance with labour law.

But public responsibility in structuring emerging services is not limited to the labour dimensions. A regulatory framework for service quality has also been analysed as an indirect way to improve employment quality.

Many aspects could be considered as transferable in this respect, in the case of domiciliary care: the role of social policy regulations, the extension of the services, the articulation of public financial support with partial payment by the families/users, and a strict policy of accreditation and regulation of the providers, could introduce significant improvements in employment quality, at least in countries like Spain and Italy. However, reinforcing controls should go hand in hand with ensuring adequate resources or other supportive actions.. Rationed funding and correspondingly insufficient provision go hand in hand with precarious employment in all the cases analysed, especially in southern countries. Thus, a more universalistic approach of this kind of public services would probably have a positive effect in employment quality, reducing precarious employment.

However, it must be stressed that it is not correct to present expanding coverage and

improving job quality as alternative options (in a context of limited funds) . Neither is it always the case that high quality employment means automatically better quality service for the user. The case of Pamplona also demonstrates that higher quality jobs for workers of the local council) achieve the same level of service quality as those at Miluce (who are worse paid and less protected). Moreover, expanding coverage (with a low wage model) may mean reducing illegal work and thus, a reduction in the average precariousness of the sector, while the quality option has a more limited impact on this.

The role of public authorities in structuring emerging service activities has proved crucial in our empirical research, particularly of course in the sub-sector of domiciliary care for the elderly; this could perhaps be generalised to other public procurement and subsidised markets. Further research in other similar sectors would be useful to clarify the possibilities and limits of this kind of strategies.

Finally, the scope for EU level influence in fostering change is limited to two directions:

- contributing to the conception of universal frames of reference
- contributing to tailoring them to existing types of social protection systems, and disseminating pertinent innovations among countries.

However, in the distant future, the option of the EU to contribute to the funding of a cross-EU domiciliary care allowance cannot be discarded altogether.

6. Social dialogue and the commitment of social agents.

The role that unions have played and could play in combating precarious employment has been an object of debate in our project. There is, however, no doubt about its importance.

From one point of view, social dialogue and bargaining has proved to be a good way to introduce reforms at national, sector and company levels. Even at the European level, social bargaining is slowly widening, with recent examples of its impact on European regulations, such as the framework agreement on fixed-term employment, although this directive's ability to transform the actual working conditions of 'temporary' workers will perhaps be quite limited.

At the national level we find several examples of labour reforms introduced with

the involvement and participation of social actors oriented to meet market requirements. Unions' participation in these processes has been especially significant, since enterprise organizations' interests were usually represented by 'realistic' ministers responsible for the economic area under discussion (?). The involvement of social actors may be understood as a powerful mechanism to design more balanced reforms, to achieve greater compliance and thus, a real impact on the labour market. These kinds of agreements were for decades typical of Nordic and Central European countries (neo-corporatist systems), while southern countries, such as Italy, Spain (and even France) were marked by confrontation with their governments. At the end of the 1990s however, significant agreements gave rise to deep reforms in these countries, incorporating social practices previously alien to their political culture. The results have been especially spectacular in Spain (partly because of the huge scale of precarious employment and unemployment in this country), where a large number of new jobs were created, most of them being permanent contracts, changing the historical trend of destroying permanent jobs, although afterwards quality indicators continued to be the worst in the European Union. Whether these processes will continue in the future, and whether they will have clear incidence in the features of national labour markets, converging with the Nordic countries in the combination of flexibility and security/quality in a manner compatible with their national traditions, is a question we cannot answer at present. At the moment, these neo-corporative practices are facing significant difficulties (notably by way of general strikes).

These practices should be encouraged by the European Commission, which obviously requires the commitment of social actors, and this commitment could be more easily reached by developing participation structures in the areas of the economy and employment, expanding the power and competences of economic and social councils at various levels.

An opposite view may be found if we analyse the role of social actors in general and trade unions in particular in the sectors selected for this project. Low standards of employment quality achieved in collective agreement (wages, working time, types of contracts, etc.), low levels of compliance with these agreements by enterprises, limited ability to control and monitor this by unions, even clear mistakes in bargaining that may worsen former working conditions, are clues to the reduced presence and ability of trade unions in these sectors. Thus precarious employment in the sectors studied is directly related to weak unionisation. In most cases, especially in the home care sector and call centres, these characteristics are related to their emergent nature: new activities with new enterprises and new workers, usually with a large proportion of disadvantaged groups (women, young people, immigrants, etc.) who are traditionally less involved

with unionism. Furthermore, there is in some countries a long-standing tradition of defending first the interests of skilled workers and especially of core workers (e.g. Germany).

The dynamic in these sectors may contrast with other practices in more unionised sectors where other kinds of bargaining are being developed. Negotiating companies' commitment to workers' futures during major big industrial restructuring, pursuing trade-offs between salary moderation and employment promotion, converting fixed-term into permanent contracts, have been common union strategies at company level to improve employment quality. Nevertheless, nothing clearly suggests that this development will appear in the home care sector or in the call centres and we do not yet know if new organisation and strategies more akin to the new forms of business organisations (Earnshaw *et al.,* 2003) will be found. On the contrary, union weakness, limited price-cost margins, lack of political commitment and narrow enterprise strategies would underpin the maintenance of precarious employment and even its expansion in the sector

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In conclusion, a special focus is needed on "low quality" jobs or "precarious" employment within the European Employment Strategy if the social and economic problems of this phenomenon are going to be faced (i.e. the negative impacts on social cohesion and productivity). Specific complementary measures should be introduced in several sectors and regions to ensure that the quality strategy can have a positive impact all over Europe. The commitment of Member States' policies to this strategy (adapted to their specific needs and possibilities) should be reflected not only on labour market measures, and within their NAPs (which should be more seriously planned, implemented and assessed), but also by means of different sectoral policies in those sectors where precarious employment has been spreading, and a better regulation of businesses.

Furthermore, in reforming social policies, the impact in terms of precarious employment (positive or negative) should be taken into account because of the significant role of social protection in preventing it. The efforts already made in monitoring and assessing all these aspects through a system of employment indicators should be reinforced, focusing specifically on a wider range of job characteristics which identify "low quality" jobs, analysing more extensively the concept of "employment quality" and the relationships among its different aspects, and improving the data quality - particularly indicators for temporary employment, constrained part-time

employment, and quasi self-employment.

Finally, the involvement in this strategy of social actors, notably employers, unions, local and regional administrations, could be reinforced by developing participatory procedures when the reforms are introduced at the European, national, sector, local and firm levels. Partnership is not only a requirement of good governance for achieving desired results, but also the way to find what results and objectives should be pursued. Within these objectives, reducing precarious employment and improving quality of jobs *for all*, should be included as priorities.

Previous documents which this report is based on

Work Package 1.1 Defining and assessing precarious employment

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Work Package 1.2. Analysis of regulation frameworks and policies

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