



Flexibility and social protection



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Foreword

Far-reaching changes in the labour market and the economy are gaining momentum throughout the European Union. These changes call for innovative responses to take account of both workers' expectations and employers' needs for greater flexibility. The growth in part-time and temporary work, fixed term contracts and self-employment has rendered the old-style welfare states, largely based on typical forms of employment, increasingly outdated.

Against this background and in an effort to offset widespread unemployment rates, there are increasing moves at European level to develop new, more flexible forms of employment and working. The European Employment Guidelines have contributed to this in a positive way. But the impact of flexible employment trends on national social protection systems is varied. The response to solving these problems equally so. And while the links between the various social protection systems and employment have increased considerably, the mismatch of current employment developments and an ageing social protection system is beginning to show the strain.

Taking as its point of departure this complex debate, this report draws on information from six Member States representative of the various welfare systems, focusing on unemployment benefits, retirement pensions, guaranteed minimum incomes, parental benefits and health care throughout the EU. Highlighting the problems facing the different regimes – continental, liberal, Scandinavian and Mediterranean – it provides a crucial insight into how these systems promote employee security, or indeed, impede it.

So, what are the options available to ensure the 'flexicurity' – reconciling the flexibility required by the new economy with the employees' legitimate job security interests – necessary in this new economic environment? In its search for some kind of answer, the report examines the different dimensions of security and suggests the aim is not simply for a worker to find or keep a job, or to receive replacement income, but for the concept to embrace the dual dimensions of career and personal life.

We believe this report provides an interesting first insight into the political alternatives for tackling social protection issues in the light of changing economic imperatives and sketches an outline of the possible future shape of 'flexicurity' in Europe.

Willy Buschak
Acting Director

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Introduction

The purpose of this report is to present a review of recent literature relating, first, to links between Europe's social protection systems and, secondly, to the flexible or atypical forms of employment that have emerged over the past twenty years. The aim is to investigate possible approaches to reconciling these two aspects, with a view to safeguarding the security of workers over their entire working lives.

In a context notable for the increase in international competition (both within and outside Europe), the elimination of exchange rates as an economic policy lever to counterbalance variations in productivity (at least within the EU), the ascendancy of financial/patrimonial capitalism (Aglietta, 1998), and the moderate growth of productivity within economies where services are playing a more important part than they formerly did, we are seeing a shift in the major post-war macroeconomic equilibria, generally referred to as the 'Fordist compromises' (Boyer, 1986; Boyer and Durand, 1993). These had made the growth of the 'welfare states' possible thereby providing a substantial proportion of the population with an unrivalled level of material well-being¹.

These relative equilibria can be analysed from two complementary standpoints, corresponding to two traditional facets of the activity of the welfare states during that period: social protection and its various systems on the one hand, and employment policies on the other. From the standpoint of *the employment market*, the European welfare states were long characterised by different strategies designed to achieve or maintain 'full employment', which was both a necessary condition for funding them and an instrument, as such, for achieving a satisfactory level of well-being among their citizens/workers. In some continental European countries, moreover, employment policies (or the mechanisms established by agreement between employers' organisations and trade unions) long favoured stable (full-time and permanent) forms of contract of employment, laying the foundations for the employee societies of the post-war period (Castel, 1995).

From the standpoint of *social protection*, the welfare states gradually established social security systems that to differing extents were based upon (and required) these typical forms of employment. They helped to reinforce the economic security of these stable workers – most of them male – against the occurrence of various risks associated with their participation in the labour market: unemployment, illness, invalidity, maternity and old age. The families of these workers gradually became entitled to benefit from rights of social protection deriving from those of these *male breadwinners*.

This relative balance, which could also be described as, to some extent, a compromise between the flexibility required by the employers and security for the workers, gradually ran into difficulties.

Various studies, including those undertaken by the European Foundation for the Improvement of Living and Working Conditions, have highlighted the fact that new forms of working and employment, referred to as 'flexible', have gradually emerged over the past twenty years. It should be noted that various feminist studies had long since been drawing attention to the spread of flexibility, which not only had a greater effect on women but also caused them greater problems of job insecurity. This concept – *flexibility* – has come to be more and more widely used among

¹ Hence the English term 'welfare capitalism'.

researchers and actors in the employment world as a basis for understanding, resisting or even encouraging the mass of changes that are affecting work organisation as well as workers' employment statuses.

A good many employers have argued in favour of the development of more flexible forms of employment (such as fixed-duration, part-time and temporary work, and indeed self-employment), enabling them to control labour costs and to stand up better both to international competition and to variations in demand within an environment in which both production and consumption are becoming increasingly individualised. Against a background of widespread unemployment in Europe, most Member States and the European Commission have launched moves to develop flexible forms of employment and working (for example, through the European Strategy for Employment). The hoped-for result was to facilitate a reduction in under-employment by providing a better match to employers' real needs.

Confronted by these changes, the links between social protection systems and employment have become more numerous and ambiguous.

1. For some actors, especially employers, the social protection systems can be regarded as a burden, because of their supposed inappropriateness to the new economic realities and the world of employment, and particularly by reason of their cost (at least in those systems that are funded primarily through employers' contributions).
2. For the workers affected by these flexible forms of employment – which themselves are in many cases synonymous with a form of insecurity – this situation is made worse by the inappropriateness of some social protection schemes to their personal situations. In so far as these schemes assume the existence of 'typical' employment, and make some of their benefits conditional upon it, they do not necessarily offer a sufficient guarantee of security (in terms of replacement income, for example) when social contingencies arise. This may be true of eligibility to join the scheme, access to benefits and the amount of benefit. The flexibility desired by some employers is hampered by this since there is not necessarily any guarantee of the minimal platform of security that enables employees to develop occupational mobility strategies of a more qualitative nature, such as versatility or involvement in team working.
3. Finally, the welfare states may themselves contribute to the development of flexible/atypical employment: for example, a good many policies designed to bring vulnerable groups among the working population or job-seekers into employment have the effect of creating hybrid statuses under labour law and with regard to contributions and social security entitlements (activation policies).

To this must be added the specific problems (especially that of increasing expenditure and falling income) confronting the social protection systems. We will return to this point in Chapter 2.

There does seem, however, to have been a growing awareness of the problems caused by this mismatch between flexibility and security for some workers. For example, concern has been shown with improved quality of employment, particularly at the Lisbon summit and during the Belgian Presidency of the European Union in 2001. In the discussions prompted by quality of employment, the question of access to social protection was put forward as one of its possible aspects. A new term, *flexicurity*, expounded at the Lisbon summit, is now being used to encapsulate the need to reconcile the flexibility required by the new economy with the legitimate job security interests of

employees. There thus seems to be a political space within which an attempt may be made to redefine possible avenues of compromise between these two aspects of the welfare states.

These future compromises between flexibility and security would have to meet several challenges:

- ensuring a high level of employment (consistent with the guidelines for employment and objectives laid down at the Lisbon summit);
- while maintaining a high level of social protection (in terms of range of services and conditions of access), as that objective is defined in the European Social Charter and the Council recommendation on the convergence of social protection objectives and policies;
- observing the convergence criteria for government deficits and spending as specified in the Maastricht Treaty;
- while at the same time combating discrimination between men and women, ensuring that the combination of income deriving from social protection and that earned by participation in the labour market (the 'welfare mix') does in fact allow equal access to the various spheres of activity and social life;
- and adapting the welfare states to the new contexts, risks and practices of social life. In the context of the development of flexible employment, how will it be possible to ensure more flexible and more reliable transitions between different situations inside and outside the employment market (in particular, between flexible employment, such as part-time or temporary agency work, periods of training or parental leave, and stable employment)?

In order to be fully understood, these tensions between flexible employment and social protection must be interpreted as a function of the welfare state systems or 'worlds' identified by previous studies (Esping-Andersen, 1990; Ferrera, 1996): the universal, social democratic systems of the Scandinavian and English-speaking countries, which are primarily Beveridgian in their inspiration, and the corporatist continental European systems, which are predominantly Bismarckian, or again the Mediterranean systems, which exhibit 'hybrid' aspects. The same pressures are expressed in different terms in each of the types of welfare state, resulting in different problems and different political responses.

Objectives of this report

This literature review has four objectives:

- to supply an overview of the main theoretical studies of both flexibility and social protection, with a view to placing the problems of this project in context;
- to examine in detail the problems caused by flexible employment to social protection in some countries, with particular attention to equality between men and women, and to identify and, if possible, evaluate the technical solutions and responses that have been introduced to deal with those problems;
- to examine possible avenues for the redeployment of social protection, given the increasing flexibility of employment; and
- to draw up proposals for future studies and approaches to the collection of quantitative data.

Methodology

1. While the initial objective of the report is to take stock of literature concerning links between social protection and flexible employment, it must be pointed out that very few studies in fact tackled this precise issue in the past ten years. Most of them concerned the gender issue, as flexible employment had for a long time been regarded as a specifically female problem. These studies form an essential and often original contribution to this subject. It is significant, however, that the question re-emerges at a time when flexible employment is tending to become widespread for both sexes. Given the scarcity of recent sources available, we decided to proceed with a specific analysis of access by certain categories of flexible workers to certain social protection aspects. This analysis forms the basis of the report's longest chapter, Chapter 3. In order to pinpoint the challenges inherent to this issue, however, in particular from a comparative point of view, it must be placed in context, and the situation of flexible employment in the countries concerned evoked (Chapter 1), while the pressure to which welfare state systems are subjected in their quest for solutions is described (Chapter 2). After having analysed the specific problems encountered by flexible workers in gaining access to social protection (Chapter 3), we will describe the theoretical solutions for redeploying welfare state systems in order to take flexible employment into account and cover it adequately (Chapter 4). Chapter 5, which concludes the report, proposes avenues of research for the future.
2. In order to maximise the relevance of this study, we elected to restrict the specific analysis of the relationship between flexible employment and flexibility to five social protection schemes:
 - Unemployment benefits (insurance and assistance) represent a central issue, given the part that they may play in providing replacement income in the event of discontinuous employment, which is particularly common in some forms of flexible employment.
 - Retirement pensions (with emphasis on the reference period used to calculate benefit).
 - Guaranteed minimum income (in particular, the way in which it may replace unemployment benefits for individuals who have used up their entitlements).
 - Parental benefits (as a function of the available information, the provisions governing parental leave to take care of children, whether or not such leave is paid leave, and the availability of childcare services).
 - Health care (from the point of view of its availability to flexible employees).

Within the framework of these schemes, we have concentrated on:

- the obligatory systems existing, based on contributions or social citizenship;
- benefits in the form of income and, where relevant, those based on the provision of services;
- supplementary schemes (second-pillar pensions), depending upon the information available.

These schemes have been examined from the points of view of eligibility of beneficiaries, total benefit and duration of benefits for flexible forms of employment.

3. Since the constraints applicable to the present study made it impossible to conduct a survey of this kind covering all the 15 EU Member States, we have confined our efforts to six Member States that are, in principle, representative of the various types of welfare state:

- *Germany and the Netherlands*, as corporatist welfare states (financed primarily through contributions and providing a high level of benefits), the Netherlands also being selected because of the development of flexible employment policies in that country;
 - *the United Kingdom*, as a liberal model of welfare state (universal but low benefits);
 - *Sweden*, as a social democratic model of welfare state (high benefits and a strong universal component);
 - *Spain and Greece*, as Mediterranean welfare state models, Greece being an interesting case in view of the development of the informal ('black') economy and the still largely undetermined nature of its welfare state.
4. The same limitations prompted us to restrict our study to a few typical forms of flexible employment:
- temporary work and fixed-duration employment;
 - career interruptions (typically, unpaid interruptions for family reasons);
 - part-time working.

We kept open the option of considering other forms of flexible employment, depending on available information and national situations (such as self-employment and 'work on call'). These, however, will not be examined in the same comparative and systematic manner.

5. Four types of source were considered in producing this report:²
- *Theoretical studies* in the fields of flexibility (the Supiot report and the works of Günther Schmid, together with sundry reports on research undertaken by the Foundation), social protection (recent 'grey literature', such as the output of the COST A15 research network, the research project entitled 'Recasting the European Welfare State' at the European University, Florence, and the comparative studies by the MIRE network on social protection in Europe).
 - *Several quantitative studies* (Labour Force Surveys by Eurostat, the Foundation's surveys of working conditions, available secondary analyses based on the European Community Household Panel Survey – ECHP).
 - *Quantitative sources*: comparative analyses undertaken under the auspices of the Mutual Information System on Social Protection (MISSOC), existing comparative studies, the European Commission's annual reports on social protection, comparative analyses undertaken under the aegis of the European Industrial Relations Observatory (EIRO).
 - *Original research reports* produced by six national experts (one for each country analysed in depth in this report). These reports, prepared on the basis of a common analytical grid following the axes specified above (see Annex), will be used as the primary source for the comparative study.

¹ For a detailed overview, please see the bibliography at the end of this report.

Plan of the report

Chapter 1 provides a general overview of the most up-to-date analyses of flexible employment and gives details of the viewpoint from which it will be addressed in the report.

Chapter 2 similarly, but more systematically, addresses the question of welfare states from the standpoint of social protection and the main issues and challenges by which they are confronted.

Chapter 3 gives details of the various social protection schemes in force in each of the countries selected for the study and the problems confronting workers on flexible contracts, and then undertakes comparative summaries of those problems and issues.

Chapter 4 offers a critical discussion of recent proposals for welfare state reforms, particularly in the light of the works of Alain Supiot and Günther Schmid's team of researchers at the Berlin Wissenschaftszentrum.

Chapter 5 reviews the principal findings of this survey of the literature and outlines avenues for future research.

The annex to the report comprises the analytical grid and questionnaire used by the national experts.

Experts responsible for the national reports

Germany: Dr Bernd Schulte, Max-Planck-Institut für Europäisches und Internationales Sozialrecht, Munich

Spain: Prof. Ana M. Guillén, University of Oviedo

Greece: Prof. Panos Tsakoglou, Dr. George Katrougalos, University of Athens

Netherlands: Dr Ton Wilthagen, University of Tilburg

United Kingdom: Prof. Jonathan Bradshaw, Dr Tina Davis, York University

Sweden: Dr Dominique Anxo (Director), Dr Thomas Ericson, Centre for European Labour Market Studies, University of Göteborg

Flexibility of work and employment

1

The term *flexibility* has gradually become established over the past twenty years as a way of referring to a set of heterogeneous practices that relate both to new forms of work organisation and to emergent contractual forms framing the employer/employee relationship. The first characteristic of flexibility, then, is specifically the absence of a common denominator between the various practices that it covers, apart from the minimal similarity of moving away from the typical models of employment and work traditionally associated with the 'thirty glorious years' of post-war boom: a permanent contract of employment, full-time, in the service of a single employer, characterised by a high degree of subordination.

Types of flexibility

It is beyond the scope of the present report to provide an exhaustive description of all the practices covered by the word 'flexibility', or all the analyses in which they have resulted. Depending on the angle of approach, analysis may cover such unrelated subjects as participative management, the weakening of hierarchical structures within organisations (associated with the growth of team working), the annualisation of working hours and time credits, performance-related pay and worker participation in the profits of the undertaking (for example, through payment of a proportion of the worker's income in the form of shares), geographical mobility and the growth of multitasking, new forms of employment such as work on call, and the use of freelance labour.

In the absence of an unequivocal definition of flexibility, the best way of addressing this phenomenon and trying to obtain a better understanding of it is by means of typologies that allow its various characteristics and aspects to be listed and classified. However, the diversity of classifications and types of flexibility identified is a function of the different approaches adopted, depending on whether the focal point is the working conditions thus generated, the strategies adopted by companies or the characterisation of the contract of employment.

One of the first distinctions employed differentiates between *offensive and defensive* flexibility (Boyer, 1986). This distinguishes between companies that are noted for product innovation strategies based on investment in skilled personnel, on the one hand, and companies involved in cost-based competition and employing relatively unskilled staff on the other. In the former case, the employer tries to secure the loyalty of his workforce, while in the latter the cost of labour (in terms of wages or volume of employees) represents the primary lever for adaptation to variations in demand.

However, it is also important not to exaggerate this view of the actual situation. In particular, the flexibilisation of recruitment and dismissal conditions, which is one of the arguments generally cited to describe defensive flexibility and the emergence of atypical employment statuses, is not necessarily the panacea from the employers' point of view. Indeed, it may even be found that some employers retain the institution of the permanent contract of employment in order to avoid two other forms of cost: possible renegotiation tactics by certain opportunistic employees, and the costs incurred by specifying the content of the job before taking on a permanent employee (Marsden, 2001).

In the context of the present literature review, we will refer to the typology developed on the occasion of a previous report under the aegis of the Foundation, which has the virtue of pointing the way to better understanding of flexibility practices as a whole (Goudswaard and Nanteuil, 2000).

This typology distinguishes between four forms of flexibility, based on two axes:

Figure 1 Forms of flexibility

	Quantitative flexibility	Qualitative flexibility
External flexibility	<i>Employment status</i> : types of contract (fixed duration, temporary, work on call, etc.) <i>Numerical/contractual flexibility</i>	<i>Production systems</i> (subcontracting, use of freelance labour) <i>Productive/geographical flexibility</i>
Internal flexibility	<i>Working hours</i> (overtime, part-time, weekend working, irregular/variable hours) <i>Temporal/financial flexibility</i>	<i>Work organisation</i> (job rotation, multitasking, making workers responsible for planning, the budget, etc.) <i>Functional/organisational flexibility</i>

A first axis opposes *quantitative* and *qualitative* flexibility. The former relates to practices intended to affect the volume of work or employment (working hours or temporary working). The latter relates to the practice of subcontracting to agencies or hiring specialised staff (functional flexibility).

Another possible distinction, more useful for present purposes, separates internal flexibility (*work*) on the one hand and external flexibility (*employment*) on the other (de Nanteuil, 2000). The first concept refers to the organisation of employees' activities within the framework of an existing employment relationship, presumed to be stable, and the various arrangements to which this may give rise (internal mobility between different facilities of the same undertaking, multitasking of staff, annualisation of working hours, performance-related pay and profit-sharing schemes).

The second concept relates to the characteristics of the employment relationship as defined in the employees' contracts of employment – in other words, status. It brings into play variations of the volume of employment caused by the undertakings, for example by resorting to temporary or freelance labour. This is the type of flexibility which will most probably have the most direct impact in terms of social protection, in that it is the characteristics of the contract of employment (duration, working hours, pay scale) that determine, in many Member States, access to several sets of social security benefits (especially retirement pensions and unemployment allowances).³

This makes it possible to distinguish between four types of flexibility practice:

- *numerical flexibility*, which refers to practices designed to modulate employment statuses within undertakings and organizations;
- *productive flexibility*, which refers to practices for decentralising production and the use of subcontractors;
- *temporal flexibility*, which makes use of variations in working hours and atypical hours or hours determined at short notice; and
- *organisational flexibility*, which refers to practices designed to increase the multitasking of workers and depart from conventional patterns of subordination.

In practice, it is obvious that these various types of flexibility may overlap. For example, a part-time employee, too, may be subject to a system whereby his weekly working hours are calculated

³ From this standpoint, part-time working is situated on the borderline between these two types.

on an annual basis, or may be required to be geographically mobile between several facilities of the same undertaking. This can result in segmentations within an undertaking's workforce (Atkinson, 1994). While a nucleus of more experienced workers may not be affected by these practices, or may be affected by only a few of them, a peripheral group with precarious status (most of them being young workers, women or personnel of foreign origin) may combine several of these forms of flexibility. For example, recent studies show that temporary labour is increasingly being used by some employers as an alternative method of recruitment or as a tool for decentralising the administration of part of their human resources (Lefebvre et al, 2002).

In the context of the present literature review, we will consider only the type of flexibility that takes advantage of atypical forms of employment, thus modifying the *occupational status* of the employees. We are in fact putting forward the hypothesis that it is this category that maintains most direct links with social protection, in the sense that its characteristics specifically call into play those aspects which determine access to social protection.⁴

The legal standpoint

It could be said that the various forms of flexible employment have the common feature of challenging one of the principles that lay at the heart of the Fordist compromise: the traditional trade-off of job security against a high degree of hierarchical subordination within the undertaking. The security was that of the 'typical' job: generally meaning a permanent contract to work full time for a small number of employers over the worker's career. This paid employment was generally the preserve of male workers, and conferred rights of social protection. The subordination was – typically – that of the large industrial undertaking whose hierarchical organisation was based mainly on the performance of repetitive tasks. The researchers who contributed to the Supiot report emphasise two aspects of the challenge to this principle.

- The change in the criterion of subordination, resulting both in a trend towards the creation of new forms of employment, on the fringes of the contract of employment, and in a relative resurgence of freelance working during recent times. While the overall volume of freelance working has remained largely stable in recent years, the zones and sectors of activity where it is practised have changed greatly: in particular, the number of self-employed workers in agriculture has fallen, while it has increased equally sharply in the services sector. There are two ways in which the law can attempt to confront this phenomenon. The first is to extend the field open to freelance workers, by statute or case law (an example being the 1994 Madelin Act in France, which restricts the application of the presumption of waged employment). The second, at which there have been a few scattered attempts, is to create an intermediate status between paid employee and freelance, an example being the debate that took place in Italy in relation to the concept of *parasubordinazione* (parasubordination), which extended the right of individual employment litigation to include agency relationships and commercial representation. However, the arguments did not extend to social protection (Supiot et al, 1999).
- *Discontinuity of employment*: Increasingly, employees experience interruptions in their careers, which alternate periods of unemployment with fixed-duration contracts or temporary work for an agency, this alternating sequence sometimes extending over long periods.

⁴ Some studies are concerned with examining the links between flexibility and health. The existence of such a correlation, even if indirect, may have an impact on social protection, for example, by increasing sick leave caused by stress, or the number of accidents (Rodríguez, 1999).

Along the same lines, the analysis grid developed by Kravaritou (1987) approaches the problems of flexible employment from the standpoint of the legal basis of the employment relationship – the relationship between employer, employment and worker – and the consequences in terms of access to social protection. On this basis, three forms of flexible employment can be identified:

1. *Employers with no employment*,⁵ in terms of the norm of a full-time, permanent contract. In this hypothesis, the employer recruits only for a specific period, for a specific task or for temporary work. Within that framework, the following can be more specifically identified:
 - The *fixed-duration contract* of employment. This may take various forms (seasonal work, work on call, etc.).
 - The *part-time contract* of employment, defined as ‘the regular pursuit of an activity for a number of hours less than the statutory period’,⁶ may also cover different forms of employment, such as jobsharing, alternating shift work and semi-retirement.
 - *Temporary work* (within a ‘triangular’ relationship between user undertaking, workers and manpower agencies).
2. *Employment with no employers* (Lyon-Caen, 1993) or with *several employers* refers to a change in the traditional relationship of subordination existing under a contract of employment and tends to eliminate the figure of the employer. Its essential characteristic is freelance labour, or ‘black’ labour. In the context of the present study and for practical reasons (‘black’ labour is invisible, and the problems of freelance labour are relatively well known in any case), we shall take this aspect into account only in so far as it represents a significant problem in the countries studied.

It must also be noted that these various forms of flexible employment may be cumulative, in which case the status of the workers concerned becomes even more precarious:

- Employment statuses may be juxtaposed (for example, in the case of a worker with part-time waged employment and an additional freelance job).
- Periods of flexibility may be successive: periods of vocational training, unemployment or parental leave interspersed with periods of full-time or part-time waged employment.
- Different forms of flexible employment may *coexist* under the same contract of employment (for example, part-time, fixed-duration, distance working) (Fagan et al, 1994).

The origins of flexibility

Quite apart from the various forms taken by flexibility of employment, it is also necessary to appreciate that their origin may differ. For the purposes of the present report, we have singled out three main types.

- The policies of employers are among the most frequently cited sources of flexibility. They may exist within a context of strategies for the overall reduction of the workforce, or policies designed to achieve a better match between production rhythms and demand (concepts such as just-in-time and lean production). The strategies designed to adapt to a more competitive environment are those most often cited as reasons for resorting to these flexible forms of employment. They enable employers to reduce or eliminate the costs associated with laying off and to achieve

⁵ In the sense of typical employment – a permanent contract of full-time employment.

⁶ This definition is thus subject to variations from one country to another.

greater flexibility in the use of labour (for example in the cases of temporary labour or fixed-duration contracts).

- In the context of the struggle against unemployment, and with a view to allowing the increase in the rate of employment claimed by many Member States, especially in connection with one of the objectives they set themselves at the Lisbon summit,⁷ several policies initiated by governments make use of atypical forms of employment, with a view to facilitating integration into the labour market. Generally targeted on certain specific categories (young workers, the long-term unemployed, less skilled workers), these various measures can be classified as part of the development of direct public employment. In other cases, they involve encouraging (or even compelling) the creation of subsidised jobs in certain branches of private sector activity. A measure frequently adopted comprises exempting employers from paying all or some of their social security contributions. These employment or re-employment programmes often make use of flexible forms (temporary jobs, part-time working or reduced wages, examples being *emploi jeunes* (youth employment) in France, the 'Rosetta' contracts in Belgium, etc.). In the context of the development of 'activation' policies for social policy, access to some benefits (guaranteed minimum income, unemployment allowances) may be made conditional on the beneficiary's acceptance of these atypical forms of employment.⁸ These policies may combine two types of consideration. On the one hand, their proponents contend that social allowances are counter-productive, amoral or simply too expensive to maintain in the long term. They may also argue that, for various reasons, especially psychological reasons, the initial return to employment may launch a 'virtuous circle', enabling the worker to enhance his employability and so increase his prospects of remaining actively involved in the labour market in the future. This form of flexibility could continue to grow.
- A third commonly cited source of flexibility relates to the employees' own preferences. This, however, must be approached with caution, since although some studies do indeed mention it,⁹ few of them seem to have made any attempt to describe it in detail. Some observe that the development of more autonomous forms of work organisation leads to the development of increased demand for the synchronisation of living and working rhythms. However, little is known about the proportion of employees affected by this increased autonomy. Furthermore, the demand for certain more flexible forms of employment (especially part-time working) is traditionally associated with women's preferences. In the context of the current division of tasks within couples, the proportion of women who resort to part-time or temporary employment in order to be able to reconcile caring for their children with an active working life is indisputably higher than the proportion of men, in every European country. Even so, it hardly seems to be a 'preference' in this context. In fact, two separate dynamics are playing a part here: the desire of some women to switch from full-time to part-time employment on the one hand, and the creation of part-time or fixed-duration employment by employers on the other. These forms of employment, like those created in order to reduce unemployment, were not necessarily conceived as a way of enabling women to achieve a better balance between the rhythms of private and professional life (Vielle, 1997). Indeed, these jobs may be subject to more irregular variations in working hours than full-time or permanent employment. Although this increase in unsociable working hours goes hand in hand with a poor infrastructure for providing care for

⁷ The targets in question were in the region of 70% for men and in excess of 60% for women.

⁸ 'Activation' policies may comprise a wide range of measures – personalised support for jobseekers, increased availability of training – without necessarily taking the form of 'compulsory employment'.

⁹ The Eurostat Labour Force Survey, for example, does observe that a not insignificant proportion of workers would like to reduce their working hours, but the specific arrangements they would like to see adopted in order to bring this about are not stated in detail.

dependants, the spread of flexible employment is liable to have the converse effect of increasing the trend towards women's withdrawal from the employment market. On the other hand, as Esping-Andersen has shown, it is the greater flexibility in the arrangements for sick leave or paid parental leave rather than part-time or fixed-duration contracts that has enabled many women in Sweden to remain in employment at the same time as taking on care duties.

Quantitative data

A detailed study of the quantitative aspects of flexible employment is beyond the terms of reference of this study. However, as regards those forms that will be considered in more detail in this report, we thought it would be useful to supply various statistical reference points based on available comparative sources. One of the problems associated with the analysis of flexible employment is, specifically, the difficulty of identifying and measuring it. At this stage, we will confine ourselves to giving an incomplete overview of the most easily identifiable forms of flexible employment – part-time working, fixed-duration contracts and temporary work – in the countries selected for in-depth analysis in this literature review.

For a full understanding of the context of the debate concerning these forms of employment, an overview of employment rates in the Member States is necessary.

Table 1 Employment rates by sex (%)

	Germany	Spain	Greece	Netherlands	Sweden	UK	EU 15
Men	72.7	69.6	71.3	82.1	72.6	77.9	72.4
Women	57.8	40.3	41.3	63.4	69.7	64.5	53.8
Total	65.3	53.7	55.9	72.9	71.1	71.2	63.1

Source: Eurostat, 2000

There is a very significant overall variation between two groups of countries: the Netherlands, Sweden and the United Kingdom on the one hand (between 71% and 72.9%) and Spain and Greece on the other (between 53.7% and 55.9%). Germany occupies an intermediate position, though closer to the first group. These comments, however, can be clarified by considering the differences between men and women as far as employment is concerned.

In the first group of high-employment countries (which already comply with the Lisbon objectives), Sweden stands out as having a female employment rate which is less than 3% below that of men – nearly 70%. In the Netherlands and the United Kingdom, the male employment rates are high (over 77%), with a pronounced difference between the sexes (nearly 20% in the former case, 13% in the latter). In the low-employment group of countries, we again find the same tendency to a sharp difference between men and women. In Spain and Greece, the 40% rate of employment for women is some 30% less than that for men. In Germany, the difference is 25% and the female employment rate 58%.

Fixed-duration employment

According to the available data, the total proportion of employees working under fixed-duration contracts of employment was 11% for the entire EU in 1995 and 10% in 2000.¹⁰ Among the latter,

¹⁰ These proportions vary slightly, depending on the source used: Eurostat Labour Force Survey or the Foundation Survey of Working Conditions.

42% were employed under contracts with a duration of less than one year and only 12% under contracts with a duration in excess of four years (Paoli and Merllié, 2000).

As far as national situations are concerned, Spain is notable for a very high proportion of employees under fixed-duration contracts (32%), contrasting very sharply with the situation in the United Kingdom (6.7%), where the weak safeguards against dismissal probably play a part in making fixed-duration employment less attractive. The other countries are spread over a range of between 12.7% (Greece) and 14.7% (Sweden).

Table 2 Fixed-duration employment (as % of waged employment)

	Germany	Spain	Greece	Netherlands	Sweden	UK	EU 15
Men	12.5	30.6	11.5	11.5	12.3	5.9	12.6
Women	13.1	34.6	15.7	17.2	16.9	7.7	14.5
Total	12.7	32.1	13.1	14	14.7	6.7	13.4

Source: Eurostat, 2000

The distribution of fixed-duration contracts between men and women calls for two comments. First, women are in a small majority among those involved in this type of employment, both at EU level and in each of the countries considered. Secondly, the difference between men and women is greatest in the Netherlands (5.7%), the other extreme being Germany, where this difference works out at less than 1%. Elsewhere it is in the region of 4%.

Table 3 Breakdown of fixed-duration employment by duration of contract and by sex (% of fixed-duration employment)

	Germany		Spain		Greece		Netherlands		Sweden		UK		EU15	
	M	W	M	W	M	W	M	W	M	W	M	W	M	W
0 to 6 months	14.63	12.86	33.64	28.98	33.75	24.38	14.22	14.45	49.27	61.95	17.69	19.02	25.45	24.37
7 to 12 months	20.54	25.54	14.26	16.95	28.13	38.03	8.13	9.47	20.00	23.00	14.36	14.46	16.40	21.89
13 to 24 months	12.36	14.41	3.96	2.91	15.00	16.90	3.61	3.55	4.39	11.50	9.18	12.64	8.19	9.37
> 24 months	37.53	42.55	4.57	2.91	13.13	12.68	4.74	2.17	4.39	8.31	6.52	6.49	15.25	15.53

Source: Eurostat 2000. Some columns total less than 100 because of failures to answer this question in the Labour Force Survey.

The length of fixed-duration contracts may vary significantly from one country to another within the EU. Whereas contracts with a duration of over two years are clearly the largest group in Germany, it would seem that in Spain and Greece, and in Sweden as well, contracts for a period of less than one year are the most widespread. In the United Kingdom, on the other hand, there is a more even split between short- and long-term contracts. This trend toward greater use of short- or even very short-term contracts is also to be found at European level.

At first sight, the differences between men and women do not appear particularly striking from the point of view of fixed-duration employment, with two exceptions: Greece, where very short-term employment (less than six months) seems more widespread among men than among women; and Sweden, where the reverse is true.

These data, however, should be treated with caution: the statistics in the Labour Force Survey make no distinction between temporary jobs and other forms of fixed-duration employment, so that it is difficult to arrive at any general conclusions in this context. Furthermore, the high rate of failure to reply in some countries, especially the Netherlands, limits the validity of these results.

Part-time employment

The proportion of employees working part time¹¹ accounted for about 15% of total employment in 1995 and 17% in 2000. An important distinction can be drawn between men (7% of employees working part time) and women (32%). In addition, it would appear that employees already involved in flexible forms of employment are proportionately more likely than others to be in part-time employment: this applies to employees working under fixed-duration contracts (28% part time), or employed by a temporary employment agency (25%), as compared with 16% of those on permanent contracts. By comparison, among the 67% of employees on full-time contracts of employment who state that they are the main contributors to the total income of their respective households, it is again the part-time employees (30%) and those on fixed-duration contracts who stand out most significantly (Paoli and Merllié, 2000).

Table 4 Part-time employment (as % of total employment)

	Germany	Spain	Greece	Netherlands	Sweden	UK	EU 15
Men	5	2.9	2.6	19.3	36.3	9	6.3
Women	37.9	17.2	7.9	70.6	10.7	44.5	33.7
Total	19.4	8.2	4.6	41.2	22.8	24.9	18

Source: Eurostat, 2000

These rates, however, conceal radical differences among the Member States. Thus, there is a very marked discrepancy between the Netherlands (41.2% part time), an intermediate group comprising Germany, Sweden and the United Kingdom (between 19.4% and 25%), and finally Spain (8%) and Greece (4.6%). The last-named figure, however, must be adjusted to allow for the significance of the informal economy and the large number of workers with second paid jobs. It is important to note that this form of flexible employment increased greatly between 1990 and 2000 (16.5% and 11.2% for the EU as a whole).

As Table 4 shows, the reasons why workers are in part-time employment, as stated by the two sexes, vary considerably among the Member States. In Germany, the Netherlands and the United Kingdom, the principal reason given by men is deliberate choice, followed by involvement in a training programme and then the inability to find full-time employment. Within that ranking order, however, the proportions can vary sharply: whereas about one fifth of German and British male part-time workers were unable to find full-time employment, the same is apparently true of only 4.5% of Dutch part-time workers. Similarly, in the United Kingdom, the proportion of men working part time and undergoing training is significantly higher. In Sweden, although the reasons given reflect the same proportions overall, part-time workers undergoing training are slightly more numerous than those who have elected to work part time. In Greece (where one man in every two

¹¹ Defined as a working week of 30 hours or less.

works part time) and Spain, the main reason cited by men is inability to find full-time employment. Very few Spanish men (3%) claim to have chosen part-time employment. In both Greece and Spain, moreover, those working part time for training reasons are less numerous than in the other countries.

Table 5 Part-time employment by stated reason (as % of part-time employment)

	Men							Women						
	Germany	Spain	Greece	Netherlands	Sweden	UK	EU 15	Germany	Spain	Greece	Netherlands	Sweden	UK	EU 15
Could not find full-time employment	16.8	22.1	49.1	4.5	22	19.7	22.7	11.2	23	40.8	3.1	23.5	7.2	14.1
Did not want full-time employment	42.8	3.3	17.8	54.8	33.2	41.8	36.3	79.3	7.3	37.2	77.8	52.3	80.2	65.1
Undergoing training	25.4	14.4	9.9	24.5	19	34.3	23.7	4.7	5.4	(3.6)	9.5	10.4	10.8	7.5
Sick/handicapped	6.7	2.5	(5.1)	1.3	12.7	3.5	5.4	1.7	0.6	(2.2)	0.9	7	1.4	2.2
Other reason/ no stated reason	8.3	57.7	15.8	14.8	12.5	-	11.8	3.1	63.7	15.4	8.8	6.2	0.4	11.1

Source: Eurostat, 2000

As far as women are concerned, three comments may be made.

- Among German, Dutch, Swedish and British women, the majority state that they have chosen to work part time.¹² The proportion varies between approximately 80% (Germany, Netherlands, United Kingdom) and 50% (Sweden). It is interesting to note that it is specifically in Sweden, where various measures have been adopted to encourage women to work full time, that the proportion of 'voluntary' part-time workers is lowest.
- Although part-time working for training reasons recurs in the same order for women as for men, it seems in general to apply to fewer women, this being true in all the countries considered: between 5% and 10% of female part-time workers.
- As is also true in the case of men, Greece and Spain differ quite significantly from the other countries. The 'other answer' rate is very high among Spanish women.¹³ Among Greek women, on the other hand, there are slightly more claiming to work part time because of the unavailability of full-time employment than there are ostensibly opting to work part time.

Temporary employment

Although this category of employees could be considered as working on fixed-duration contracts, we preferred to analyse them separately, because of their specific characteristics and especially the triangular nature of the relationship between user, worker and agency supplying the labour. Few comparative statistics exist on this group, and it would seem that this form of employment has become much more widespread in recent years. According to a study undertaken in 1999, the extent of this type of employment varies between 0.2% of total employment (Denmark) through

¹² Bearing in mind the comments already made above regarding the debatable nature of deliberate choice in the case of women and countries where few care facilities are available.

¹³ It would be worth examining whether a methodological problem arose when the survey was conducted in this country.

1.9% in France to 2.5% in the Netherlands. Less widespread in the Scandinavian countries, this form of employment is described as fast-growing in all Member States (Michon, 1999). Other differences highlight distinct national situations, such as those sectors of activity (industry and the tertiary sector) that prefer to employ staff of this type, or the legislation applicable to this employment situation.

The welfare state and social protection

The welfare states, which came into being gradually as a result of the 'great change' (Polanyi, 1944) from the deregulated liberal industrial economies of the nineteenth century to mixed economies, developed at varying paces throughout the European continent from the end of the nineteenth century onwards.

The issue for these welfare states was to reconcile three sets of imperatives: those of business competitiveness, especially as regards exports; those of economic viability of the system, by guaranteeing its long-term funding; and those of legitimacy and social cohesion (Scharpf and Schmidt, 2000). This they did by deploying a wide range of instruments of policy. Thus, it was the general broadening of the role of the state throughout the field of socioeconomic policy (employment, monetary, industrial conversion and development, etc.) that typified the trend that developed over the course of the twentieth century, until the middle of the 1970s, by comparison with the relative non-interventionism of the previous century.

An important starting point for a full understanding of the action mechanisms of welfare states is not to regard them as being exclusively 'social states' – in other words, not to reduce them completely to the level of their intervention in the field of social policies and social protection. On the contrary, it is more accurate to regard them as 'complex sets of legal and systematic interrelationships between state and market institutions' (Esping-Andersen, 1990 (1999)), which allowed the Western capitalist economies to be precisely steered over the course of recent decades while at the same time maintaining a degree of integration and social cohesion. From this standpoint, a welfare state is not primarily – or even necessarily – typified by egalitarian aspirations.

The wide and complex field of policies and institutions that have characterised the actions of the welfare state over recent decades may be analysed, more fundamentally, in terms of two analytical aspects that have been identified by several authors. These make it possible to understand the underlying logic more easily:

- on the one hand, adopting the traditional analyses of Polanyi and Esping-Andersen, the part that the welfare states have played as instruments of 'decommodification' (decommercialisation);
- on the other, their role as guarantors of full employment.

These two aspects are the main pillars on which their political legitimacy was based.¹⁴ In this sense, they doubtless reflect the dual objective of ensuring an adequate level of well-being for the citizen while facilitating economic performance, which they do by combining action on two principal levers – the employment market on the one hand, and the social benefits and services provided by the state on the other.

This, no doubt, is the level on which our study should first approach the problems of security of livelihood. Although always combined in practice, these two historic facets of the activity of the welfare state correspond to different visions of the actions of governments and, especially, of the means by which the economic security of individuals can be guaranteed. In the former case, it is

¹⁴ A third aspect of their action, more explicitly to be found in the Scandinavian social democracies, is their function as redistributors and equalisers, particularly of income.

a matter for the responsibility of the public authority to supply the financial and legal conditions enabling individuals not to be dependent on their participation in the labour market when social risks (illness, old age) arise or for reasons regarded as socially legitimate. In the latter case, however, it is incumbent upon individuals to insure themselves individually against those risks, the action of the state being secondary. In both cases, the state's responsibility for guaranteeing the economic conditions of full employment is justified for obvious financial reasons, but, more markedly in the latter case, as an instrument in its own right for ensuring the well-being of its citizens. It is therefore difficult to divorce one of these aspects from the other.

Decommodification and full employment

The first objective refers to what Esping-Andersen had viewed as the heart of the activities of the welfare state, *decommodification*, understood as meaning 'the degree to which individuals or families can maintain a socially acceptable standard of living without participation in the market' (Esping-Andersen, 1990 (1999)). Scandinavian social democracy is also characterised by the fact that this – relative – independence of the market is based on the granting of social rights as part of citizenship, and thus makes these services or benefits into entitlements for which individuals may qualify irrespective of their past or present participation in the market and their situation of need. Thus, individuals are offered the right to opt not to work, with no significant loss of well-being, in a set of circumstances recognised as being socially legitimate and for a limited period.

This relatively restricted definition did not do full justice to the true situation in most industrialised countries – outside Scandinavia – before the 1970s. At that time, the trend towards universalisation, and the generalisation of social protection cover and benefits, reached their apogee (Dupeyroux and Ruellan, 1998).

In practice, then, most of the European welfare states have equipped themselves with schemes enabling them to compensate for possible events relating to the loss or reduction of earned income (unemployment, illness, advancing age, maternity, invalidity, death) or the occurrence of exceptional burdens (medical or family expenses) (Dupeyroux and Ruellan, 1998). Most of them¹⁵ have also equipped themselves with mechanisms that enable them to assist those who are temporarily or permanently incapable of ensuring their own livelihoods, and at the same time have no other source of income – meaning, in one form or another, a guaranteed minimum income that is more or less conditional upon a proven situation of need.

Furthermore, another major aspect of the activities of the welfare states has related to employment policies, and more specifically the concern to maintain or achieve full employment, which, depending on the particular case, may be considered a necessary condition for the existence – in other words, the funding – of advanced social policies and/or as the primary means for ensuring individual well-being (by way of the earning of an income deriving from employment). This latter aspect is more in evidence in the liberal welfare states, where decommodification is no more than a secondary process. In the course of their ascendancy, then, the various welfare states have conducted a campaign to regulate the labour and employment market by using different tools and techniques for that purpose.

¹⁵ Though with the exception of Greece.

The instruments used to achieve that objective have differed from one country to another: taking advantage of the mobility of labour (for example, the part played by sick leave in Sweden in order to facilitate women's employment), direct action to affect the volume of employment (encouraging or requiring early retirement), equality between the sexes, the state acting as an employer or encouraging recruitment, and far-reaching liberalisation of the labour market (so that it is easy to lose one job and find another). During the period of growth of the welfare states (and especially during the period of strong growth that followed the Second World War), these policies as a whole aimed at the counter-cyclic stimulation of demand – in the Keynesian tradition – in conjunction with other tools for the direct or indirect creation of public employment.

There may be at least a partial contradiction between these two objectives. For example, the steps taken to maximise the volume of employment by introducing more flexible rules on recruitment and dismissal may be detrimental in terms of preventing workers becoming independent of the employment market. The same is true of some activation measures connected with social benefits, including those associated with the occurrence of risks directly linked to the pursuit of an occupational activity.¹⁶ Conversely, numerous (neo-classical) economists consider that by 'artificially' increasing the minimum wage for which the least qualified employees are prepared to work, an excessively high level of social benefits generates unemployment and does not allow a perfect match between employment supply and demand. This explanation is also put forward to explain the development of the informal economy or some atypical forms of employment.

Typology of the welfare states

Most researchers who have described the welfare states have noted their heterogeneity in terms of the two aspects that have just been introduced – the degree of decommodification and policies designed to ensure full employment – but also in terms of the institutional forms, which vary from one EU Member State to another, or the social stratification that they bring about. Several classifications are available.

Bismarckian and Beveridgian systems

The longest-established and most common distinction is based on the dichotomy between 'Bismarckian' or occupational systems, essentially based on an actuarial system and financing techniques geared to maintaining the worker's income, and the 'universalist' or 'Beveridgian' systems, partially funded out of tax revenue and intended to ensure an adequate, uniform income. In the first case, the extent of entitlements to social benefits and their level essentially depend on past and/or present participation in the labour market (in terms of seniority, duration of work and income), descended in direct line from the social reforms introduced by the Prussian Chancellor Bismarck in 1875. In the second type, citizenship alone, in principle, confers the rights to 'universal' and 'unconditional' social assistance from the standpoint of previous participation in the labour market. The most striking consequence is that the Beveridgian systems make no significant distinction between self-employed and employed individuals from the standpoint of access to social protection.

¹⁶ As can be seen in the context of the controversy provoked by incentive measures designed to bring about the activation of social allowances.

This distinction, however, has become less marked over the years. In practice, the evolution of social protection has resulted in the establishment of hybrid situations in all European countries. In the Bismarckian systems, the traditional mix is supplemented by various elements of the Beveridgian type (as regards minimum income or health care, for example), whereas in the universalist systems the linking of benefits to previous participation in the labour market (as regards pensions, for example) has frequently been introduced (for example through the development of a second retirement insurance pillar). Be that as it may, in systems of the latter type, most benefits (unemployment, sickness benefit) are paid only in the event of loss of earned income (Perrin, 1992).

At the same time, there is evidence of trends in opposite directions: whereas some systems have evolved towards universalisation (the most typical case being that of health care), others, by contrast, seem to be slipping towards an actuarial logic (as witness the weakening of the first pillars of guaranteed pensions). Furthermore, in several countries, supplementary schemes have been superimposed on the existing situations, whether legal or extralegal (conventional or private) in origin. Their development is directly proportional to the extent of cover and to the degree of generosity of the state schemes.

The three (or four) types of welfare state

What is now regarded as the classic analysis by Esping-Andersen (1990), supplemented by Ferrera (1996), has allowed a finer distinction to be made between three, and subsequently four, types of welfare state 'schemes'. Examining the conditions governing access to social protection benefits/services (as regards unemployment, pensions and health care), and the duration and replacement rate of the benefits and the range of risks covered, these authors validate the existence of three traditions, standards or 'worlds' of the welfare state:

- The essence of the *corporatist/conservative welfare state* is to make the existence and level of individuals' previous income and social benefits conditional on a concern for social integration through work and the family. In practice, this is characterised by a close link between social benefits and earlier occupational activity, and by the part played by the intermediate structures (in particular, neocorporatism and mutual insurance) in benefits. The employers' and employees' organisations play a significant part here. The existence of social rights specific to distinct socio-occupational categories, and the implicit principle of subsidiarity of social services, in particular, the care of children and other dependants – which are intended to take effect only when family ties cannot fill the gap – are other important features here. These latter features are at the heart of the definition of the 'male breadwinner model', which long dominated the division of tasks between the sexes. Germany, Austria, France and Belgium are the most significant examples of this type of system. These conservative systems are generally characterised by a quite high level of decommodification and substantial benefit levels/scope of services – although with sometimes significant inequalities between labour market 'insiders' and 'outsiders', especially women (Taylor-Gooby, 2001). The 'derived rights' – the rights attributed to the husband by reason of his occupational activity – constitute a way of giving women preferential access to a number of sectors of social security. The entire compromise is therefore based on the important function of providing care, which is implicitly assigned to the family (and in actual fact to the wife).
- The *liberal welfare states* are characterised by the emphasis on the responsibility of the individual for the security of his own livelihood: a worker derives his subsistence primarily from

his contribution to the collective good through the labour market. Historically, countries falling within this category have relied residually on other institutions, whether they be pre-capitalist forms of assistance (such as that provided to the poor by the Church) or forms of solidarity (of the family or community type) (Esping-Andersen, 1990 (1999)). The contemporary reflection of this concept in social policy is that greater use is made than elsewhere of benefits payable subject to means testing. The level of social benefits is generally lower than in the other models. Thus, in the United Kingdom, the basic amounts payable by way of contribution-based and income-based job-seeker allowance are no different from the amount of the minimum guaranteed income. In the case in point, the level of decommodification is low and there is a more marked degree of social polarisation (measured in terms of income) (Taylor-Gooby, 2001). Furthermore, these systems are based on a relatively high reliance on the private sector for the provision of the benefits. In this context, the level of benefit is a function of the contributory capacity of the individual. The trade unions and employers' organisations have little or no involvement in the administration of the system. Ireland and the United Kingdom are the most typical representatives of this system in Europe. *Welfare states of the social democratic type* are characterised, in principle, by an egalitarian desire to emancipate individuals from the market. With the coming to power and ascendancy of political parties and/or trade unions, the aid originally given to the poor underwent an extension of rights, a universalisation of access and an increase in benefits, not only for ideological reasons but also to keep pace with the growing aspirations of the working class and of the new middle classes. These systems are notable for a high level of services and benefits, accessible to the entire population and based on principles of 'social citizenship'; they are financed out of tax revenue. A worker's individual contribution to the calculated amount of benefits is lower here than elsewhere. The social partners also play an important role in such systems but the basis on which they do so is more unitarian than in the corporatist systems, where differences in occupation and status still structure the way in which the system operates. The contribution made by Ferrera (1996) was to highlight a fourth type of welfare state, the *Mediterranean model*, which takes into account the absence of a guaranteed minimum income, the weakness of the state and the important part played by family structures and informal types of solidarity as a form of protection of last resort. The countries in this group have social protection systems that differ significantly from one to another, some already having a significant tradition behind them, as in Italy, whereas others are of much more recent origin, as in the case of Greece. These systems exhibit corporatist or Bismarckian features, which may be very significant, as in the case of old-age pensions, but have also developed universal health services based on citizenship. The low level of statism in these countries (Italy, Greece, Portugal and Spain) leaves room – significant room in some cases – for the informal economy, contrasting with a highly regulated employment market.

The 'Beveridgian' types of system identified previously are to be found among both the liberal and the social democratic systems: which category they fall into depends on the level of benefits and services provided and the extent to which use is made of private insurance.

Although these 'canonical' welfare state models help us to understand the logic underlying each of the European social protection systems, it is not so clear in practice what the true situation is in each country. Over the course of time, each of these systems has undergone forms of hybridisation that have moved it away from the standard models that have just been described. In any case, it is quite apparent that this typology provides a more enlightening description of the 'pure models' – the countries which originated the systems in question. The 'in between' countries are not so comfortably understood through this typology.

The three employment regimes

In addition to a strict analysis of welfare states, it is worthwhile examining the concept of 'employment regimes' or 'labour market systems', as proposed by Schmid (2002). In this approach, the configurations of the employment market are a result of the interaction of four sub-systems:

- The domestic sphere which shapes the time available for presence on the employment market, can facilitate involvement in the informal economy, and transitions between different employment situations.
- The taxation and social security system which can itself provide a considerable quantity of jobs (for instance in the services sector) and temporary alternatives to participation in the employment market (through replacement income).
- The industrial relations system which settles disputes between labour market actors and contributes to establishing – autonomously or in conjunction with the authorities – all the rules regulating job creation (in particular working time, the level of pay and employment protection).
- The education and training system which shapes the skills of employees and determines the match between vocational training and the labour market.

In addition to these dimensions, Schmid identifies three ideal regimes which behave in a differentiated way from the standpoint of employment rates, productivity and equity:

- The liberal market regime, embodied by the United States. In this regime, the authorities provide only minimal coordination of the employment market. The main variables for adjusting to economic fluctuations concern the volume of employment and the level of pay. These regimes have experienced a significant growth in employment in recent years, as well as in working time. A relatively high number of women take part in the employment market, and part-time employment is limited. However there is a significant level of social inequalities.
- The state-controlled market economy, of which Japan is the prime example, but some features of which are found in France and the Netherlands. Under this regime of *coordinated capitalism*, elite private sector groups cooperate; characterised by wage moderation, widening of gaps between pay, and policies to stimulate demand, combined with industrial restructuring programmes. Employment growth is sustained, mainly through female employment and part-time work. Productivity is high, and working time is tending to decrease. Unemployment is limited.
- The social market economy represented by Germany, the Scandinavian countries and, in some respects, France and the Netherlands, is characterised by a high level of social protection and a relatively limited wage gap. Replacement incomes are high in the case of unemployment and retirement pensions. In these countries, growth in employment has been limited, even negative, except in the Netherlands and Denmark. Productivity has risen. The level of part-time work is considerable, as is that of unemployment, even long-term unemployment. The trade unions are quite influential.

This last typology is interesting in that it involves an attempt to relate employment and social protection policies. A more thorough study would be needed, however, to pinpoint in more detail the mechanisms applied in the Mediterranean welfare states.

The typologies that emerge from a gender-based approach

One of the main source of criticism of Esping-Andersen comes from feminist research and takes as its starting point the participation (or lack of it) of women in the labour market, the responsibility taken by social protection for care activities for dependants (children or adults), and the availability of affordable care services for children and dependent adults. Feminists have tried to provide alternative typologies on this basis (Ostner, 2001).

The idea, which was developed following publication of Esping-Andersen's studies, especially by Lewis (1992) and Orloff (1993), is that any analysis of the concept of a social protection system must incorporate the link between work, whether paid or otherwise, and social protection. It is essential to take private/family matters into consideration in order to understand the distinction between the sexes as regards forms of social protection. However,

- Although some of Esping-Andersen's analysis related to relationships between the state, the market and the family, he did not really take the family into account as an essential provider of services, did not acknowledge the domestic work and free care provided by women and, finally, omitted to study the qualitative aspects of the services provided by the state. His analysis, therefore, is unable to provide a satisfactory explanation of the characteristics of female employment.
- Esping-Andersen's criterion of the influence of the welfare state on social stratification does not take account of the way in which the welfare state influences the hierarchy of the male and female social roles.
- Moreover, the criterion of decommodification, which is central to the structuring of his typology (Orloff, 1993), has been the target of many feminist critics, some holding that this criterion does not allow any assessment of the emancipating effect of the welfare state where family income is concerned (Lister, 1992; Orloff, 1993), while others believe that it does not allow any assessment of its emancipating effect as far as the traditional roles of the sexes are concerned (Pateman, 1989; Orloff, 1993; Daly, 2000; Vielle, 2001). A new analytical dimension would have to be included in the model for comparing welfare states, allowing an assessment of the extent to which the state encourages or discourages women's participation in the employment market, or to which it guarantees their right to 'commodification' (Vielle, 2001).
- Furthermore, the selection of variables used by Esping-Andersen does not make it possible to take into account the decommodification of flexible employees – the majority of whom are women (Vielle 2001).
- Finally, coverage of specifically 'female' risks (pregnancy, parental leave, care of young children) is not taken into account in the analysis (Daly, 2000; Vielle, 2001).

Historically, women acquired rights because of their dependent status of wife and mother within the family. The 'male breadwinner model' performed an important function in all the established typologies of social protection systems, even though it evolved in different ways from country to country. Lewis (1992) shows that Ireland and the United Kingdom are two examples of countries where this model has been very influential, and that this helps to explain the level, and especially the nature, of women's participation in the (part time) labour market, the shortage of crèches and nurseries, the inadequacy of social protection during maternity, and the continuing inequality between husband and wife in terms of social protection. States where this model has been

dominant have tended to draw a clear line between state and private responsibility. The situation is different in France, which is an example of a country where the male-centred model has been modified. Participation in the labour market by French women has historically been of a different kind, particularly because of the predominance of full-time employment, and women have benefited – albeit indirectly – from a social security system that favoured horizontal redistribution, through the wage system, between families with children and those without. Patriarchal control has come to be centred within the family rather than within the collective institutions; and, unlike Ireland or the United Kingdom, France has recognised the rights of women in their multiple capacity as wives, mothers and paid workers. Sweden is an example of a country where the male breadwinner model has made very little mark: during the late 1960s and the 1970s, successive social democratic governments resolutely based their policies on the model of the two-income family, encouraging women to take paid employment by introducing separate taxation and parental leave and by developing structures for the care of young children (Lewis 1992).

A more legal approach enables us to distinguish between welfare state systems according to the social rights to which men and women respectively have access (Vielle, 2001). Initially, waiving of the exercising of a professional activity for family reasons was not seen as a social event. Legislators confined themselves to perceiving professional inactivity of spouses as normal and to grant this section of the population, by virtue of an alliance with an employee, social coverage that was in general limited to health insurance and the old-age pension. While they are virtually absent from systems granting high replacement incomes – which maintain the function of family salary – derived rights proliferated, however, in systems where the low level of replacement incomes required additional resources to finance a spouse in the home (recourse to derived rights by welfare states does not therefore support the distinction between Bismarckian and Beveridgian systems or Esping-Andersen's typology). Based on a patriarchal model, the protection from derived rights assures little or no autonomy for the beneficiaries, as derived rights generally remain attached to a single-income family model, in keeping with the principle of granting social rights to employees for traditional events only.

The real revolution, in some systems, emerged with the gradual recognition of two incomes as a standard of well-being for households and, the natural corollary, the recognition of the loss of earnings as a result of waiving the exercise of a professional activity for family reasons. However, in most systems, instead of compensating for a temporary interruption in professional activity, the social security system rewards people (in the vast majority of cases women), who in their capacity as parents 'choose' to perform childcare and childrearing activities in the family sphere and/or grant to them access to a series of social rights. This is resulting in the development of a dual mode of access to social rights and to incomes based on gender. While conditions for access to traditional events are being restricted and specialised increasingly, in keeping with a male professional career model, disconnected from family responsibilities, care is being increasingly recognised in most regimes in the sense of rewards and social protection for mothers at home performing childcare and childrearing tasks. This dual personal scope is matched by a dual material scope, from the point of view of the risks covered (the social protection is attached to care activities covering a much narrower range of events than that attached to professional activities), of the amount of the 'reward' (generally a flat sum, often means-tested and always lower than the minimum income) and of the social benefits granted in some cases. By rewarding women who, in their capacity as mothers, perform childcare and childrearing activities, this form of social cover takes charge of the

risk for the family of the mother's professional activity, and not the risk for the employee of a temporary loss of professional income. With this development, the one constant (the main theme) of social security systems is still the legal structure based on distinct, specialised sex-based roles linked to the principle of the identification and compensation of traditional risks. The variant is the inclusion of a new form of well-being for households: the two incomes standard. The rewarding of childcare and childrearing tasks, which to some extent is a perversion of the functions of social security, is a result of the tension between these two standards. Rare are the regimes which, like Sweden, preferred to base coverage of care activities mainly on the status of the employee, linking parental leave to the proportional maintenance of salaries, and also to the social rights of the male or female employee.

It would appear to be difficult, given this criterion, to recreate a new typology of welfare state regimes, since most of them resort to a mixture of the different techniques, in varying proportions. Two regimes may, however, be regarded as 'ideals': Germany which does not under any circumstances regard career breaks for family reasons as a professional risk but only as a family risk, and Sweden which recognises such situations as a professional event (Vielle, 2001).

The general context

It is generally accepted that the welfare state systems are now facing a crisis. That crisis combines the factors already put forward in the introduction to this report, which were propitious to the emergence of 'flexible' forms of work and employment. In particular, the crisis of Fordism, as the growth model of the period following the Second World War, could not fail to leave its mark on the social protection systems that were an essential aspect of it (Scharpf and Schmidt, 2000).¹⁷

1. A first group of pressures is demographic. Its essential feature is the declining ratio of working to non-working population – sometimes referred to in France as the 'papy boom'. Improved living standards combined with medical advances have lengthened average life expectancy by several years and this, in conjunction with the falling rate of childbirth, is slowly reducing the size of the working population and increasing the future (or present) non-working population. As a result, in a good many social protection systems, especially those partly based on solidarity or redistribution, the number of contributors is falling, and will continue to fall in future years, and there is no other source of income to finance them. The situation is made all the more difficult by the fact that the forthcoming generations of retired people are those who have benefited from the most generous state pension schemes and therefore have the highest benefit expectations (Scharpf and Schmidt, 2000). Partly linked to this problem is that of the continuous rise in the cost of medical care, boosted by technical advances in that field, which is bringing additional pressure to bear on social security spending. On another level, although the entry of women into the employment market boosted the working population to a high level, it has been insufficient to reverse the trend towards a shrinking of the labour force, all the more so because obstacles – some of them substantial – are still restricting the entry of women into the employment market or their continuous presence there. This trend is still further increased by the downward trend of the birth rate in Western countries. Some see this as a consequence

¹⁷ It is important, however, not to see the past in excessively idyllic terms: as a system for redistribution lying at the heart of the conflict between social classes, the welfare state has always been, to a greater or lesser extent, the focus of tensions. The stability of the 'thirty glorious years' was therefore entirely relative.

of social protection systems and employment policies that force women to choose between career and family life (Esping-Andersen, 1996). That hypothesis, however, has been criticised (Lewis, 2002).

2. Another set of constraints relates to the 'new risks' or social needs associated with changes in certain parameters of social life or the labour market. Among the most significant of these is the increased need for social services intended to take over some of the functions previously incorporated within the nuclear family, such as care of children and the elderly, made necessary by the present extent and hoped-for future increase of women's participation in the labour market. Moreover, as has been noted in some quarters (Boulin, 2001), the growth of flexible working, especially those forms involving irregular or unpredictable hours, will in turn apply new constraints and make new demands in terms of family care or the availability of social services. The individualisation of lifestyles has also often been cited as a source of tension for social protection. There are two essential features of this. The number of divorces, and more generally the number of single-person households, has been tending to increase over the last thirty years. The individuals concerned, therefore, are unable to benefit from the economies of scale that a partnership can offer and are creating an increased need for replacement income (especially in the case of single parents). Another factor that has been cited is the preference for more leisurely paced professional careers (Supiot et al, 1999). This is said to be reflected by increased demand for periods of leave (sabbaticals) or retraining, or temporary reductions in working hours. However, no systematic empirical data are available as a basis for quantifying the scale of this phenomenon. Lastly, the problem of a low-skilled workforce is one of the issues that will probably decide the fate of the welfare states. Because of the serious unemployment problem affecting this category of workers, solutions must be found to promote their return to work, while guaranteeing them adequate salaries and working conditions and access to quality social protection, and ensuring that their salaries will remain attractive for potential employers.
3. These tensions are also being increased by political, economic and budgetary constraints. First, the proportional increase in international trade, especially financial trade, is limiting the autonomy – especially the fiscal autonomy – of national governments when confronted by investors who are sometimes tempted to indulge in 'system shopping' (Traxler and Woitech, 2000). This room for manoeuvre, already restricted, is further narrowed by the process of European integration – especially EMU – which imposes thresholds on public deficits and hence on governments' capacity to finance social protection or an employment policy by resorting to borrowing. Furthermore, and even though no mandatory rules apply at present, European public authorities are increasingly tending to lay down 'lines of convergence' intended to set limits to national social security policies within the framework of open methods of coordination (Pochet and Delaporte). Increasing criticism has been levelled at the social protection systems. It targets their 'ineffectiveness' at achieving the objective of re-employment, which these critics regard as essential to ensure the long-term funding of such policies. The 'unemployment traps' are often cited as the archetypal reflection of the undesirable effects of this: excessively generous replacement incomes are said to be a disincentive for the unemployed, especially those who are less qualified, to return to work. While this opinion seems to be generally accepted, it would nevertheless appear that there are few empirical studies to show the scale of this phenomenon.

Another criticism relates to the costs that social protection systems allegedly impose on European undertakings, which are confronted by increased competition from goods originating in countries where no such systems exist, all of this taking place against a background where ideological trends seem unlikely to restore to favour those political and economic movements that gave rise to the welfare states. Such criticisms are aimed more particularly at those countries where the social security system is funded primarily through social contributions, thus increasing the cost of labour to employers. These critics may ally with the longer-standing and more traditional opponents of the welfare state (for example, economic libertarians such as Nozick et al.).

The essential effect of these various sets of constraints is to exert downward pressure on the income of the social protection systems, while limiting the capacity of the Member States concerned to refinance the systems employing 'classical' measures to increase revenue by way of taxation or through contributions, depending on whether the underlying system is universalist or actuarial. They also sanction the introduction of new social demands, failure to take which into account – apart from possibly confronting the system with problems of legitimacy – may eventually undermine the contribution base.

The problems mentioned above do not, however, arise in the same way in all welfare state systems. Thus the issues facing the continental Bismarckian systems seem to stem from their capacity to deal with problems relating to the financing of pensions, which takes up a considerable share of the social security budget, without disproportionately increasing labour costs. However, the problem facing the liberal systems concerns rather the dual system engendered by the difficulty in achieving a return to full employment and the phenomenon of young unemployed couples and single parents. The Scandinavian systems will be faced with the need to improve their availability of work, particularly for the unskilled (and hence to increase wage dispersion), while not fundamentally challenging the egalitarian foundation of social democracy (Esping-Andersen et al, 2001). Lastly, the Mediterranean regimes traditionally based the economic security of employees on binding regulation of employment, which did not favour the spread of flexibility. Now they are faced with the need to ensure increased flexibility of employment but have no budget margin to ensure the economic security of employees by reforming social security systems. We will expand on these points in the following section.

The specific challenges to social protection for flexible workers

Following on from the above, adequate measures should permit a new compromise between flexibility and security for flexible workers (Schmid, 1998; Supiot et al, 1999; Schmid and Gazier, 2002). The concept of flexicurity (Wilthagen, 1998) is increasingly being used to encapsulate this dual imperative of allowing the development of flexible employment while guaranteeing a satisfactory level of security for the workers concerned¹⁸. Although this general approach (which in theoretical terms poses a problem) seems to have been accepted by most European governments and researchers, there is still naturally work to be done on the exact nature of this compromise, particularly the detailed definition of each of these approaches. We will consider these theoretical aspects in greater detail in Chapter 4.

In order to pinpoint properly the problems facing European welfare states in reconciling increased flexibility of employment with adequate social security, it would be advisable to relate

¹⁸ See developments in this respect below, Chapter 5.

systematically the evolution of labour regulation with social protection. The concept of flexibility implies in effect an adequate balance between the two aspects, based on variable compromises that are quite difficult to achieve depending on the type of welfare state. In the limited context of this study, however, the emphasis will be placed on the evolution of social protection. In considering the relations existing between social protection and flexible employment, we will focus on the three aspects that we consider deserve attention, of which the first two will be discussed systematically in Chapter 3:

- The first aspect is the fact that in many cases the social protection schemes do not guarantee, or no longer guarantee, a level of security (of income, employment or even long-term career) for flexible workers comparable with that offered to other workers: the rules governing benefit calculation, access and eligibility are drafted in terms that explicitly refer to an employment relationship model (the full-time, permanent white male breadwinner contract) which is becoming increasingly inappropriate to the majority of workers, and certainly to flexible workers of both sexes (Scharpf and Schmidt, 2000; Esping-Andersen et al, 2001). To this may be added the risks of fragmentation of the labour market, with a widening gap between a – dwindling – group of workers who are still protected and a precarious group who in one way or another are flexibly employed and, as a result, increasingly vulnerable in terms of their rights to social protection. In the next chapter, we shall consider in greater detail the ways in which the various welfare states determine criteria for access to benefits, and benefit periods and levels, which can make those in flexible employment vulnerable in the context of various social security schemes.
- The second, symmetrical aspect, pinpointed by some authors (Castel, 1999; Klammer, 2000; Taylor-Gooby, 2001), is that the social protection systems are less prone to permit flexibility than they were in the past: by providing policies for the activation of social benefits that subject workers to increased economic pressures and growing insecurity, they supposedly deprive them of the necessary foundation for the development of independence and autonomy, so that they are less well placed to develop their productivity to the full. It may be wondered whether encouraging such forms of flexibility as temporary working is not propitious to demotivation of workers or even opportunist behaviour (Marsden, 2001), ‘zapping’ on the job, and ultimately a loss of productivity.
- The third aspect relates to the fact that the social protection systems may themselves feed this individual insecurity because of the nature of certain measures they apply to activate social services¹⁹: from the standpoint of income, first, by creating or encouraging jobs that pay less than the guaranteed minimum wage, and then by creating hybrid statuses, half-way between unemployment and employment, which are not subject to contributions, do not necessarily confer entitlement to certain social benefits and qualify for little or none of the protection traditionally ensured by employment law. This applies to the plans for the targeted return to employment of vulnerable groups among the working population or job-seekers (as illustrated by the example of the ALE²⁰ contracts in Belgium) (Vielle and Bonvin, 2002). These policies are also referred to by the name ‘workfare’, in so far as they can make the granting of social benefits conditional on acceptance of a job or a socially useful activity.

¹⁹ See below, in this chapter: the extent and nature of reforms.

²⁰ *Agences locales pour l'emploi* – Local Employment Agencies; these contracts are used in connection with policies for the activation of unemployment allowances.

Changes affecting the welfare state

Margins of manoeuvre

The global demographic and macro-economic pressures affecting welfare states, and the inadequate match between flexible employment and security, one aspect of which (access by flexible workers to social protection) will be highlighted in Chapter 3, appear to demonstrate the need for in-depth reform. And in fact, initial reforms and new policies are beginning to emerge, constituting the responses of governments facing these problems.

Sweden has for a long time been held up as an example because of the *policy mix* it applies by offering local social services, in particular *care for dependents*, at a low price, as well as a whole range of generously paid parental leave options, which have the advantage of facilitating female employment while at the same time guaranteeing work to certain fragile sections of the active population (Esping-Andersen, 1990 (1999)). In addition to this, there is the quasi-universal access to generous, diversified social protection. This combination of policies also experienced serious financing problems in the 1990s, however. In any case, it would be difficult to export the ‘Swedish model’ purely and simply. As some researchers have endeavoured to demonstrate (Scharpf and Schmidt, 2000; Esping-Andersen et al, 2001, Pierson, 1994; Palier, 2002), both the terms in which the problems arise and the policies envisaged to circumvent them rely on ‘path dependency’, a concept which covers the view that continuity rather than change is the norm in welfare states and that, in any case, to understand the reforms that could be envisaged within a given system, account must be taken of the institutional past of this system, which restricts the range of possibilities. This point will not be examined in more depth in this literature review. However, it is interesting to note two aspects of this debate that are interesting in terms of our study, and which are partly contradictory:

1. Several researchers²¹ seem to consider that of the welfare states, the Bismarckian systems are affected by the most serious problems. These problems can be summarised in a few salient points often quoted in literature:
 - The method of financing social protection, essentially based on contributions by employees and by employers. Social contributions are very unpopular among employers who see them as a handicap that undermines their ability to cope with competition, particularly international competition, and as a cause of unemployment, particularly among the unskilled, given the considerable recruitment costs they engender.
 - Labour legislation, which protects employment quite considerably, at least that of some categories of employees, makes it more difficult to hire and fire depending on the economic situation. This problem appears to be particularly acute in southern European countries such as Spain and Greece.
 - A corollary of this is the persistent high unemployment experienced by these countries. A quite significant proportion of the population concerned consists of the young and the long-term unemployed.
 - Under-employment (with regard to the target of a maximum rate of activity) of certain categories, in particular women and the unskilled.

²¹ For a summary, see Scharpf (2001).

- The management of the welfare state and of employment policies, which is based on a corporatist structure in which employee and employer representatives take part, thereby making it difficult to reform the system since they would be jeopardising their own interests.

The issues that are facing all European welfare states in general are made even more difficult for the Bismarckian and Mediterranean welfare states by these problems.

These pessimistic analyses must at least be qualified by a few comments. All the Member States concerned do not appear to be paralysed and are adopting reforms for their welfare states, for instance France (Palier, 2002). Second, one of these countries, often described as a 'miracle' because of the obligation to reconcile the new employment market situation and social protection, happens to be the Netherlands, whose social protection is based to a large extent on Bismarckian insurance principles. Lastly, the other Member States whose social protection systems are more clearly based on financing from taxation and universal contributions are not free (at least not completely) from similar problems. This is the case for Sweden, for instance, which appears to be experiencing persistent unemployment since the 1990s.

2. Moreover, as several researchers are beginning to indicate, while there is a group of Member State that seems to be enjoying more encouraging results than others in Europe (in terms of employment rates, the state of public finances and economic performance), these Member States all belong to different welfare state traditions (if we adopt Esping-Andersen's typology): the Netherlands, Denmark and the United Kingdom (Lødemel and Trickey, 2000; Lewis, 2002). These Member States appear to be the ones which have introduced the most advanced policies to activate social policies, albeit not necessarily in a similar way.

Measuring the extent and nature of reforms

If the typology proposed by Hall (1993) is accepted, three types of changes likely to affect state policies can be identified:

- First-class changes concerning the parameters or settings of a particular policy technique, which do not affect the techniques themselves or the objective (e.g. adjusting a minimum lending rate in the context of a Keynesian policy in the United Kingdom in the 1970s).
- Second-class changes concerning policy techniques, with the hierarchy of objectives remaining unchanged (e.g. introduction of a monetary control system in 1971, or limiting public expenditure in 1983). This also affects the parameters.
- Third-class changes concerning the actual objectives and targets of a policy, calling into question instruments and their settings (e.g. changeover from Keynesianism to Thatcherite monetarism).

This last type of change is different from the other two. Hall likens them to paradigm changes.²² They are not, by nature, fully open to discussion since they contain their own view of the world. It is the policy experiments based on these paradigms and the failures they may experience that will act as motors for change.

²² If the hypothesis whereby political objectives can be analysed as paradigms is accepted, in other words 'a framework of ideas and standards which specify objectives, and also the type of instrument which can be used to achieve them, as well as the very way of perceiving problems, the interpretation frameworks' (Hall, 1993: 279).

The accumulation of failures or events that cannot be interpreted *a priori* in isolation as paradigm changes can nevertheless produce paradigm changes, but this only happens, according to Hall (1993; 281) when the supporters of the new paradigm acquire a position of authority regarding the decision-making bodies.

Given the major issues facing the welfare states and the directions adopted by some of the reforms already in progress²³ (such as workfare and activation policies, and increased resort to private pension funds to complement first-pillar schemes), some researchers are wondering about the level of the change under way: is it a change of instruments or a change of paradigm?

As we have noted, Esping-Andersen defined the welfare state by its action of *decommodification* or the fact of providing individuals with the possibility of a temporary or more lasting withdrawal from the labour market (for instance by means of replacement income), free from economic precariousness. Given the most recent reforms, we might well ask whether the direction adopted in several countries is not in fact that of a *recommodification* of social protection in the sense that, henceforth, most policies appear to have as an objective the restriction of periods during which benefits can be 'passively' received (Vielle and Bonvin, 2002), and closer links between the economic security of workers and their participation in the labour market. By attempting to maximise employment rates and by reducing the share of pensions from the redistribution, the objective pursued by welfare states is therefore shifting from one extreme to another, which could be likened to a change of paradigm. This discussion, however, is very complex. Hasty diagnoses should be avoided because of the variety of national situations and the diversity of views held by the players in the debates. For instance, even during the period of growth of welfare states, the participation of individuals in the labour market was never challenged as such. On the contrary, full employment is, for the various systems, both a legitimate policy objective and a condition for ensuring the survival of the systems. Taking up the idea of a change of paradigm (from decommodification to recommodification), some authors (Lødemel and Trickey, 2000) attempted to produce a typology classifying countries on the basis of activation measures currently implemented in Europe and the United States. Five dimensions are taken into account:

- The objectives and the ideology (prevent individual dependence on social welfare, combat exclusion and make users responsible)
- Target measures to specific groups (single parents, job-seekers, young unemployed persons and the unskilled) and the time of their entry into force (from the moment when the recipient receives benefits, or after a certain period of time)
- The administrative structure for implementing the programme (and in particular whether or not it is centralised)
- The divergence of measures implemented as regards the ideal of *workfare* (types of returns expected from the beneficiaries of public service jobs, including training²⁴, the negotiating power they hold and the power of discretion of the authorities for imposing penalties).

Based on this classification, the authors identify a relatively coherent group of countries (whose history of social systems differs, however) consisting of the United Kingdom (the *New Deal*), the

²³ Some of which appear to reflect an ideological disaffection with the 'traditional concepts of the welfare state.

²⁴ The term *learnfare* is sometimes used for this last concept.

Netherlands (*Jobseeker's Employment Act for Young People*) and Denmark (activation). This group is characterised by only slight targeting of measures, centralised management of programmes (leaving little scope to local authorities) and an ideology based on combating social exclusion. The other countries looked at were not so easy to classify. The policies pursued in Germany (*Help Towards Work*) vary locally. The French (the *Minimum Employment Income*) and American programmes are characterised by strong but opposing ideological connotations: combating social exclusion and the responsibility of the community regarding the unemployed in the former case, and the struggle against dependency on social welfare and the assumption of individual responsibility in the latter case.

The welfare states treated in the report

Sweden

For many years, Sweden was praised as the most advanced model of the welfare state, and in particular the social democratic welfare state. Characterised by an objective of *equality of the highest standards* (of social protection), as compared with the *equality of minimum needs* of the English-speaking countries (Sykes et al, 2001), the Swedish model, with social rights based on citizenship, long combined a level and range of social benefits – in cash and in kind – that were among the highest in the world. As with many social protection systems, the Swedish model did not reach its peak of generosity until the mid-1970s.

This generous provision of social protection was accompanied, until the late 1980s, by a relatively low rate of unemployment. Full employment was one of the objectives of the Swedish welfare state, along with the high level of benefits. It also featured a high level of representation of women in the employment market (of the order of 55% to 60%), and a high level of unionisation. During the 'thirty glorious years', a solidarity-based wage policy was pursued, in association with centralisation of collective bargaining (Lockes and Thelen, 1995), which reflected an industry-centred structure of economic activity. The negotiated fixing of wages across the various occupations was, however, abandoned in the mid-1980s. The system also featured, as in Denmark, what were referred to as 'active' employment market management policies, based in particular on the encouragement of geographical mobility among the workforce (Benner, 2000; Syke, 2001).

Apart from its extent, the main features of social protection in Sweden have, historically, been based on the universality of some of the benefits (the selection varying under the different systems: health care, flat-rate state pension, family benefits). This system was funded mainly by a tax on profits that were not reinvested, by a sharply ascending income tax scale and, to a lesser degree than in other continental European countries, by contributions.

With regard to family leave, however, the Swedish mechanism gives precedence to the acquisition of income and social rights based on the position of worker, in the context of a labour market and a social security system, the structure of which, being gender neutral, treats with the same generosity events and periods traditionally regarded as 'masculine' and 'feminine'. However, generous fixed sums are available for workers who do not fulfil the conditions of eligibility for income-related benefits (Vielle, 2001).

The economic changes of the mid-1970s and the problems they brought for the Swedish economy prompted a series of different responses. As elsewhere, they took the form of efforts to reduce

inflation and some cutbacks in social protection cover. As a result, there was a reduction in the number of jobs available in the social services sector, causing an upsurge in female unemployment, especially among low-qualified women who had previously worked part time (Benner, 2000).

In the opinion of several observers, the main problem confronting the Swedish welfare state at present is its rate of unemployment – considerably higher than in the past – in view of the important role of income in funding social protection (Scharpf and Schmidt, 2000). With regard to social protection and the employment market, and as a corollary to these problems, there has been a debate concerning the strengthening of more actuarial elements of unemployment allowances and pensions. The most sensitive modifications have been a reduction in the replacement rate for some forms of insurance (parental, unemployment and sickness, in the present case), and the reform of the state pension system and the *folkspension* ('people's pension'), a relatively high flat-rate first-pillar benefit, which was abolished and replaced by an income-related pension system with a guaranteed minimum, the flat-rate portion being henceforth means-tested.

In general terms, the resurgence of flexible employment, together with this relative reduction of social benefits, may result in some strata of the workforce experiencing relatively long-term or even permanent reductions in income. These mainly affect young or foreign unskilled female workers in seasonal employment or employed under successive fixed short-term contracts (national expert).

The Netherlands

Although geographically close to Scandinavia, the Netherlands is traditionally included among the continental welfare state systems (Esping-Andersen, 1990 (1999)). This principally reflects the fact that, in most cases, the amount of benefits provided by the schemes that make up the Dutch social protection system, and access to them, are linked to status and past history in the labour market. However, the situation is slightly different here because of the substantial first-pillar flat-rate pension.

The Netherlands, which was hard hit by recession and substantial unemployment in the early 1980s, approached the reform of the welfare state through the negotiated liberalisation²⁵ of the labour market, particularly in the form of increased part-time and temporary employment. The results produced by these reforms were such as to lead to several observers describing the Netherlands as a 'miracle' country (Visser and Hemerijck, 1997; Becker, 1999). Its remarkable features are the low rate of unemployment, the flexibility of the labour market (based in particular on a large number of part-time female workers), policies for the activation of social benefits and the generally consensual approach to these reforms, brought about with the participation of the social partners. However, until the mid-1990s, the high proportion of people drawing invalidity allowances prompted several observers, including the former Prime Minister Wim Kok, to refer to the 'Dutch disease' (national expert; Scharpf, 2001)²⁶. Moreover, feminist researchers have for long denounced a model which, while respecting the diversity of family forms, sees women as dependent on male income and social rights and responsible only for childcare and childrearing

²⁵ The founding impetus of this 'negotiated flexibility' is generally identified as coming from the Wassenaar Pact, concluded between employers' and employees' representatives and the state.

²⁶ There are some who believe that invalidity benefits provide an informal way of reclassifying individuals who do not qualify, or no longer qualify, for unemployment allowances. However, steps have recently been taken to restrict access to these benefits.

tasks. More precisely, the criticism highlights the privatisation of childcare services, the sex-based dualisation of access to social rights in supplementary professional schemes (in which men form a majority) and welfare-based schemes (in which women form a majority) and, lastly, the absence in legal terms of compensation for parental leave (Vielle, 2001). Lastly, the same authors who talked about the ‘Dutch miracle’ are now questioning the quality of life of flexible workers in the Netherlands (Visser, 2002).

The most recent significant stage of this process was the *Wet Flexibiliteit en Zekerheid* (Flexibility and Security Act), which came into force on 1 January 1999. This Act, while deregulating some provisions of labour law, extends the presumption of the existence of a contract of employment to cover a number of situations – in particular, temporary employment after a certain period.

Figure 2 Principal aspects of the Flexibility and Security Act

<i>Flexibility</i>	<i>Security</i>
–	–
<ul style="list-style-type: none"> – 3 consecutive limited-duration contracts, or contracts totalling in excess of 3 years, give rise to a permanent contract (previously 2 contracts). – Abolition of the operating licence for temporary employment agencies. Abolition of the maximum length of assignments (which was previously 6 months). – Reduction of the period of advance notice (from 1 to 4 months; previously 6 months). 	<ul style="list-style-type: none"> – Introduction of presumptions making it easier to recognise the working relationship and number of hours worked. – Minimum of 3 paid hours for workers on call, at each call for work.
– Streamlining of the dismissal procedure.	<ul style="list-style-type: none"> – Reduction to 6 months of the maximum period for which employers are entitled not to pay wages to on-call workers to whom they have provided no work. – A contract with a temporary agency qualifies fully as a normal contract of employment after 26 weeks. – Special protection for flexible workers performing union activities. – Increased protection for workers in judicial proceedings in the event of dismissal. The employer is required to supply a reintegration plan, which will be evaluated by the court.

Source: Dutch national report.

The same legislation introduces the concept of *oproepbanen* (work on call), where the worker is liable to be called upon by the employer at any time (within a defined period) although not being guaranteed any particular minimum number of hours’ work (or the accompanying payment) during those periods (national expert).

The national expert identifies three typical cases of work on call:

- Contracts with preliminary agreements: the worker decides whether or not he will accept the work. Each call for work that is accepted is the subject of a new contract. After four successive calls, a permanent working relationship can be assumed. Until that is the case, the employer is not required to pay the worker at the end of the call period.
- A contract (and therefore a continuous employment relationship) exists, but there is no specified minimum number of hours to be worked. Wages are paid only for hours actually worked. At the end of six months, however, the employer is required to continue to pay the worker (whether or not he has work to offer) on the basis of the average number of hours previously worked.
- A contract, again continuous, or a number of hours (per week, month or year) is guaranteed. A maximum number of hours may also be specified. The worker is required to accept calls until

that number is reached. The wage must reflect the specified minimum number of hours, whether the employer has actually called upon the worker or not. The worker is also entitled to request an increase in the minimum if he regularly exceeds it.

All workers must be paid for a minimum of three hours on each call in the event of contracts of less than 15 hours per week and in the absence of any agreement as to a fixed number of hours' work. In the event of dispute, the average number of hours worked during the past three months may be used as the basis for calculating minimum remuneration.

During the 1990s, the Dutch government gradually introduced various measures for the activation of employment policies: personalised assistance for jobseekers, penalties for abuse, and reductions in the amounts of some allowances (for example, the unemployment allowance replacement rate) over the course of time, premiums for returning to work, vocational training programmes, delayed retirement. The true impact of these measures in terms of net job creation, however, remains to be determined, according to recent research studies (Visser, 2002).

Like most other European countries, the Netherlands has launched a number of reforms to its social protection system. The most significant relate to retirement pensions (broadening of the contribution base, ceiling on contributions) and encouragement of delayed participation in the labour market, together with a reform of invalidity insurance with a view to making employers responsible and reducing the number of persons dependent on an invalidity allowance (Goudswaard, 2001). Similarly, in 2002, an Act was adopted that was designed to make it easier to reconcile private and working life (especially from the point of view of access to child-care infrastructures).

Germany

Germany is often considered the archetype of the continental/corporatist model of welfare state (Esping-Andersen, 1990 (1999)). Benefits and the system for funding social protection are closely linked to presence and status in the employment market, in line with the Bismarckian tradition of social insurance. The system in force for most schemes is therefore based on compulsory insurance funded by employers' and employees' contributions, and sometimes by the state. Only family allowance and the guaranteed minimum income (means-tested), together with allowances for special needs (child care, housing assistance, parental benefits), are universal in nature and based on citizenship. It should be noted that although in formal terms the health care system is also based on social insurance, its *de facto* coverage is 99% because of legislation covering special categories and the derived rights system.

It is generally accepted that the two main challenges confronting Germany are connected with the controversial issue of the funding of its social protection, the level of contributions being regarded by some as an obstacle to business competitiveness and a generator of underemployment, especially in the sector exposed to international competition. According to other viewpoints, Germany's problem lies not so much in its international competitiveness – which seems to have held up over the last ten years, despite increases in the cost of labour – but rather in the absence of growth in employment in the services sector, and especially in personal services. The relatively low employment figures in these sectors bear witness to this (Manow and Seils, 2000).

On the other hand, in so far as access to benefit rights is obtained by payment of contributions, problems of eligibility may arise for workers who have not previously been insured for sufficiently long or at a sufficiently high level. This especially affects those workers – mainly women – whose employment falls within the category of ‘second jobs’ or ‘casual labour’ (Hege, 1999). While they make no contribution to the social protection systems (and hence confer no entitlement), these jobs are mainly conceived as top-ups for households that already have a principal income. In other words, they presuppose and promote a marginal view of female employment as being supplementary to that of the ‘male breadwinner’, itself conferring little or no entitlement to social benefits. They create serious risks of precarious employment for female workers who fall outside the traditional family patterns. The precarious nature of such jobs is further reinforced by the incentive effect they create for certain employers, who thus provide jobs where the contribution rates are substantially reduced (Vielle, 1997). Although a reform was introduced in 1999, it has not resulted in any fundamental change in the characteristics of these jobs.

Confronted, like other European countries, with the consequences of the new international economic and political situation – a shortage of public funding exacerbated by the burden of reunification, a high level of unemployment and the likelihood of increased social expenditure – the German government has reacted by maintaining a relatively generous unemployment benefit system, while encouraging certain categories of workers to withdraw from the labour market: women (by providing incentives for child care) (Vielle, 2001), and older workers (with various measures to encourage early retirement) (Scharpf and Schmidt, 2000; Daniel and Palier, 2001; Esping-Andersen et al; 2001). In addition, these macroeconomic tensions have brought pressure to bear on the existing social compromises.

The increasing cost of social protection (and increased intervention by the state to make good its shortcomings), the stable level of unemployment and gloomy economic prospects prompted successive conservative governments to introduce various reforms that were implemented during the 1990s. They related, in particular, to the first pillar of the pension scheme, the objective being to reduce the contribution rate (below 20%, according to projections), the temporary deindexing of pensions from salaries, and the introduction of private insurance (Bönker and Wollman, 2001). This last-named project, which came into force in 2002, has been highly controversial.

With regard to unemployment benefits, means-tested unemployment assistance for those unemployed persons whose rights have expired – previously also open to those who failed to satisfy the criteria for the primary unemployment insurance benefits – will in future be subsidised by social assistance. The replacement rate provided by benefits was lowered in 1993.

Similarly, the age above which long-term allowances could be obtained was raised. At the same time, various measures for activating social allowances, through low-paid employment, or jobs that were made a condition for payment of the allowances, have been introduced. These measures do not appear to have been accompanied by any in-depth reforms of placement policies.

Spain

It is generally accepted that the Spanish welfare state is an example of the Mediterranean model (Ferrera, 1996). As regards social protection, the country is characterised both by a scheme based on occupational status and by benefits associated with the beneficiary’s past record in the labour

market, primarily as regards replacement income in the event of unemployment or retirement. The replacement rates are high. Separate schemes exist for freelance workers and the employed.

On the pensions side, a generous first pillar, funded by contributions, is backed by a guaranteed minimum sum funded by taxation. There is also a minimum subsistence income system, though it is applied unevenly between Spain's various 'Autonomous Communities', and its coverage is limited. It is also generally linked to re-employment measures that are similarly administered at local level.

As with other continental European countries, health care, originally based on the insurance principle and always funded by contributions, has gradually been extended and has become virtually universal. The evolution of the system, in line with the Toledo Pact of 1995 between the social partners and the government, is moving towards a clearer distinction between contributory benefits, funded entirely by contributions, and guaranteed benefits and health care, funded from taxation. It also aims at a continuing gradual increase in social expenditure to put it on a par with the European average.

The labour market exists within a legislative framework that is frequently described by observers as a rigid one, partly inherited from the Francoist past and providing significant protection for employees. Successive reforms have taken place, some of them in the form of social pacts negotiated centrally by the social partners. However, there is a noticeable and increasing dichotomy between those in precarious employment, primarily young people and women, and older male workers, whose jobs are significantly better protected by the existing regulations. The most widespread form of flexible employment in Spain is the fixed-duration contract, which applies to nearly one third of employees. Seasonal working, especially in agriculture, and the informal economy are also not insignificant factors.

Family ties and other forms of informal solidarity continue to play an important part, prompting some to say that the mainstay of the welfare state is the Mediterranean extended family. This, however, is frequently placed under pressure by the effect of social and demographic change: the entry of women into the labour market, and a falling birth rate because the infrastructures for caring for young children under the age of three are still in short supply. This state of affairs, combined with the absence of paid parental leave, does nothing to encourage female workers to join the employment market.

Spain has an acute unemployment problem, amounting to 15.5% in 1999. For much of the 1990s, the figure was in excess of 20%, and it is even higher among the young: about 40% for men and 45% for women between the ages of 20 and 24 (Moreno, 2001).

Greece

The Greek system of social protection is associated by many researchers with the Mediterranean welfare state model (Ferrera, 1996; Guillén, 2001). This is because of a guaranteed income system (pensions and unemployment) based, as in the countries following the Bismarckian tradition, on workers' past records in the labour market and their status, while other components of the system have been gradually extended to the point of becoming virtually universal (health care). However, unlike Spain or Italy, the limited amount of public funding allocated to social security has

diminished and restricted this extension of the safety net (especially as regards guaranteed pensions or minimum income). To this must be added the absence, in the case of Greece, of a guaranteed minimum income system and the importance of family ties in the fields of personal services and financial loans in a context where there is little institutionalised provision for personal service or, in particular, child care. While it seems likely, to judge from the public debate, that the former will come into being in the near future, there is no immediate likelihood of paid parental leave, particularly in view of the relatively low level of wages in Greece (national expert).

Another important feature is a sharp distinction between labour law and social security legislation. While the level of employment protection is high, especially for some categories of workers such as civil servants, a significant number of people (nearly one third according to some estimates) are employed in the informal economy, with precarious status. This trend is reinforced by social security benefits that are closely linked to income and period of contributions, thus discriminating against the lowest paid. This affects people of foreign origin, young workers and women, who make up the majority of the informal sector.

This context must also be borne in mind when considering the problems of flexibility/security. Although Greek law protects 'regular' workers under permanent contracts, according to various observers it is precisely these regulations that are feeding the substantial growth of 'black' employment (national expert). The same sources anticipate that, in this very specific context, an increase in legal flexible employment would – at least to a relative extent – help to reduce dependence on the informal economy and provide some form of security for a larger number of workers.

United Kingdom

The United Kingdom is generally described as representing the *liberal model of welfare state*. From the standpoint of social protection, a substantial proportion of the benefits (first-pillar pensions, unemployment assistance) is universal in nature and granted on a flat-rate basis, in line with the Beveridgian concept. The level of benefits is low, as is social spending as a proportion of GDP, by comparison with the other northern European countries (Esping-Andersen, 1990 (1999); Ferrera, 1996). The funding system is a mixed one, deriving partly from a single contribution and partly from taxation. Contributions, however, account for a smaller proportion than in the continental European countries. The targeting of benefits is frequent (it applies to unemployment assistance, housing benefit, assistance to parents on parental leave and the working families tax credit), and is usually subject to means testing. Health care is organised by a free public service. This residual role of the welfare state is associated with a not insignificant growth of private insurance schemes, essentially for pensions.

Some benefits (first-pillar pensions, unemployment insurance, and invalidity and maternity benefit) are funded through a single contribution, the national insurance contribution. This amounts to 10% of the weekly wage bracket of between €139 and €918 for blue-collar workers, and 11.8% for the employer. Reduced rates are applicable where workers are insured under an approved company scheme (European Commission, 2002).²⁷

²⁷ Contributions are divided into four classes. Class 1 relates to the employed, classes 2 and 4 to the self-employed and class 3 to voluntary contributors.

The reforms undergone by the British social protection system between 1987 and 1997 tended, as elsewhere, towards a reduction in costs,²⁸ in a context where social benefits were already lower than in other European countries. The speed and radical nature of these reductions has seen no parallel elsewhere in Europe. The most significant features were the privatisation of earnings-related pensions, the abolition of income-related unemployment insurance and the development of the activation of social benefits – workfare. These changes have been facilitated by the centralised structure of the machinery of government, the reduction of the power of the unions (itself furthered by successive Conservative governments, together with the decline of the industrial sectors that were traditionally the most highly organised), and the absence of corporatist administration of matters linked to employment policy. The coming to power of the centre left in 1997 has not radically changed these approaches. Although the level of social spending has increased slightly, that trend has been accompanied by more extensive targeting of benefits and the development of activation policies (Taylor-Gooby, 2001).

In the employment market, the context is one of low regulation of job protection (particularly as regards coordination of wage fixing, security of employment and regulation of working hours and times) (Ginsburg, 2001). Some regulatory measures have, however, been introduced by the Labour government, such as the introduction of a minimum wage in 1998,²⁹ and a procedure favouring union recognition in companies in the event of disagreement on the part of the employer. In association with this deregulation, flexible formations of employment such as temporary working and fixed-duration contracts seem not to have increased substantially during recent years. The level of fixed-duration employment has fluctuated between 5% and 7% since the 1970s lacuna (national expert). This may be linked to the relatively low level of constraint applicable to job protection. Part-time working, however, is relatively widespread, involving some 24% of the working population. The standardised unemployment rate in Britain is relatively lower than elsewhere in Europe, although there is some controversy regarding possible statistical underestimates (Webster, 2002). This situation has fostered greater inequalities of income and risks of poverty³⁰ over the last twenty years.

Recent political measures implemented since 1997 that are relevant for the purposes of this report include the following:

- *The New Deal for Unemployed People*: introduced in 1998, this marked the generalisation of activation of unemployment insurance and unemployment assistance. It contains provisions targeted on various age groups.³¹ The provisions aimed at the long-term unemployed are decisive in order to continue receiving benefit. Those aimed at the other groups are voluntary. The programmes in most cases break down into a period of assisted job search (the ‘Gateway’), following which the jobseeker takes a subsidised job for a period of 26 weeks, enrolls in a training course or takes community service employment. The programmes also provide for personalised guidance for jobseekers (McLiroy, 2002).
- The *working families tax credit* is a form of means-tested tax credit intended for households in the lowest income bracket, with children and at least one working member. The philosophy

²⁸ Also partly attributable to the Conservative government’s policy of reducing taxation.

²⁹ National Minimum Wage Act 1998. The minimum wage is currently £ 4.20 (€6.66) for workers over the age of 22.

³⁰ The risk of poverty (income less than 60% of the median wage) was assessed at 22 in 1997, as compared with 12 in Sweden and 14 in Germany (European Commission, 2002).

³¹ Aged 18 to 24, aged 25 or over, handicapped persons, aged 50 or over, single parent.

behind this project reflects the desire to minimise 'passive' spending on social protection by using taxation as a tool to make low-paid jobs more attractive.

- The government recently passed legislation³² designed to reduce the inequalities between fixed-duration workers and those on permanent contracts pursuant to the implementation of European Directive 1999/70/EC on fixed-term work. Its main features are a ban on unfavourable treatment for such workers except where objective reasons exist and the automatic conversion of fixed-duration to permanent contracts at the end of four successive years (Hall, 2002).

The general philosophy behind these measures is to minimise 'passive' income replacement spending, to increase participation in the employment market, especially by young people, older workers and women, and to 'make work pay' by demonstrating determination to combat the 'unemployment traps'.

³² Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations (2002).

Social protection and flexible employment: case studies

In this section, based essentially on the national experts' reports, we will examine more systematically the social protection schemes selected (in the case of Greece, Germany, Spain, Sweden, the United Kingdom and the Netherlands) for this literature review:

- first-pillar state pensions;
- unemployment insurance and assistance;
- health care;
- provisions governing parental leave;³³
- guaranteed minimum income.

In each of these cases, we will describe in detail the main characteristics. This will be followed by a discussion of the problems that might arise for workers engaged in flexible employment.

Pensions

Sweden

The Swedish pension scheme has recently been reformed, which has had the effect of making the level of benefits more dependent on the employee's past record in the labour market, and especially on his income. Incentives for later retirement have also been introduced. In the past, a flat-rate first-pillar pension (the citizen's pension or *folkspension*) at a relatively high level existed alongside the other traditional pillars. It was calculated on the basis of 15 years' contributions corresponding to the highest income and was accompanied by an earnings-related supplement, the ATP. This system has now been abolished: only the guaranteed minimum pension is still paid at a flat rate, though it is now means-tested (Timonen, 2001).

The elements of the new state pension are as follows (European Commission, 2001):

- An earnings-related pension (*inkomstgrundad ålderspension*), calculated over the beneficiary's entire working life (without any compulsory retirement age), for all residents from the age of 16. At pensionable age, a coefficient is applied to the total pension payable, the effect of which is to link it to changes in the cost of living, economic development and life expectancy (national expert; Timonen, 2001).
- A premium reserve pension (*premiereservsystem*), amounting to 2.5% of income (up to 7.5 times the basic amounts – *prisbasbelopp*)³⁴ paid on personal accounts.
- A guaranteed pension (for all residents with very small old age pensions or no pension at all (in force from 1 January 2003), means-tested. The full amount (€704.29 – SEK 5,795 in 2002) requires 40 years' residence in the country.

³³ In this case, the measures in question are matters of both employment law and social protection. Both aspects will be described in so far as information was available to allow us to do so.

³⁴ Fixed reference amount for the calculation of certain social allowances, revised annually by the Swedish Parliament.

Any person born after 1953 is subject to the new system.³⁵ The pensions of the first pillar are payable from the age of 61. All taxable income (except income from social assistance) qualifies for pension purposes. Monthly salaries below SEK 1000 (€108.42) and tranches in excess of SEK 26,100 (€2,829.73) are not taken into account (national expert).

In addition to state pensions, 90% of Swedish workers are covered by various second-pillar pension schemes negotiated at company or sector level by employers and trade union organisations (national expert). Finally, there are also various voluntary and private individual pension plans.

From the point of view of eligibility, few forms of discrimination are possible in the Swedish state pension system: in principle, all income is taken into account and there is no minimum period of work to qualify for the entitlement. Nevertheless, employees, and especially women, for whom flexible employment (part time or alternating periods of temporary work and unemployment) gives rise to a reduction in income, will be disadvantaged in terms of the benefits they will receive at the end of their careers, by comparison with typical employees.

In order to receive the full amount of the guaranteed pension, it is necessary to have lived in Sweden for 40 years: migrant workers who have lived in the country for a shorter period and have limited income are liable find themselves in a precarious situation.

Periods of child care (provided that the person concerned has worked for at least five years before the age of 70) (European Commission, 2001) are taken into account for pension calculation purposes during the first four years of the child's life. This rule applies to one child at the same time and only to one parent – whichever parent earns the lower income during a period – and for a period of four years (national expert). However, this provides only partial compensation for the loss of the non-working parent's income.³⁶

National (military) service, active employment policy programmes, higher education and periods in receipt of allowances are taken into account for the calculation of pension benefits.

There is no discrimination between self-employed and employed workers. Allowances (SEK 2,288 = €248.06) received during periods of government-sponsored training (vocational training or retraining), provided they are at university level, are regarded as contributory for pension purposes.

The Netherlands

The Dutch pension system comprises three pillars:

- A basic pension regulated by the *Algemeen Oudersdom Wet* (General Pensions Act) of 1957, a universal flat-rate pension open to all residents over the age of 65, the amount varying depending on family situation. To qualify for the full rate (€831 or 70% of the minimum wage for single people; €571 or 50% of the minimum wage for couples or those with partners in paid

³⁵ Transitional provisions apply to those born between 1938 and 1953. We do not examine these in the present review.

³⁶ In fact, the payment amounts to 75% of the average income of all Swedish employees in the event of total or partial loss of income after the child's birth (national expert).

employment), it is necessary to have been insured between the ages of 15 and 65.³⁷ Two per cent of the full rate is deducted for each non-qualifying year. The income ceiling for entitlement is €27,000 per year (European Commission, 2001).

- A supplementary scheme or second pillar for employees covered by agreements concluded between the social partners, which applied to approximately 92% of employees in 1996 (European Commission, 2001).³⁸ These schemes, numbering about 939 in 1995, generally provide for an income replacement rate of 70% (including the AOW). Framed by two Acts (the *Pensioen en Spaarfondswet* (Pensions and Savings Funds Act) of 1952 – ‘PSW’ and the *Bedrijfspensioenfondsen* (Industry-Level Pension Funds) Act of 1949 – ‘BPF’), the conditions (contribution rate and benefit rate) may vary from one sector of activity to another: whereas 78% of the employees concerned are covered by benefit systems calculated on the basis of final income, in 22% of cases the calculation is based on average income (Dekkers, 1998).
- Voluntary and private personal insurance.

By definition, the first pension pillar applies to all Dutch citizens, and the amount is not linked to earlier income or to career interruptions. There do not therefore appear to be any problems with eligibility. The amount payable is relatively high, at least for those who satisfy the condition of 50 years’ insurance. In theory, however, the value of the flat-rate pension could be significantly reduced in the case of individuals (especially women) who, for various reasons, have left the employment market for a more or less extended period.

Access problems for flexible workers are particularly likely to arise in connection with the various second-pillar pensions. Some of them may receive lower pension payments because of the automatic link to previous income. For the present, the collective agreements in force in the Netherlands still favour taking the better incomes into account for calculating the majority of pensions (this applies to 78% of the workers concerned). However, where the amount is calculated on the basis of income averaged over the worker’s entire career (22% of workers), this is clearly to the disadvantage of flexible workers.

For these reasons, and in general terms, part-time workers are liable to find the value of their supplementary pensions significantly reduced by comparison with full-time workers. This is not a negligible factor, bearing in mind the high rate of part-time employment in the Netherlands. Where this situation is combined, in the case of women, with several years’ withdrawal from the labour market (resulting in a reduction in the value of the flat-rate pension), a risk of low income will arise at retirement age.

The same applies to fixed-duration contract workers, whose periods of unemployment may result in an equivalent further reduction in the periods qualifying for the second-pillar pension calculation. As far as the risk of a break in contributions is concerned (which arises with contract workers who enter into successive contracts with different employers), legislation has been (or is being) adopted to allow the transfer of accumulated rights from one industry or company pension fund to another (national expert).

³⁷ ‘Insured’: meaning to have lived in the Netherlands and paid income tax in the country. However, various exceptions apply to widen the conditions of access.

³⁸ According to other sources, 78.6% are covered both by the AOW and by the supplementary pension schemes (Dekkers, 1998).

In the case of temporary workers, the first 26 weeks' work for an agency does not confer any entitlement to second-pillar retirement pensions. However, under the main collective agreement for the temporary agency sector ('ABU CAO'), employees whose periods of assignment exceed 26 weeks (or three consecutive assignments with a duration of nine months³⁹) qualify for entitlement to the second-pillar pension, funded by the temporary agencies. Temporary workers undertaking more irregular assignments (amounting in total to a shorter period of employment with the same temporary agency) and whose periods of unemployment exceed one year must wait for a further period of 26 weeks before acquiring any entitlement (however, rights acquired previously are still taken into account) (Storrie, 2002).

In view of the absence of any paid parental leave, or parental leave counted as periods of contribution, which is easy of access to both parents over a long period - following the model of the provisions applicable in Sweden - career interruptions attributable to this factor are usually not taken into account for the calculation of second-pillar pensions. This is mainly liable to affect women, who will therefore find themselves with substantially lower pensions than those of men.

Self-employed workers appear to be excluded from the second pension pillars. They will therefore be obliged to subscribe to personal pension schemes, which is liable to disadvantage workers with a modest turnover.

Germany

Retirement pensions in Germany, as elsewhere, are based on a three-pillar structure. Alongside agreed second pillars and private insurance, the first pillar is based on the principle of compulsory insurance for (nearly) all employees and a few groups of self-employed workers.⁴⁰ It is funded by contributions, with a state participation of approximately 25%, and a contribution deducted from salaries amounting to 19.1% (since 1 January 2002). There are separate pension funds for the various occupational categories: employees, executives, blue-collar workers. The latter category, in turn, is subdivided into eighteen different regimes.

The German first-pillar pension system has undergone a significant reform (the 'Riester reform'), which came into force on 1 January 2002 (Brodersen, 2002; Weil, 2001). The main elements of the reform are as follows:

- The setting of the statutory retirement age at 65 years for men and women with effect from 2004 (irrespective of the number of years' contributions). The incidence of early retirement (at least five years before the intended retirement age) will be reduced as a result.
- The contribution rate which, it is planned, will be subject to a ceiling of 20% until 2030.
- The income replacement rate which will be reduced progressively from 70% to 67%.
- The reduction in the replacement rate will be accompanied by encouragement to pay into a personal fund, in the form of subsidies and tax deductions, under savings schemes that satisfy the criteria laid down by the government.

In order to claim a pension, it is necessary to have contributed for a minimum of 60 months. The level of benefit is calculated on the basis of *persönliche Entgeltpunkte* (personal pay points), which

³⁹ Or, alternatively, consecutive short-term assignments with a total duration of 36 months.

⁴⁰ *Sozialgesetzbuch* (Social Code), Part VI; *Rentenreformgesetz* (Pensions Reform Act) of 18 December 1989; Act of 20 December 2000.

are determined, *inter alia*, by the total amount of wages or salary received throughout the beneficiary's working life. There is no minimum or maximum. The average rate of income replacement aimed at (67%), however, applies only to some employees (Veil, 2001): 45 years' contributions are necessary to qualify for the full-rate pension.

The following are treated as contributory periods: periods of illness, rehabilitation and unemployment, periods of education after the age of 17, and a child-care period covering the first 36 months for children born after 1992.

The reform of the first-pillar pension also concerned supplementary company schemes (*Betriebsrentenrecht*). To date, almost 25% of German employees are covered by supplementary pension plans. These are applied mainly in medium-sized and large companies, on a voluntary basis. Most of them are negotiated and improved by collective agreements, and the contributions can be deducted from tax. Employees in smaller companies, those employed in sectors not covered by this or who have had changes of employers are outside these supplementary schemes. An initial reform had reduced the waiting time for transferring rights to a supplementary pension from one employer to another from ten to five years, with the minimum age for starting such pensions falling from 35 to 30 years.

Henceforth, each employee is entitled to a supplementary pension regardless of whether or not his employer contributes, and the pension is fully transferable from one employer to another. However, contributions to such schemes are obtained at the request of the employee by converting his salary benefits or even part of his salary. In this last case, the measure must be the subject of a collective agreement, in which case the contributions will be deducted from tax.

In general, given the absence of any ceiling on benefit and the fact that there is no guaranteed or flat-rate pension, periods of reduced income during the worker's career will have a critical influence on the level of pension benefits. This therefore entails an increased risk of a precarious situation for flexible workers, given the close link existing between premiums paid and eventual benefits.

This risk is further increased by the fact that there are exemptions from compulsory contributions for employees – women, for the most part – whose weekly working hours are 'insignificant' (less than a 15-hour working week) or who have contracts with a duration of less than two months or monthly incomes below €322 (European Commission, 2001).

Apart from this problem of eligibility, part-time workers will also be affected by this risk of low income at retirement age. Some of them are even liable not to be eligible at all, if they have consistently been employed in insignificant jobs involving no pension contributions. Recent legislation is now designed to upgrade low incomes by increasing their contribution by 50% when calculating retirements, provided that the low incomes are the result of caring for children under the age of 10 and that the total period for which contributions were paid is not less than 25 years (Weil, 2001). Given the restrictive nature of these criteria, it is likely that this measure will not apply to a large number of female workers.

Some workers under fixed-duration contracts or employed by temporary agencies are subject to the same risks of low pensions because of their employment history, the respective durations of their

contracts of employment and their periods of unemployment, and especially if they have transferred to a permanent form of contract. Depending on the duration of the contract, they will be less likely to be covered (or will be covered at a later age and less advantageously) by second-pillar pensions, which involve some degree of career stability within a single undertaking.

Parental leave: various modifications have been made to the German pension system. Since 1986, periods spent caring for children during the first three years of their lives have been taken into account in benefit calculations (to the extent of 100% of average income of employees since the year 2000). Periods spent caring for children over the age of three qualify for an upgrade of 50%. The fact remains, however, that parental leave taken outside this context will be penalised. Under the new pension system, women who withdrew from the labour market to raise children will have their pensions increased.

Spain

Spanish pensions are based on three pillars. The first pillar is compulsory insurance, funded by employers' and employees' contributions, which form part of the overall social security contribution.⁴¹ The state is responsible for funding *pensiones mínimas* (guaranteed contributory pensions) and *pensiones no contributivas* (non-contributory pensions).⁴² The latter are subject to means testing. The total benefit is linked to contributions paid. The full-rate pension (replacement rate of 100% of the basic wage) is payable at the age of 65 after 35 years' contributions (with a ceiling on contributions for income tranches in excess of €26,625 per year), and with a ceiling on benefit of €1,902 per month. This amount is not staggered for different family situations. The guaranteed minimum pension at age 65 amounts to €375 for pensioners with no dependants.⁴³ The minimum qualifying threshold for benefit is 15 years' contributions, two of which must fall within the 15 years preceding the start of retirement. The replacement rate is high by comparison with other European countries: at present it is 50%, increasing progressively up to 35 years (European Commission, 2001).

The first year's parental leave (providing that the child is under the age of three) is taken into account when calculating pensions (European Commission, 2002).

A minimal pension (*pensión de jubilación no contributiva*) may be granted to persons over the age of 65 who are not entitled to retirement insurance benefits. Beneficiaries must not be in receipt of income exceeding, together with other income, the cumulative ceiling laid down by law, and must have lived in Spain for ten years, including the continuous two-year period immediately preceding the application. The value of the pension is €3,526 per year.

Compulsory insurance does not cover waged employment that is regarded as marginal and not as a fundamental means of earning a living, in view of the hours worked and wage paid.

As elsewhere, the main problem confronting persons in flexible employment is not one of eligibility, since all employees with contracts of employment enjoy the same rights in principle. But disparities

⁴¹ Contribution rates: overall social protection rate 28.3% (employee 4.7% and employer 23.6%), with a ceiling for incomes in excess of €2,500, which may vary from one occupational category to another (European Commission, 2001)

⁴² Ministerial Decree of 18 January 1967; Royal Decree 1/94 of 20 June 1994, amending the *Ley General de la Seguridad Social* (General Social Security Act); Royal Decree 1647/1997 of 31 October 1997.

⁴³ €442 with a dependent.

in contributions arising from atypical forms of employment can result in serious inequalities in the amount of pension payable.

This applies to the various forms of flexible employment:

- reintegration and activation programmes, generally associated with low pay – sometimes below the minimum wage;
- career interruptions for parental reasons, which are contributory only for the first year's leave, so that no contributions will be paid to pension schemes in respect of leave in excess of that period;
- part-time working is also affected by this problem: all workers are still subject to retirement insurance, with benefits calculated in such a way as to obtain equivalence between hours worked and the number of full-time working days normally used to determine contributions. The fact remains that the equivalent number of days' full-time working, and hence the benefits for which they can qualify, are low, and fall far short of entitlement to the full-rate pension.

Temporary workers are regarded as unemployed during the non-working periods between two contracts. Although unemployment insurance (and not assistance) leads to contributions to the pension scheme, the final amount of benefit (in the absence of a ceiling) is determined by the total number of hours worked and the level of pay. Thus, here again, there are serious risks that the level of benefit will be low, especially for workers who are not covered by a second or third pension pillar.

Greece

The first pillar of the Greek pension system⁴⁴ is compulsory insurance funded on a tripartite basis: employers' contributions (13.33%), employees' contributions (6.67%), together with the state (approximately 10%) for incomes below €1,032 per month.⁴⁵ It is organised to comprise approximately 300 different funds, recognised as public law bodies.⁴⁶ The contribution rate is increased for certain high-risk or unhealthy jobs. Those entitled to the pension are all persons who have worked at least 4 500 qualifying days, as a function of the 28 wage categories defined by law. The full-rate pension (60% of contributory income) is obtained after 35 years or 10,500 working days, from the age of 65 years for both men and women. An early retirement pension is possible at the age of 60 under certain conditions, for jobs involving arduous or unhealthy work, and at 55 years for a mother with a dependent minor child, or at age 60 on a reduced rate. The last five years' earnings are taken into account to calculate the amount of the pension. A minimal pension is calculated on the basis of the change in GNP since 1991 and civil service pensions. It may not be less than the amount obtained after 15 years' contributions, and amounted to €199 in 2000 (European Commission, 2001).

Periods of receipt of invalidity, sickness and unemployment benefit (up to 200 days during the last 10 years preceding retirement), military service and child-care or parental leave are taken into account when calculating pensions. Increases exist for those with dependent children and for the blind.

⁴⁴ The system described is that which came into force from 1 January 1993.

⁴⁵ Act 1846/51 of 14 June 1951, as amended by Act 2676/99 of 5 January 1999; Act 1902/90 of 17 October 1990; Act 2084/92 of 7 October 1992.

⁴⁶ The most important of these is the IKA (Social Insurance Institute), which covers the great majority of employees and quasi-employees. Specific funds also exist for the self-employed and for farm workers.

There are various second pillars of pensions. It is believed that the two most important cover 50% of private-sector employees and 50% of the self-employed. The first covers, by default, all private-sector employees who are not covered by other supplementary pension schemes, but does not apply to those with several jobs. This extended cover, however, is not offered by the majority of supplementary pension funds (national expert).

Individual private savings and pension schemes, although not numerous, have become more widespread in recent years (national expert).

In principle, flexible workers (fixed-duration contracts, part time, temporary) are treated as equivalent to, and enjoy the same rights as, full-time workers on fixed-duration contracts (Article 14(2) of Act No 2639/1998). In practice, however, this statement must be qualified.

A significant factor is that the thresholds determining access to the basic first-pillar pension, expressed as a number of full-time working days, are relatively high and may therefore result in a number of problems for workers who experience prolonged career interruptions or whose working hours (in the case of part-time workers) are low. These scenarios are most likely to affect women, for example those who take career breaks to care for children. Similarly, workers who are irregularly employed on a fixed-duration basis, or as temporary workers, with extended periods away from work could experience difficulty in claiming access to this pension, even though they have contributed to funding the system.

This applies even more in connection with access to the full-rate pension, which is obtained after 35 years' full-time employment. There is little likelihood that those who have worked part time for a long period, or have experienced significant career interruptions, will be able to qualify for this. There is thus a risk of a low income problem for those persons, who will benefit only from a reduced-rate pension.

Again, in view of the highly fragmented nature of the second-pillar pension schemes, associated with specific occupational statuses and categories, their relatively low rate of cover and the restrictions placed on workers in atypical employment situations, it is highly likely that the latter will be among the groups mainly excluded from qualification for these pension schemes.

United Kingdom

British pensions⁴⁷ are funded by the national insurance contribution as far as the first pillar is concerned (the state intervening to ensure the guaranteed minimum) and by specific employers' and employees' contributions as far as the second and third pillars are concerned.

These pillars are made up as follows:

- The basic pension, payable at a flat rate for employees and the self-employed, obtained after a minimum of 11 years' contributions (at the age of 60 for women and 65 for men).⁴⁸ The full pension (€177 per week) corresponds to approximately 45 years' contributions for men and 39 for women.⁴⁹ It is reduced as a function of the number of years' contributions paid, with a

⁴⁷ Social Security Contributions and Benefits Act (1992), Pensions Act (1995).

⁴⁸ The intention is to introduce equality between the sexes (at age 65) in 2020.

⁴⁹ Or 90% of the years of working life between 16 and retirement age.

guaranteed floor set at €29. Periods of withdrawal from the labour market for reasons of child care, unemployment or illness are taken into account in calculating the minimum number of qualifying years (subject to a maximum of 20 years⁵⁰). Weekly earned incomes below €115⁵¹ are exempt from paying contributions.

- The supplementary State Earnings Related Pension – SERPS, in a maximum amount of €210 – is calculated on average wages (over the beneficiary's entire working life) and the number of years' contributions for incomes between approximately €138 and €912. The target rate of replacement is 20%. In practice, workers have a choice between opting for SERPS and another earnings-related private pension fund ('contracting out'). In such a case, employers and employees benefit from a reduced rate of national insurance contribution (European Commission, 2001).
- Personal third-pillar investment schemes, to which approximately ten million workers subscribe, are favoured by the government.

In view of the universal nature of the first pension pillar, it is likely that most workers are eligible for it. The self-employed qualify in principle for the basic pension.

However, the condition of 45 years' contributions necessary for the full-rate basic pension could in practice be difficult to fulfil for some workers with flexible contracts, even though special provisions are in place to restrict certain risks (periods of child care, unemployment, illness and invalidity being taken into account). In this respect, the planned extension of the period of contributions for women in 2020, to the age of 65, could be the source of new inequalities between the sexes unless accompanied by other measures (such as an increase in the maximum number of years' child care taken into account).

On the other hand, the pillar of supplementary pensions is the area in which the greatest inequalities are likely to arise between those on flexible contracts and typical workers. The reform of the SERPS introduced by the Conservative government (lowering the income replacement rate from 25% to 20% and taking into account income over the worker's entire career) disadvantages the most atypical working careers. For these workers (whether part time or temporary or on short-term low-paid fixed-duration contracts), there is a serious risk either that they will be entitled only to a very greatly reduced pension or even that they may not be eligible at all, depending on the existing thresholds. A further risk arises from the British government's encouragement of pensions whose value depends on the performance of the funds on the stock exchanges. The fluctuations here (particularly in the absence of guaranteed amounts) could be detrimental to the lowest paid employees. However, a detailed study of the second-pillar pension schemes is outside the scope of the present review.

Summary

Table 6 contains the main characteristics of the first-pillar pension schemes examined in the context of this literature review. The comparison criteria used include the basis for entitlement to pensions (guaranteed pensions linked to residence, and income-related insurance). In the last category, we examine replacement rates, provided as an indication (it is not possible in fact to study in detail all the methods used for calculating income), the minimum insurance period

⁵⁰ Provided that the person concerned has also totalled 20 years' contributions.

⁵¹ Or €6,316 per year for the self-employed.

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entitling people to pensions, the minimum and maximum thresholds for income limiting access to schemes, non-contributory periods and the range of incomes taken into account.

Table 6 Main characteristics of first-pillar pension schemes

			Earnings related pension				
	Guaranteed pension	Residence-related pension	Replacement rate if full career	% Min. insurance period	Income thresholds	Non-contributory periods credited	Calculation basis
SV	None	Flat rate: max. €704 means tested (if 40 years of residence) Decreased in proportion of the earnings related pension	No maximum rate 16% of all pensionable earning	None	Yearly incomes >€1,207 Monthly income <€2,878	Child care (+additional entitlements) Social security benefits Study grants (138%)	All incomes Ponderation (age, estimated life expectancy, economic growth)
			Individual premium reserve system based on insurance principles. 2.5% of the pensionable earnings up to 7.5 income base amounts will be paid into this system and will carry return in individual accounts.				
NL	Flat rate: max. €869/0% minimum wage for residents of the Netherlands and for persons working in the country but living abroad. Variations may apply for cohabitants. Holiday supplements		No				
D	None	None	70% ⁵² after 45 years	60 months	No. Exemption for marginal workers (<15h/week, income < €326 per month) or short-term employment (up to 2 months or 50 working days per year).	Sick leave, unemployment benefits, studies, care of a child <10 y/o	All incomes
E			Pensión de jubilación				
			100% of the calculation basis after 35 years.	15 years (50% of the calculation basis) Minimum pension €6,312/year	Income ceiling of €5 500/year for minimum pension (€27,156 /year pension ceiling)	First year of parental leave. Unemployment, sickness, disability benefits.	180 pensionable wages divided by 210 (last 15years) ⁵³
GR	"Social pension" equal to OGA pension (very low) to all uninsured individuals aged 60+ Means tested flat rate 'social solidarity allowance' (EKAS) if >60 y/o and yearly net income < €5,786)	None	IKA (basic fund for private sector employees): 60% of the calculation basis after 35 years Public sector: currently 80%, to decline gradually to 70% in 2008	4,500 full contributory days or 15 years of full time employment (€238) "Proportionality" applies for part-time workers	No	Unemployment, sickness, disability benefits (max. 200 days in the 10 years before retirement). Educational leave (2 years), parental leave (3 months per child) ⁵⁴	Last 5 years of average earnings (adjusted according 28 wage classes)

⁵² Average rate.

⁵³ The first 156 months of this period are adjusted following consumer price variations.

⁵⁴ Optional repay.

Table 6 (continued)

			Earnings related pension				
	Guaranteed pension	Residence-related pension	Replacement rate if full career	% Min. insurance period	Income thresholds	Non-contributory periods credited	Calculation basis
UK	Non-contributory minimum pension for retirees >80 y/o	None	Basic pension Flat rate: €464 after 45 years (men) 39 years (women). Various flat rate supplements	Basic pension Min. 25% of full rate pension (€116) after 11 years of contribution	Basic pension Same as National Insurance: €460. Self-employed with annual earnings less than €6,316.	Sickness, incapacity and unemployment benefits <i>Home Responsibility Credits</i> : years of child care taken into account if 20 years of contributions to the National Insurance	Basic pension Length of insurance period
		None	SERPS55 20% of the reference income	At least one year of income above the threshold	Lower threshold: same as NI Maximum pension ceiling €840	–	All income above the lower threshold

Table 7 Main possible sources of access identified for employees in flexible employment

Disadvantages for flexible employees				
Country	Eligibility	Amount	Duration (full pension)	Main advantages
SV	Entitlement linked to residence: little discrimination possible, with exception of migrant workers from countries that have not signed conventions with Sweden	Relative link with income which puts lowest-paid employees at a disadvantage (e.g. part-time workers).	No minimum/maximum duration	Relatively high amounts, only partly linked to labour market record. Periods of non-employment properly taken into account (parental leave, training schemes)
NL	Entitlement linked to residency Little discrimination possible, with the exception of migrants workers from countries that have not signed conventions with the Netherlands	Fixed sum: no discrimination regarding workers on flexible contracts.	Residence criterion: no difference based on employment market record.	Relatively high amount of pension, not linked to labour market record.
D	People who have not contributed for at least 60 months. Marginal jobs (less than 15 hours per week or income < EUR 326 per month) do not contribute for a pension. Self-employed not covered	No minimum pension: lowest income levels (part-time workers), interruption of professional careers puts people at a disadvantage, mainly women	45 years' contributions for full pension: clear disadvantage for part-time workers and people who have taken career breaks	High amounts for employees who meet the eligibility criteria. Relatively short minimum period of contributions entitling people to pension (5 years)

⁵⁵ Possibility of opting out from SERPS for a private insurance scheme.

Table 7 (continued)

Disadvantages for flexible employees				
Country	Eligibility	Amount	Duration (full pension)	Main advantages
E	Possible problems for temporary workers who have not accumulated the 15 years entitling them to the contributory pension ⁵⁶ . Short-term parental leave taken into account (one year). Self-employed not covered	Part-time workers at a disadvantage because of lower incomes. Training contracts, special status arising from measures to activate social and integration benefits contribute very little to pensions. Minimum pensions very low ⁵⁷ ; very low non-contributory pension	35 years full-time clearly puts part-time workers and those who took career breaks at a disadvantage	Corrective coefficient which increases the amount of the pension for part-time workers.
GR	No unified system, differences between categories of employees. Periods outside the labour market not taken into account properly when calculating contributions High minimum threshold for part-time workers: 15 years' full-time work Very low amount of non-contributory pension	Low minimum pension (after 11 years' contributions), employees who have earned low incomes at a disadvantage	35 years full-time: not accessible to part-time workers who spent periods outside the labour market.	No
UK	No non-contributory pension (except for retired persons over 80 years of age) outside of social assistance. Indiscriminate cover for flexible workers	Low amount of pension: resort to private plans practically compulsory. Possible supplements but they are means-tested.	40 years' contributions, not linked to previous working time.	Broad cover Amount of pension not linked to previous salaries Does not discriminate against flexible employees (good coverage of non-employed periods, but often combined with participation in activation plans).

This type of comparison (by necessity partial) has its limits. It is obviously not relevant to define a boundary between 'good' and 'bad' regimes. However, it is possible in each regime to identify interesting initiatives/features relating to access and the level of cover of flexible employees.

With regard to eligibility, the pension schemes which are most favourable for flexible employees are those which do not link access to benefits to prior contributions, but rather to residency, as is the case in Sweden and the Netherlands. This means that part-time workers and those who interrupted their careers (for instance to take care of dependants or because of a succession of temporary jobs not leading to a permanent job) are not at a disadvantage. Conversely, the systems based on compulsory insurance could put flexible workers at a considerable disadvantage depending on the minimum number of years of contributions required to be eligible for pensions.

⁵⁶ However careers of under 35 years enjoy a higher replacement rate than the others.

⁵⁷ Supplements do exist, however.

Similarly, the lower the minimum number of years of contributions required, the easier it will be for people who have experienced atypical careers to be eligible. Counting periods of work to determine eligibility on the basis of full-time days worked puts part-time workers at a disadvantage even when part-time days of work can be converted into full-time days.

With regard to amounts, the flat rate pensions are the most advantageous for flexible workers since the lowest incomes are placed on an equal footing with the others. However, the amount of the flat rate will play a decisive role. If it is high, dependence on the second and third pension pillars, which often discriminate the most against flexible workers and/or lower incomes, would be less. This is the case in Sweden and the Netherlands. In the British system, however, although the conditions of access to the basic pension are to some extent similar to a system based on residence (cf. previous point)⁵⁸, the amount of the pension makes a supplementary private pension or company pension plan essential. By the same token, insurance-based pension schemes may discriminate more or less against flexible workers depending on whether there is a minimum guaranteed pension and depending on the amount of this.

With regard to the assimilation of non-contributory periods, all the schemes examined take periods of non-employment into account to varying degrees to calculate the contributions to pension schemes. Periods of unemployment and the payment of benefits are in most cases counted, as are, to some extent, parental leave periods. However, in practice, certain aspects must be borne in mind:

- Effective counting methods: on what basis are contributions by persons calculated (full previous income or not, over what period) during their period of withdrawal from the labour market, and for what period of time?
- Criteria restricting access to benefits and replacement income (unemployment) or to parental leave can themselves play a role in blocking the consideration of these periods for persons affected by flexible employment.
- In the specific case of parental leave, the periods taken into account vary significantly from one scheme to another. As a general rule, the method used (based on the average income of all workers, for instance) differs from the method of assimilation which prevails for other risks (based on the last salary). Depending on the type of flexible work and the income of the worker concerned, this method could be either favourable or unfavourable to flexible workers.

With regard to the replacement rates, the higher they are, in general, the more flexible workers are at an advantage, but this criterion is really only meaningful in relation to other aspects of pension schemes. The period of contributions needed to benefit from full pensions and the income thresholds as well as the methods of calculating contribution periods (does a day's work start from the first hour worked or must it be completed?) play an important role.

With regard to the non-contributory minimum: the amount of non-contributory pensions can vary. Their existence ensures a minimum safety net for the more atypical careers on the employment market. In the case of Sweden, the guaranteed pension is relatively high. It is considerably lower

⁵⁸ Officially, this system is based on contributions and flat rates. Non-contributory periods taken into account are not very binding, which means that entitlement is granted to a very broad section of the population.

in Greece and Spain. It is quite often linked to means-testing, which can be a cause of embarrassment.

Lastly, the availability of second and third pillar pensions will play an important role in flexible employment contracts, particularly in the case of low first pillar pensions or those strongly linked to previous income. There is little information available on the coverage of these pensions for flexible employment forms. However, their cover is generally limited since they require either income of a certain level or a prolonged period of employment with the same employer. Interesting initiatives emerged recently in Germany and in the Netherlands, aimed at disassociating the company from entitlement to second-pillar pensions after an initial and shorter period of employment, hence the accumulated contributions would follow workers to a more considerable degree⁵⁹. Moreover, in the case of the third pillars promoted by the authorities (particularly by means of tax deduction policies), as in the United Kingdom, the fluctuations on the stock market may result in lower gains.

Health care

This section looks at the extent to which health care benefits, with the exception of sickness benefit, are accessible to flexible workers.

Sweden

The Swedish health care system is universal, based on citizenship and funded by taxation. All Swedes benefit from it personally, with no conditions or derived rights. A contribution to costs is required from most patients, varying according to the local authority concerned but subject to a ceiling of €101 per month (national expert).

On that basis, then, there is no apparent direct discrimination between flexible and typical workers.

The Netherlands

Health care cover in the Netherlands is based on two separate systems:

- Health care insurance (under the *Ziekenfondswet* – ZFW, an Act of 15 October 1964) for all employees⁶⁰ (under the age of 65), administered by private funds, with an income ceiling of €30,700 per year. It is also open to the self-employed with incomes not exceeding €19,650 per year. Above those thresholds, individuals must take out private insurance. It covers ‘normal’ expenditure (minor risks).
- Insurance for more substantial costs (prolonged hospitalization, major treatment), governed by the *Algemene wet bijzondere ziektekosten* – AWBZ of 14 December 1967, and open to all residents. It requires the insured to contribute as a function of their income (up to a maximum amount of €1,665 per month). It is funded by contributions from all residents.
- Otherwise, various supplementary personal private schemes exist for incomes in excess of these thresholds. However, they apply only to a small number of workers.

⁵⁹ In Germany, this measure is, however, associated with one condition: workers may only benefit from this right at the expense of other non-salary benefits.

⁶⁰ And extending to include recipients of social security benefits.

While it can be considered that 'major health risks' are almost universally covered, various problems may continue to arise with access to insurance for less significant but also more likely risks (the ZFW, centred on employees,⁶¹ could be limited for some flexible workers). In so far as it is presence at the workplace rather than income which determines whether contributions to the ZFW are taken into account, and hence determines access to benefits, the most sensitive area seems to be work on call: in this case, long periods can sometimes elapse without workers actually being present at the workplace and without their drawing unemployment benefits. They cannot therefore necessarily be able to claim cover under this insurance (apart from periods of normal interruption of work – holidays and weekends) for days on which he was not at his workplace. This rule could compel some workers (on call) to take out private insurance or pay additional contributions to the ZFW.

Since 1997, people taking unpaid full-time parental leave have been personally covered by the ZFW.

Germany

The German health care system (*Krankenversicherung*)⁶² is funded by employers' and employees' contributions.⁶³ It is compulsory for all employees and quasi-employees, up to an income ceiling of €40,500 per year. In addition to employees as such, its scope includes retired people, students and those drawing unemployment allowances. Special schemes exist for minors, independent farmers, artists and civil servants, and for some people undergoing vocational training. The families of the insured benefit from a derived right if their income is below €327. The self-employed are not covered (European Commission, 2001).

The insurance is still linked to attendance at the workplace. Apart from the self-employed, who have to contribute voluntarily, insurance provides only indirect cover for people who are not employed.

Although part-time, fixed-duration and temporary workers are covered, even during periods of unemployment, the same is not true of those – women, in particular – who might take voluntary leave, for example in order to arrange for the care of their children, but do not fit into a traditional family pattern that would procure for them rights deriving from those of their spouses.

Spain

The health care system in Spain, originally funded by compulsory public insurance, now derives three quarters of its funding from public funds (Moreno, 2001). A series of reforms has progressively extended it, and it can now be regarded as universal, although certain aspects of its past history still apply, especially as far as civil servants are concerned (Guillén, 2001). It covers employees, quasi-employees and their spouses⁶⁴ and children, recipients of social benefits (including pensions) and all residents with insufficient resources (together with part of the care

⁶¹ Periods when the worker is drawing income from social security (unemployment, etc.) are covered.

⁶² Social Code (Sozialgesetzbuch), Part V; (*Gesundheits-Reformgesetz*) (Health Care (Reform) Act) of 20 December 1988; *Gesetz zur GKV-Gesundheitsreform 2000* (2000 GKV Health Reform Act) of 22 December 1999.

⁶³ Average contribution rate: 13.77%, varying between funds (European Commission, 2001).

⁶⁴ Even after divorce.

provided to illegal immigrants). Employees who cease to pay contributions remain covered for 39 weeks after the end of the contribution period (for new benefits). Medical care (including hospitalisation) is free and provided by a public health service (European Commission, 2001).

On this basis, then, there cannot be considered to be any problem with access to health care for flexible workers.

Greece

Health care in Greece,⁶⁵ as in other Mediterranean countries, has gradually become universal, having begun as a system of compulsory insurance intended only for employees and their families. The unemployed and pensioners are now covered, and there is no exemption from compulsory insurance. The minimum basis for qualification is 50 working (contributing) days within the preceding year or within the first twelve months of the 15-month period preceding the illness. Medical services are provided free of charge by doctors registered with the National Insurance Office ('IKA'), as is hospital care from state-owned and private hospitals under contract. Some specific expenses are reimbursed (travelling costs for persons living in remote areas). At present, various health insurance funds still exist alongside the IKA, one example being the OGA for rural areas.

In Greece, all workers and their families theoretically have access to health care. However, persons working in the informal economy and foreigners illegally present in the country are entitled only to emergency care.

United Kingdom

Health care is provided by the free National Health Service (NHS)⁶⁶ and is accessible to all residents: it is funded by taxation and, to a lesser extent, by contributions. In principle, access to the service is universal. However, the system suffers from problems of impoverishment and under-funding, as a result of which waiting periods are sometimes long. In some cases, these problems can result in a two-track system, those with higher incomes having the option of making use of the private sector.

Summary: health care

The following table shows the main characteristics of health care systems in the Member States surveyed. The comparison criteria applied are:

- The nature of the health care system (compulsory social insurance or system based on citizenship and funded by taxes);
- Participation by patients in medical costs and in the cost of pharmaceutical products;
- Linked to the first point, the coverage of the population by the health care system;
- Possible conditions related to the benefit of health care;
- Provisions regarding dependants.

⁶⁵ Act of 14 June 1951; Act 1902/92, as amended by Act 2676/99 of 5 January 1999.

⁶⁶ National Health Service Act (1977).

Table 8 Main characteristics of health care systems in the Member States surveyed

	Nature	Participation to the expenses	Coverage	Conditions	Dependants
SV	Citizenship	Participation varies according the regional council Pharmaceutical products: full participation up to €97 a year. From 50% to 0% (expenses from 98 to €463)	Universal	n.a.	n.a.
NL	Health Insurance Act: compulsory insurance General Exceptional Medical Expenses: citizenship: special costs of sickness, long term care (home or hospital)	Fees for limited number of pharmaceutical products not included in the insurance package	Employees and some self employed meeting the requirements; Recipients of social security benefits Residents (and persons working in the country but living abroad)	< 65 y/o in paid employment, yearly income < €30.700 (employees), <19.550 for persons 65 y/o and up and <€19.650 for self employed n.a.	E.g. spouse and children but not if partner/other parent earns more than wage limit and thus must have private insurance n.a.
D	Compulsory social insurance	No fees (€9 a day in case of hospitalisation). €4-5 participation for pharmaceutical products	Persons in paid employment, vocational training. Pensioners with a sufficient period of insurance. Unemployed, receiving benefits of unemployment insurance. Students (higher education). Farmers, artists, and writers.	Not in insignificant employment Yearly income < €40.500	Spouse and children (if income < €325/month)
E	Quasi citizenship	No fees - Public Health Service 40% participation to pharmaceutical products (except for the chronically ill, certain types of medicine or for pensioners)	Employees Pensioners; recipients of cash benefits; Residents with insufficient means of existence.	n.a.	All dependants of the insured (including after divorce or separation)
GR	Compulsory social insurance	No fees in NHS 25% (in some case 10%) participation for a number of pharmaceutical products	Practically everybody	50 worked days in the last year or in the first 12 of the 15 months preceding the illness	Uninsured family members
UK	Citizenship	No fees – Public Health Service Participation of €9.74 EUR per product, exceptions for some groups including people claiming social assistance recipients, older people, pregnant women, children	Universal	n.a.	n.a.

Table 9 Health care and flexible employment

SV	Universal system, low level of participation by patients. No formal discrimination based on type of employment
NL	Distinction between major expenses (universal cover) and minor risks (social insurance, which in principle concerns only the employees meeting the criteria). Some problems might arise for workers on call (since it is the criterion of presence at the work place which determines the period of contribution to the insurance). Low level of participation in costs. The self-employed and people not meeting the criteria must resort to private insurance. In practice, however, coverage is almost universal.
D	In principle, social insurance covering only those contributing (employees, self-employed who meet the income criteria, those receiving unemployment benefit). Casual labour and employment yielding a low annual income are not covered. Very low participation in costs In practice, the system of derived rights and exceptions for specific categories ensures that the system provides virtual universal cover.
E	Free national health service. Low level of participation in costs. In principle, funded by compulsory social insurance. Legal measures have extended the regime to those receiving social welfare benefits and to the self-employed (derived rights), even in cases of divorce. Virtual universal cover.
GR	Compulsory insurance for employees. In practice, cover is almost universal.
UK	Universal cover based on residency. In principle, no difference between flexible and non-flexible workers.

One cannot conclude on the basis of the above details that there are any significant differences between employees engaged in flexible employment and typical employees from the point of view of access to and refunding of health care. Both the universal regimes, by definition, and the regimes based on compulsory social insurance seem to have achieved a comparable result in terms of coverage of the population, using different techniques. A few comments need to be made to qualify this, however:

- In the Netherlands, examined in this report, and also in other Member States such as Belgium with regard to the self-employed, the division of the health care system into two sub-systems ('minor risks' and 'major risks') may cause problems for workers affected by certain special forms of flexible employment. While the major risks (high hospitalisation costs and prolonged periods of health care) are universally covered, the refunding of the cost of minor medical services may be subject to more restrictive conditions governing access. Depending on the criteria governing access to social insurance (in terms of income, working hours, prior days of contributions, or as in the Netherlands, presence at the work place), people engaged in the more atypical forms of employment may find themselves on the borderline as regards access to these regimes. This might force some workers to turn to private insurance, as is the case for the self-employed in some countries. Since contributions to these regimes are high, access to them poses a problem for those on lower incomes.
- Derived rights form a technical solution in some systems permitting coverage of people not in employment. However, people (generally women) who withdraw from the employment market to take care of dependants find themselves in a situation in which their rights are conditional upon a marital situation and/or the rights of their spouses.

Unemployment insurance and assistance

In this section unemployment insurance and assistance regimes will be examined, as well as the potential problems that may arise for workers in flexible situations in terms of access and level of benefits.

Sweden

The Swedish system of unemployment benefit is financed by contributions paid by employees affiliated to the unemployment insurance funds, and by employers' contributions and by the state. It consists of (European Commission 2001):

1. *Grundförsäkring*: basic flat-rate benefit (SEK 320 = €34.4/day⁶⁷), for any person over the age of 20 who has no insurance to offset loss of income, does not satisfy the conditions for membership of or qualification for an unemployment insurance fund, and has completed a given course of education/training, looked for a job through an employment agency or worked for at least 90 days during a ten-month period. This benefit is not means-tested.
2. *Inkomstbortfallsförsäkring*: earnings-related unemployment insurance, the benefit of which amounts to 80%⁶⁸ of the average of previous income for any person who is a member of an unemployment insurance fund in his own name and satisfies the conditions of membership (registration with a fund for twelve consecutive months) and employment:
 - Having been an employee or self-employed for at least six months and at least 70 working hours per month; or 450 hours during a continuous period of six months and 45 hours per month during the past twelve months.
 - A new period of entitlement begins on completion of a paid job or the equivalent (full training forming part of an employment programme, subsidised special training, leave with payment of parental benefit (*föräldrapenning*), subsidised temporary employment, payment of business start-up assistance.

The period of benefit is 300 days for employees aged under 57 years and 450 days for those whose ages exceed that threshold.

From the standpoint of eligibility, there are few restrictions on entitlement to unemployment allowances, access to which seems sufficiently broad and includes self-employed workers.

The income replacement rate provided by the insurance is relatively generous (80% of the average of all income earned in the previous year, or of the previous three years' income in the case of the self-employed) (European Commission, 2001), but will be less beneficial to part-time workers.

Moreover, the threshold of 70 hours (which corresponds to a period of work almost equal to that of a half-time worker⁶⁹) per month or 17.5 hours per week may cause difficulties for some part-time workers with a short working week and who are thus at risk of not being entitled to unemployment benefit. However, those same employees (and their employers) contribute to unemployment insurance from the first hour's work done (national expert).

⁶⁷ With a wage ceiling of €1,795/month or €82/day.

⁶⁸ With a ceiling of SEK 730 = €79.32 per day for the first 100 days and SEK 680 = €73.89 per day thereafter.

⁶⁹ The average statutory working week in Sweden is 40 hours (which may be exceeded by collective agreement).

Supplementary unemployment benefits permit the compensation of workers converting from full-time to part-time employment. However, they are payable for no longer than six months. The loss of income is thus compensated only for a limited period in the event of involuntary part-time working.

In the case of unemployed workers whose period of unemployment exceeds 300 days' benefit (the most common case), compensation is provided by the basic benefit, which is a flat-rate payment (and therefore less closely tied to the worker's past history in the employment market) but is subject to active employment policies.

Subsidised employment programmes forming part of the activation policies are regarded as periods of employment, and confer entitlement to unemployment benefit. Furthermore, their duration is calculated to be not less than is necessary in order to qualify for access to them. The same is not true of other types of measure such as the *work* experience schemes, which confer no entitlement but, in practice, usually take effect at the end of the 300-day period of benefit payment (national expert).

Periods of full-time parental leave are not taken into account when calculating the number of days' work conferring the right to benefit. On the other hand, at the end of a period of parental leave, a worker enjoys the same rights that he would have had if he had not stopped working. That, however, is true only during the first two years of the child's life.

Periods of training leave also benefit from the same right. If, at the end of the statutory period, the worker leaves his job and undertakes university level studies for at least one year, he will receive the flat-rate benefit on completion of a period of 90 days.

Workers under fixed-duration contracts in theory benefit from the same rights as those under permanent contracts. However, contracts with a duration of less than six months no longer satisfy the conditions for earnings-related benefit. Moreover, those workers who, when totalling that term over a period of one year, have experienced intervening periods during which they were not working, will by necessity see a reduction in the amount of their benefit (calculated on the previous year's income).

Swedish temporary workers are regarded as direct employees of the temporary agency. They are therefore covered by contracts of employment tying them to their agencies and framed by collective agreements. Several collective agreements regulate their wages and their access to social protection. Some of those agreements envisage unemployment benefits providing an income replacement rate of between 75% and 80% of the full-time monthly wage (national expert). However, it would be of interest to study the number of workers employed by temporary agencies under very short-term contracts, which might qualify them only for the flat-rate unemployment benefit.

The Netherlands

Unemployment insurance in the Netherlands is made up of three separate (non-cumulative) benefits, in principle open to all those under the age of 65 who are capable of and available for

employment. They are funded by contributions⁷⁰ via two funds: the *Algemeen werkloosheidsfonds* (General Unemployment Fund – AWF) and the *Wachtgeldsfonds* (social security agency of the severance payment fund – WGF), with an income ceiling of €153 per day.⁷¹

- A short-term benefit (*kortdurende uitkering*): for workers who have worked for at least 26 weeks during a period of 39 weeks⁷² and amounting to 70% of the statutory minimum wage. Benefits are payable for six months.
- an earnings-related benefit (*loongerelateerde uitkering*): for workers who have been employed for at least 26 weeks during a period of 39 weeks (national expert); moreover, the person must have worked for at least four years and 52 days in the course of the last five years during which a wage was paid. The benefit amounts to 70% of the most recent wage, subject to a maximum of €159.95 (national expert). The duration of payment of benefit depends on the beneficiary's employment history and varies from nine months (five to 10 years' employment) to five years (40 years' employment or more).
- A continuous benefit (*vervolguitkering*): means-tested, it amounts to 70% of the statutory minimum wage (or daily wage if the latter is lower than the statutory minimum wage) for a period of two years.⁷³ Various supplements exist.⁷⁴

In the event that the benefits are lower than the statutory guaranteed minimum income, supplements may be granted, subject to means-testing. Part-time unemployment is taken into account from a difference of five hours per week (by comparison with the full-time working week), and for a fixed period.

In principle, all flexible workers have access to one or other of these benefits. However, the most generous (earnings-linked) benefit is effectively available only to workers who have been in the employment market for at least five years, which could create difficulties for the youngest workers. By contrast, the minimum duration of work (52 days) is not particularly discriminatory, the more so since it is not required that the periods of work should be consecutive.

The main problem that could arise, in fact, relates to total benefits. Because of the link to previous earnings and the relatively low ceiling of some benefits, workers receiving the lowest incomes (because they work part time or under a series of irregular fixed-duration contracts) will find the amount of benefit greatly reduced. Problems of precarious financial status could thus arise for persons living alone.

Self-employed workers are excluded from payment of unemployment benefit.

Germany

The German unemployment benefit system⁷⁵ is based on two separate payments:

⁷⁰ Contributions amount to approximately 8.90% of the total wage (employers 5.25%, employees 3.65%) in the case of the AWF and 0.73% (employers) in the case of the WGF. The latter may also vary from sector to sector. In theory, the state does not intervene (European Commission, 2001 #237).

⁷¹ The first tranche of income up to €53 per day is not subject to contributions.

⁷² One day per week is sufficient, and the periods of work need not necessarily be continuous.

⁷³ Workers aged over 57.5 years may continue to draw it until the age of 65.

⁷⁴ In particular if the total benefit is less than the social minimum.

⁷⁵ *Sozialgesetzbuch* (Social Code), Part III, 24 March 1997, as amended by the Act of 27 June 2000.

- *Arbeitslosenversicherung* (unemployment insurance), funded by contributions⁷⁶ and open in principle to all workers (including those undergoing vocational training and the elderly unemployed) if they have held jobs subject to insurance for at least 12 months in the previous three years. The benefits total 60% of the net wage⁷⁷, calculated on the average for the previous 52 weeks, for a period that varies between 14 and 32 months depending on age and the period of contribution payment (European Commission, 2001). Annual income tranches above €54,000 are not subject to contributions. These benefits affect only a little over half of German jobseekers. It should be noted, however, that the conditions are relaxed for seasonal workers.
- *Arbeitslosenhilfe* (unemployment assistance), which is means-tested if the worker has previously drawn unemployment insurance benefit (or if he has contributed for at least 150 days); benefit is payable for an unlimited period if it succeeds *Arbeitslosenversicherung* – otherwise for renewable periods of one year – and it amounts to 53% of the previous wage. Approximately 20% of jobseekers are affected by this measure.

Various forms of unemployment benefit for part-time workers exist. In general, the income replacement rate and conditions are identical to those for unemployment insurance, and the period of benefit is six months.

Temporary workers or those under fixed-duration contracts who have brief periods of employment followed by periods of unemployment run the risk of missing out on *Arbeitslosenversicherung* (unemployment insurance) benefit unless they have worked for a total of one year during the last three years. This is also true of the youngest workers who have been in the labour market for less than three years. They will thus be dependent on unemployment assistance, the benefits of which are lower, and which may entail embarrassment, in view of the related means testing.

People who have withdrawn from working life with a view to devoting time to bringing up children, moreover, are in danger of not being eligible for any of these benefits and, where necessary, having to rely on social assistance.

Part-time workers, although covered in principle, will draw lower benefit payments because of the lower level of contributions they have paid. In addition, there is also an apparent problem of eligibility here for those individuals – mainly women – in ‘insignificant employment’ (working week of less than 15 hours or contract with a duration of less than two months or monthly income below €322). (European Commission, 2001). In so far as jobs in this category are exempt from contributions, they will have no access to unemployment insurance and assistance benefits.

Although those who are not entitled to unemployment insurance benefit can in principle draw unemployment assistance income, this mechanism can act as a deterrent because it is dependent on means testing. Furthermore, the amount of these benefits is linked to previous income, at a reduced rate. These problems are further exacerbated for employees under the age of 45 because of the relatively short period for which unemployment benefits are payable to them.

⁷⁶ 6,5% divided equally between employer and employee, with an income ceiling that fluctuated between €53.379 and €44.789 in 2001 (European Commission, 2001)

⁷⁷ 67% if the beneficiary has dependent children.

Spain

Unemployment benefit⁷⁸ is based on compulsory insurance funded by employers' and employees' contributions. The benefits are made up of insurance and unemployment assistance.

Insurance is open to all persons from the age of 16 to retirement age who are available in the employment market and have contributed for at least 360 days during the six years immediately prior to the unemployment situation or stoppage of the payment of contributions. The benefits, calculated on the basis of contributions during the last 180 days, total 70% of previous income for the first six months and 60% for the remaining period.⁷⁹ The period of benefit corresponds in principle to one-third of the contribution period.

Unemployment assistance is open to workers who do not have (and in some cases their families who do not have) an income in excess of 75% of the minimum wage (*Salario Mínimo Interprofesional*), who have exceeded the period for unemployment insurance or whose contributions are insufficient to secure entitlement to it. In certain cases, a minimum period of contribution of from three to six months or the existence of dependants is also required. A waiting period of one month is sometimes imposed. The amount of benefit payable is 75% of the minimum wage. This benefit may be increased for six months in the case of unemployed people over the age of 45 with dependent families. This benefit may be drawn simultaneously with other sources of income provided that the total amount does not exceed 75% of the minimum wage (European Commission, 2001).

Partial unemployment exists in some cases, where weekly working hours are reduced by at least one third under restructuring plans that have been approved by the authorities. Special schemes exist for unemployed people aged 55 and over, but these are not covered by the unemployment insurance budget.

A number of categories are excluded from unemployment insurance: apart from the self-employed, those employed under training, activation and reintegration schemes, the young, in particular, do not generally contribute to unemployment insurance. There is also no entitlement to unemployment benefits on the basis of education for young workers who have not yet obtained their first jobs. In any case, the extent of cover provided by unemployment insurance is low: only approximately 53% of jobseekers qualify for benefit (national expert).

As far as parental leave and career interruptions are concerned, the general rule is that any period in excess of three years severs the connection between the individual and the system and causes him to lose his entitlements to unemployment insurance benefits. Where parental leave is unpaid, its effect on a subsequent period of unemployment (especially in the case of young workers, or women who have previously spent other periods in atypical employment) may prove significant.

Fixed-duration and temporary workers pay contributions and have access to unemployment allowances. Contributions that have not been used up during a period of unemployment (in the event of a change of employer) are carried forward. However, depending on the duration of the part-time contracts or temporary assignments, the workers concerned might not reach the

⁷⁸ Royal Decree 625/85 of 2 April 1985; Royal Decree 1/94 of 20 June 1994 amending the *Ley General de la Seguridad Social* (General Social Security Act); Royal Decree 5 of 9 April 1999 amending Section 206(2) of the *Ley General de la Seguridad Social*.

⁷⁹ With a maximum of from 170% to 220% of the minimum wage, depending on the number of dependent children.

minimum thresholds conferring entitlement to the allowances. Similarly, since the period of benefit is linked to the period of contribution, there is a risk that it will be low in such cases.

Part-time workers pay contributions and have access to unemployment insurance, but their rights are calculated in proportion to the number of day equivalents they have worked. The same applies to the amount of their allowances, which will be geared to their wage level.

Greece

Unemployment insurance⁸⁰ covers all employees who are registered with a health insurance fund, and young people between the ages of 20 and 29 who have never pursued an occupation and are available for a job. In the former case, the employees must have worked for at least 125 days during the past 14 months, or 200 days during the two years immediately prior to dismissal. If the beneficiaries have never drawn benefit in the past, the threshold is 80 days' work per year during the previous two years. In all cases, there is a waiting period of six days. The replacement rate is 40% of the daily wage for blue-collar workers and 50% for white-collar, with a minimum of 70% of the (theoretical) minimum daily wage for the category to which the insured belongs. Provision is made for increases where there are dependent children. The period of benefit varies between five months, for workers who have never previously been employed and those who have been employed for less than 125 days, to 12 months for workers who have been employed for 250 days. It is also staggered by age groups: three additional months are added to the benefit if the worker concerned has been employed for 4,050 days in total (European Commission, 2001).

Partial unemployment is recognised in some occupational categories subject to seasonal cycles (bricklaying, the hotel trade, artistic occupations). Depending on the category concerned, between 50 and 240 days' insurance are required in order to receive benefit, which is payable at a flat rate and in a sum which, again, varies according to the occupational category.

In view of the limited nature of these benefits, informal types of solidarity based on the extended family still play a significant role (national expert).

As with other aspects of the Greek social protection system, the problem arises not so much in terms of formal eligibility – since flexible employees are treated under the law in the same way as workers under typical contracts – as in terms of threshold and reduced level of benefits.

Oddly enough, the need to have worked for 125 days during the past 14 months, or 200 days during the past two years, may amount, *de facto*, to compelling part-time workers not to experience periods of unemployment, or to excluding workers under fixed-duration contracts, seasonal workers, and temporary workers who experience prolonged career interruptions. The limited level of income replacement provided by benefits may, moreover, confront these same groups of workers with low incomes or even poverty if the ties of informal solidarity break down.

When these features are taken in conjunction with the absence of paid parental leave, it can be seen that, for a good many workers, it is very difficult to retain entitlements to unemployment benefits while ensuring that children are properly cared for, since those periods will not be taken

⁸⁰ Legislative Decree 2961/1954, Act 1545/1985, Act 1892/1990.

into account for the purposes of determining entitlement and calculating the amount of the allowances.

United Kingdom

British unemployment benefits⁸¹ break down into two main types:

- Unemployment insurance (contribution-based jobseeker's allowance – 'cont-JSA') is funded by the single contribution. Benefits, payable for 182 days, are open to all employees and some self-employed persons who are fit and available for work, who have signed a jobseeker's agreement with the placement service, and who have contributed (or been credited with) a sum amounting to at least 25 times the minimum contribution during one of the last two tax years preceding the application, and a total of 50 times that same minimum level of contribution during the past two tax years. In addition, they may not work for more than 16 hours a week. The amount of the benefit is a flat rate of €85 per week for jobseekers aged over 25 (European Commission, 2002).
- Unemployment assistance (income-based jobseeker's allowance – 'ib-JSA'), funded by taxation, is open, subject to means testing, to all unemployed persons with incomes below the minimum income. The beneficiary or his partner may not work for more than 24 hours a week and must not have accumulated savings in excess of €12,775. The payment, which is a flat-rate one, is identical to that of cont-JSA for single persons, amounting to €133 for couples aged over 18. The period of benefit is unlimited. Various supplements are available depending, in particular, on the number of dependent children (European Commission, 2002).

The largest group of recipients of unemployment benefit comprises those receiving the means-tested ib-JSA (73%), as compared with 16.9% in the case of benefit based on contributions. Ten per cent of jobseekers receive no benefit (national expert).

In both cases, the JSAs are subject to a three-day waiting period. They are accessible to people in employment (subject to the weekly limits stated). In such cases, however, the amount of benefits will be reduced.

In general, the total allowances and amount of unemployment assistance differ little and are not high (about €340 per month, which is also the amount of the minimum income guaranteed by social assistance). Given the fact that they are flat-rate payments, and the relatively unrestrictive access criteria, they seem to cause no particular problems with eligibility. However, the fact that they are conditional on mandatory re-integration schemes for certain categories of worker may further increase the precarious status of those categories, by keeping groups that are already vulnerable in secondary statuses.

Moreover, the low amount of the benefits and their relatively short duration (in their unconditional form) is liable to disadvantage those who have no other source of income. There is a danger here of creating a dichotomy among jobseekers, between those who have sufficient means to escape social assistance, which is means-tested (entailing greater embarrassment) and sometimes conditional on activation measures, and those who, for lack of resources, will have no option but

⁸¹ Jobseekers Act, 1995.

to register for it. That is not to say that some of the methods employed under the ‘New Deal’, such as personalised placement assistance and further training measures, do not offer advantages for the least skilled workers.

A few special measures may, however, improve the situation of workers under flexible contracts:

- Single parents who find employment, or who increase their weekly working hours to full time, may be entitled to a temporary (two-week) extension of the minimum income or *ib-JSA*, provided that they have drawn one or other of those benefits during the previous 26 weeks. This measure is designed to help those on low income to meet the associated costs incurred as a result of returning to the employment market full time (national expert).

An individual may ‘merge’ his applications for unemployment benefit in the event of a succession of short-term contracts. This applies if the periods between two applications do not exceed twelve weeks. This provision makes it possible to avoid filing multiple applications⁸² each time a contract ends, and to avoid the three-day waiting period. On the other hand, depending on the total duration of these merged periods of unemployment, the applicant could have used up his rights to another ‘complete’ six-month period of unemployment benefits if he should still be unemployed at the end of this series of contracts (national expert).

Summary: unemployment insurance and assistance

The following two tables show the main features of unemployment insurance and assistance schemes in the countries examined in the report.

Table 10 compares the unemployment insurance schemes on the basis of the following criteria:

- The replacement rate, or the amount of benefits
- Duration of benefits
- Minimum contribution period needed for entitlement
- Non-contributory periods accepted as similar to contributory periods (when this information was available)
- Access to the scheme for the self-employed.

Table 10 Unemployment insurance

	Rate	Duration	Min contribution period/conditions	Non contributory periods credited	Self employed
SV	<i>Grundförsäkring</i> Flat rate €29.7 per day (Proportional reduction if the working requirement is met through part time work)	300 days (may be extended to 600 days)	<i>Working requirement</i> Continuous employment or self-employment \geq 70h/month in the last 6 months or 450h and 45h/month during 6 months in the last 12 months; <i>Student requirement</i> (90 days of work/unemployment in the last 10 months after completing studies)	n.a.	Yes

⁸² The periods during which the applicant has received training allowances, or was participating in a re-integration scheme, are covered by this provision in the same way as contracts of employment.

Table 10 (continued)

	Rate	Duration	Min contribution period/conditions	Non contributory periods credited	Self employed
	80% Max €79.32 per day	300 days (<57 y/o) 5 days waiting period	Cooperation with Employment Service (individual action plan) <i>Membership requirement</i> (at least 12 months) <i>Working requirement</i>	University level training (student requirement), paid parental leave (2 months), (some) subsidised employment or helps to self employed	Yes
NL	<i>Short term benefit</i> Flat rate: 70% minimum wage Wage-related benefit: 70% of daily wages max €159 per day	6 months From 6 months (4 years worked) to 5 years (> 40 years work record)	26 weeks of paid employment/last 39 weeks 26 weeks worked/ 39 weeks and 52 days worked during at least 4 years in he last 5 years ⁸³ -	n.a.	No
D	60% (52 last weeks) ⁸⁴ (67% with children) Benefits ceilings	From 14 to 32 months (linked to age, duration of contribution.)	Contributory job 12 months in the last 3 years; conditions eased for seasonal workers	Periods of vocational training;	No
E	70% ⁸⁵ (first 6 months), 60% the remaining max 170% to 220% min wage	One-third of the contributory period, max 720 days	At least 360 days during the last 6 years Exemption for job training, and insertion contracts. Also marginal workers (<12h/week)	n.a.	No
GR	40% (blue collar), 50% (white collar), maximum of 70% minimum wage	From 5 months to 12 months (if at least 250 days worked) (slightly longer for older unemployed workers) 6 days waiting period	125 days in the last 14 months or 200 days in the last 2 years 80 days per year during the two previous years if first claim	No	No
UK	€85 per week if >25 y/o	182 days 3 waiting days;	Paid at least 25 times the minimum contribution ⁸⁶ during one of the two fiscal years before a claim and Paid or had credited 52 times during two fiscal years before the claim To have signed a job-seeker's agreement	n.a.	In certain cases

⁸³ Calculation formulae take into consideration the employment history since the age of 18.

⁸⁴ 67% with children.

⁸⁵ Based upon the last 180 days of contributions.

⁸⁶ Must be above NI lower threshold.

Table 11 Flexible employment and unemployment insurance

SV	<ul style="list-style-type: none"> • Benefits are available after a relatively short period (approximately 2 months of continuous work), which is an advantage for people working under successive short fixed duration contracts. • The replacement rate is the highest of all the countries examined, and the amount of the flat rate benefit for workers who do not fulfil the conditions is high: the lowest incomes are penalised less⁸⁷. • Relatively long period of payment of benefits (over one year), not dependent on previous employment periods. • Broad consideration of parental leave and training periods: less risk of dualisation. • Benefits open to the self-employed • Obligation to register in an active job-seeking programme to receive the flat rate benefit.
NL	<ul style="list-style-type: none"> • Flat rate benefits after a relatively long period of employment (26/39 weeks). This may, however, be discontinuous. The level is low (70% of the minimum wage) • Limited period for payment of benefits for the shortest employment periods: employees who have interrupted their employment will be at a disadvantage⁸⁸. • Replacement rate: relatively high for employees who satisfy the criteria. • No access to the scheme for the self-employed
D	<ul style="list-style-type: none"> • Average rate of replacement (60%), linked to the family situation. No minimum amount. This puts the lower incomes at a disadvantage (part-time). • Long periods for payment of benefits (over one year) but partly linked to the previous contributory period, which puts atypical workers at a disadvantage (part-time, fixed duration contracts). • Benefits available after a relatively long period (minimum 12 months). • No access to the scheme for the self-employed.
E	<ul style="list-style-type: none"> • Relatively high rate of replacement (70%), but no minimum amount: the lowest incomes are at a disadvantage. • Benefit period proportional to the contributory period, with no threshold: the shortest employment periods are at a disadvantage. • Minimum contributory period needed to be entitled to long period of benefits (at least one year). • Parental leave not taken into account for entitlement to benefits. • No access to the scheme for the self-employed.
GR	<ul style="list-style-type: none"> • Low replacement rate (40% to 50%), no minimum amount: clear disadvantage for low incomes. • Brief period of payment of benefits (from 5 months to one year), linked to contributory period. No unemployment assistance at the end of entitlement to insurance. • Relatively long contributory period for eligibility (360 days out of the previous six years). Part-time work and interruptions are at a disadvantage. • No access to the scheme for the self-employed. Flexible measures for seasonal workers.
UK	<ul style="list-style-type: none"> • No difference between flexible employment and other employees from the standpoint of benefits (flat rate). However this is not very high (same amount as unemployment assistance and the minimum income). • Short period of payment of benefits: 6 months, but not linked to the previous employment period. • Benefits linked to obligation to take part in activation programmes.

Generally speaking, the following variables will play a significant role as regards access to unemployment benefit by employees in flexible employment:

- If the amount of benefits is linked to past income, part-time workers or those who experienced interruptions risk finding themselves with an income that does not enable them to make ends meet. This might be influenced by the replacement rate of previous earnings: the higher this is, the lower the risk of poverty (or of the need to resort to means-tested assistance). Similarly, the existence of a guaranteed minimum amount of benefit will limit this risk. This is the case in Sweden, for instance.

⁸⁷ However, prices are higher in Sweden than in the other countries.

⁸⁸ Generally speaking, to gain access to employee insurance schemes (unemployment, sickness, invalidity), an employment relationship must exist. The minimum criteria determining this are at least two days' work per week, a contract lasting at least one month, and a salary amounting to at least 40% of the minimum salary (national expert).

- Although little information was available on this subject, periods outside employment that would contribute to entitlement will play an important role for people who have withdrawn from the labour market. The more such special situations are taken into account, the less likely the risk of exclusion or marginalisation from the system. This is particularly true of (basic and continuing) training programmes, of employment based on special status and of returning to work (in the context of activation plans). Similarly, treating parental leave periods as contributing to unemployment insurance (as is sometimes the case for pension schemes) could ensure more economic security for women who, temporarily, choose a part-time job or even withdraw from the labour market⁸⁹. According to our information, the Swedish system is the only one which permits this (for up to two months).
- The period of contributions needed for entitlement/re-entitlement to benefits plays an important part in access to unemployment insurance for workers on flexible contracts. In particular, the calculation methods based on full days of work risks putting part-time workers at a severe disadvantage. Hence a fixed standard based on number of hours worked would be less discriminatory against the latter, provided that the number is not too high.
- By the same token, the extent to which the period of payment of benefits is linked to the previous period of employment (Germany, the Netherlands for salary-related benefits, Greece and Spain) would also put workers who have experienced more atypical careers at a disadvantage (part-time workers and those on a succession of fixed duration contracts). This is all the more worrying in that it is very likely these precarious categories of employees who are at greatest risk of prolonged periods of unemployment.
- In some countries, upstream of unemployment insurance properly speaking, limited benefits may be available for job-seekers who have worked shorter periods and cannot claim under the main scheme. These benefits are generally lower and the payment period is shorter. This is the case in Sweden and the Netherlands, from among the countries examined in this report. These benefits are, by nature, easier for atypical workers to access.
- Lastly, the obligation for recipients of benefits to register in a personal activation programme might, depending on what form such a programme takes, constitute an additional factor of marginalisation on the labour market. This is true of measures involving an obligation to accept precarious jobs or jobs with special status that do not contribute to the other social protection regimes.

Unemployment assistance

In most countries, when job-seekers have exhausted their entitlement to unemployment insurance benefits, an unemployment assistance scheme, separate from the guaranteed minimum income system, takes over. The following table shows its main characteristics.

⁸⁹ This must be placed in context because in most cases parental leave periods are combined with a right to return to one's job.

Table 12 Unemployment assistance

	Rate	Duration	Main conditions	Additional conditions	Self employed
SV			No unemployment assistance as such		
NL	70% minimum wage (or the daily wage if inferior). Means tested supplements	Max 2 years if workers <57 y/o, max 3.5 years if worker 57.5 years and up ⁹¹	Same as wage UI (follows on expiration of wage-related UI): 26 weeks worked/39 weeks and 52 days worked during at least 4 years in the last 5 years	No means testing (all unemployment schemes are individualised), availability for suitable work and active job-seeking is required	No
D	53% of previous salary (last 52 weeks)	No time limit Applications have to be requested every year	Recipients must have benefited from the UI	Means testing (Income of the household)	No
	75% of the minimum wage	6 months (possible renewal until 18 months) Possible extension for workers > 52 y/o	Income < 75% minimum wage With family: Entitlement to UI exhausted; No entitlement to UI but have paid contributions for at least 3 months; Without family: > 45 y/o without UI since at least 12 months not entitled to UI but paid contributions for at least 6 months.	Unemployed over 52 years of age fulfilling all conditions for retirement pension except the age required; Emigrant workers returning from abroad.	No
E	70% of the minimum wage	10 months	Long-term unemployed, aged 45 or over and with family dependants (spouse and/or descendants under 26 and/or disabled ascendants) or have been registered as unemployed workers for at least 24 months and have not gained the right to unemployment benefits.	The beneficiary must subscribe an activity commitment to take part in activation measures and accept adequate job offers provided by public employment services.	
GR	75% of daily minimum wage	Depends on number of worked (and contributed) days. Increased with age and dependants.	To be unemployed and a member of the Special Agrarian Regime of Social Security. Income below minimum wage.	Signature of an activity commitment.	
UK	€85 per week (basic level) Various supplements	No time limit	Same as UI (e.g. jobseeker's agreement) Claimant must not be at work for 16+ hours/week Partner must not be working for 24+ hours/week.	Means testing (Income of the household); Couples under the age of 45 years, with no children, both have to be jobseekers. Savings < €12,775.	Yes

⁹⁰ Additional benefits.⁹¹ Persons aged 65 and up who are still unemployed after the expiration of the continued benefit scheme may get a benefit based on the older and disabled workers income provision act (IOAW); persons under the age of 57.5 will have to rely on the general welfare scheme (Algemene Bijstandswet).

- Sweden and Greece have no unemployment assistance scheme properly speaking, however the situation in the two countries is very different. In Sweden, the basic benefit (*Gründforsäkring*) covers for a limited period of time workers who do not satisfy the conditions of the main unemployment insurance scheme. Moreover, workers who slip through the unemployment benefit net are entitled to the guaranteed minimum income. In Greece, however, neither one of these benefits exists, which considerably increases the risk of poverty for the workers concerned⁹².
- Unemployment assistance benefits are often flat rate sums. The Netherlands is an exception, in the case of a daily wage that is lower than the minimum salary, which would place the more atypical forms of employment at a disadvantage. Germany has a benefit, the amount of which is linked to the previous salary, although to a considerably lesser extent than the unemployment insurance (53% compared with 70%). The amounts are generally expressed in terms of a percentage of the minimum wage, except in the United Kingdom.
- Unemployment assistance is often linked to a means-test, except in the Netherlands. In the Netherlands, the United Kingdom and in some programmes in Spain, it is also combined with the obligation to take part in return-to-work programmes.
- The period of payment of benefit is limited in Germany and in the United Kingdom. In the other countries, the maximum period for payment is approximately two years.

Parental benefits and leave

The main provisions governing parental leave are examined in this section. The measures examined refer to two types of rules: employment law on leave and the related social security cover entitlements, and social security law in cases in which specific benefits exist.

Sweden

Parental benefits in cash (apart from those associated with confinement, which are dependent on the health care scheme and funded by taxation) depend on parental insurance, which is the subject of a special contribution paid by residents. Its essential function is to provide a replacement income for workers taking parental leave. The amount is dependent on income. This insurance has no equivalent in the other European countries examined. It breaks down into two types of benefit:

- *Föräldrapenning* (parental allowance), open to all employed and self-employed parents. The leave may be used by the mother from 60 days before the birth, and by one parent up to eight years after the birth. The total leave is 450 days per child.
- 360 days at the rate of 80% of income entitling one to benefits, including 60 days constituting one month for the father and one month for the mother.
- 90 days at the flat rate of SEK 60 (approximately €6.5) per day.
- The amount payable is based on past activity. In order to benefit from the replacement rate of 80%, the parents must have worked for at least 240 days with the same employer. Otherwise, they receive only the flat rate of SEK 120 per day (€13.04). The 450 days of parental leave are

⁹² Although the more important role played by informal solidarity in this country must be borne in mind.

distributed equally between the parents. One of the parents may transfer his or her days to the other, with the exception of the 30 days representing the father's month or the mother's month. Almost all parents take the paid leave to which they are entitled. Eighty per cent of parents take all 360 days at the full rate. Five per cent of these days are not used, nor are 18% of the days at the flat rate. The share of paid parental leave taken by fathers has been regularly increasing, rising from 3% when introduced in 1974 to 10% in 1998. As for the proportion of fathers making use of these possibilities, in 1998, 32% of the recipients of benefit were men (Ministry of Health and Social Affairs). The *Tillfällig föräldrapenning* (temporary parental benefit) is similarly open to all employed and self-employed parents. It takes effect if a child is sick and one of the parents has to take leave of absence. It is payable for a maximum of 60 days per year up to the age of 12 (10 days for the father exclusively – *pappadagar*).

One of the advantages of this system is that parents who wish to take child-raising leave are much better covered than in other countries, in so far as the period of validity of these payments extends until the children reach the age of eight. Parental leave carries the entitlement to return to full-time employment.

In other respects, the parental benefits scheme in Sweden is very highly developed. It covers a wide range of services in kind, available to the entire population.⁹³ These services are widely regarded as one of the factors that ensure greater equality between the sexes in terms of the employment market, by making it easier for women to work, and at the same time by concentrating a high proportion of women employees there (Esping Andersen, 1990; Scharpf and Schmidt, 2001). A study of these factors is outside the terms of reference of this review. However, it can be postulated that, in view of their universal nature, there are few inequalities as regards access based on employment status (apart from differences potentially relating to very low incomes).

Periods of training leave are not covered by compensation for loss of earnings. On the other hand, scholarships (particularly targeted on university studies) and public authority loans at reduced rates are available. Several of these packages are taken into account when calculating the amount of pensions. The number of workers taking training leave in 2001 was 34,300, nearly 70% of whom were women (national expert).

Workers under flexible contracts are potentially less likely to be affected by problems with eligibility⁹⁴ than by problems concerning level of benefits. Whereas the temporary parental allowance is unconditionally available to all members of the workforce, the same does not apply to 80% of parental benefit, which requires a minimum period of contribution, and provides benefits in a sum linked to the employee's previous earned income. Flexible employees are more likely than others to find their total allowances reduced to the level of the guaranteed minimum.

The Netherlands

In principle, Dutch employees working for the same employer for at least one year have since 1991 been able to claim continuous unpaid parental leave for a maximum period of six months,⁹⁵ this entitlement being non-transferable and covering a maximum of half the duration of weekly working

⁹³ However, these services were long provided free of charge. Users are now required to pay a contribution, but their share is still very low.

⁹⁴ Eligibility problems might only arise in cases involving a succession of very short-duration temporary contracts with significant periods of unemployment between each of them.

⁹⁵ This period has been doubled for the second child since 1997.

hours.⁹⁶ However, 5% of the collective agreements provide for payment to be made. Moreover, 35% of the collective agreements concluded in 1994, which covered 52% of employees, contained provisions designed to extend the possibility of parental leave, or their consequences relating to pension and social protection entitlements (Hall, 1998).

The adoption of the *Wet Arbeid en Zorg* (Parental Leave Act – WAZ) on 1 December 2001 has not made it any easier for some employees under flexible contracts to obtain access to such leave, because it has imposed a stricter formal condition regarding the existence of an employment relationship (or the public sector equivalent).

Apart from the self-employed and artists, who can only qualify for maternity leave and adoption leave, on-call workers who cannot prove minimum fixed working hours have no access to these rights. For the latter, moreover, in view of the irregular and intermittent nature of their work, it could prove difficult to determine the length of their maternity leave. However, various provisions of the Flexibility and Security Act do allow for the rules to be relaxed when calculating working hours for those in this category.

Temporary workers and those under fixed-duration contracts, by contrast, do have access to parental leave, provided they meet the general rule governing duration of the working relationship prior to leave. In their case, however, as in that of part-time workers, the duration of their leave will depend on the number of hours previously worked and, in some cases, may not be very substantial (national expert).

Germany

In general terms, parental benefits (except maternity leave) are universal and funded out of taxation. The *Erziehungsgeld* (child-raising allowance)⁹⁷ is open, regardless of professional record, to parents working no more than 30 hours per week⁹⁸ who are responsible for bringing up their children, with an income ceiling of €38,350 for the first six months,⁹⁹ subsequently divided by three (European Commission, 2001).¹⁰⁰ It amounts to €307 for the first 24 months of the child's life. Regional supplementary benefits may be added to this.

This allowance is formally differentiated from *Elternzeit* (parental child-raising leave),¹⁰¹ which is unpaid, lasts for 36 months, is voluntary and can be taken at the end of maternity leave (Gustafsson et al, 2001) by the father or the mother. During that period, the contract of employment of the employee on leave is suspended. Initially launched in 1986, this measure has been amended on several occasions to extend the duration of the leave. At present, the last 12 months' leave may be staggered until the child's eighth year, subject to the employer's consent.¹⁰² The right to leave is transferable between the two parents within a couple on three occasions.

⁹⁵ Individual arrangements may however be negotiated.

⁹⁷ *Bundeserziehungsgeld* (Federal Child-Raising Allowance Act) of 5 December 2000.

⁹⁸ This limit was set at 19 hours per week until 2001.

⁹⁹ €51,130 for married couples

¹⁰⁰ €16,470 for married couples and €13,498 for other beneficiaries (European Commission, 2002).

¹⁰¹ *Gesetz über die Gewährung von Erziehungsgeld und Erziehungsurlaub - Bundeserziehungsgeldgesetz* (Act relating to the Granting of Child-Raising Allowance and Leave – BErzGG).

¹⁰² In the case of adopted children or those of whom custody has been awarded to one of the two parents, all the leave can be staggered over eight years.

Given the universal nature of the benefits, it cannot be argued from these provisions that there is direct discrimination against workers under flexible contracts. However, they must be viewed in the context of the poorly developed childcare infrastructures in Germany, which compel many mothers to stop work, sometimes for long periods, in order to bring up their children.¹⁰³ Looked at from this standpoint, the parental leave measure is often seen as a measure susceptible of encouraging women to withdraw from the labour market (Morgan and Zippel, 2002; Vielle, 2001). The fact that the amounts are low and based on flat rates, and that the income ceilings entitling people to benefits are based on a sliding scale over time, explains why very few men take advantage of parental leave: it is generally the mother who gives up work. Moreover, since the benefits are not based on the past employment record, mothers who have never worked also benefit (Vielle, 2001).

It is worthwhile pointing out that the same function was provided in the past with mothers having the option of extending their maternity leave. What is new is the recognition of this option for both fathers and mothers. In actual fact, since 1986, it is still and most frequently women who avail of this option for the reasons given above (although this comment must be qualified by changes made recently to these measures). For mothers, the change from maternity leave to parental leave has in fact resulted in a drastic reduction in the rate of compensation (from 100% of pay for maternity leave to a low flat rate sum for parental benefits), consequently resulting in a certain level of dependence on the spouse (Vielle 2001).

Spain

Apart from maternity leave, Spanish families are entitled to full-time parental leave, granted to the father or the mother, and without payment, for children under the age of three. The beneficiary's right to retain his job is guaranteed if the children are under one year of age. Otherwise, the guarantee extends only to a job on a comparable level. Parents with a child aged under six can reduce their working hours between one third and one half, again without payment.

This, then, cannot be said to involve any inequalities or differences in treatment between employees on flexible contracts and other employees from the standpoint of access to this leave. However, the absence of payment inevitably means that only employees in receipt of income from other sources, as for example in the case of a couple, can take advantage of this leave. In the vast majority of cases, it is women who avail of this option in order to limit the loss of earnings for the household.

In general terms, family solidarities still play an important role in this area, in the absence of sufficiently developed care infrastructures. This, clearly, is an obstacle that prevents a large number of women from entering or remaining in the labour market.

Greece

Apart from family allowances, there are no social security benefits as regards parental leave or child-raising leave. Only workers employed by undertakings of more than 100 people are entitled to unpaid parental leave of three months during the first two years of the child's life. Eight per cent of employees are entitled to this leave within a single year.¹⁰⁴ Employed parents are entitled to 6 days' leave to care for a sick dependant (up to 10 days where there are three children or more).

¹⁰³ Only 1% of men avail of the provisions governing parental leave (Hall, 1998).

¹⁰⁴ Leave is granted in the order in which applications are received until the 8% quota is reached.

Parents of children aged 16 and under may take up to four days' leave to visit their schools (national expert). In some sectors, these terms may be improved by collective agreements (Hall, 1998). Furthermore, child-caring services for young children are still very underdeveloped, and family solidarities within a framework of extended family networks continue to play a dominant role in this area (Guillén, 2001).

The question of whether flexible employees have access to the four annual days' parental leave is still debatable (national expert).

United Kingdom

Since 1999, unpaid parental leave of 13 weeks¹⁰⁵ has been introduced in the United Kingdom, in compliance with European Directive 96/34/EC. Special provisions may exist at certain undertakings, through collective agreements, but are relatively rare. At the time of writing, parental leave is open to parents of children under the age of five who have worked for the same employer for at least a year. The terms of the leave are negotiated between employer and employee, and its maximum duration is four weeks (continuous or otherwise) for each child and for each year. This leave entails a right to return to the job held before the leave was taken or to an appropriate job of the same standing if the four-week period is exceeded (national expert).¹⁰⁶

Under the Employment Act, which was adopted in 2002 and the provisions of which enter into force in 2003, two weeks' paid paternity leave are to be introduced, paid in the same way as Statutory Maternity Leave. The same Act brings in provisions to encourage the negotiation of flexible arrangements for parents of children under the age of six.

Since 1998, the British Government has significantly increased spending on projects to develop child care infrastructures in order to encourage single parents to return to work. These facilities, however, are still insufficiently developed. In particular, the fact that these services are essentially provided by the private sector, without subsidy, does not make them accessible to the lowest income group and will encourage women to work very short part-time hours (Vielle, 1997). Thus, according to various surveys that have been undertaken, one third of parents say that they would be unlikely to have the resources to take parental leave (Cressey, 2002). Furthermore, this situation is also not favourable to female employment. Thus, workers under low-paid flexible contracts (part-time, temporary or unskilled and short-term fixed-duration contracts) who cannot rely on a spouse's income are likely to have problems with arranging care for their children, in general or in the event of illness.

Steps have been taken to improve matters here, such as the non-contributory Working Families Tax Credit, which is means-tested and is available to families with one member working at least 16 hours a week. The sum payable varies depending on the number of children, the income and accumulated savings (national expert). To supplement this (and again subject to means testing), there is a low-income family allowance for families whose weekly income does not exceed €148, provided that savings do not exceed €12,775. It is proportional to income (national expert). These measures, however, are still targeted on the lowest income brackets.

¹⁰⁵ Employment Relations Act (1999).

¹⁰⁶ The right to return to the job does not apply to women taking parental leave at the end of their maternity leave.

Summary: parental leave and allowances

Table 13 shows the main characteristics of measures concerning parental leave and allowances in the countries examined. In the first case, the criteria of length of leave and the inclusion of this in the calculations for social security contributions were examined. In the second case, the length of leave, the amount and the conditions are also looked at.

Table 13 Main characteristics of measures concerning parental leave and allowances

	Parental leave		Parental allowances		
	Duration	Social security contribution	Duration	Amount	Conditions
SV	450 days	Pensions "Freezes" unemployment entitlement	16 months	80% of earlier gross earning during 13 months then flat rate: €6.62 If the 240 days condition is not met, flat rate benefit (€26.47)	240 days worked before the birth Children under 8 y/o
Temporary parent's cash benefits in case of illness (up to 60 days a year) – Children under 12 y/o					
NL	Max. of 13 times the worker's working hours per week, to be taken during a period of max. 6 months (no. hours of leave must not exceed half of the weekly working hours)	No negative effect on conditions for unemployment benefit schemes, health insurance remains in place < 18 months of (unpaid) leave, state pension scheme not affected, effect on company pension schemes varies	No statutory benefit; public servants have specific regulation for paid leave; 5% of collective agreements provide for paid parental leave		
D	3 years 1 year may be taken when the child is between 3 and 8	Freeze of the entitlements for pensions and unemployment Pension contributions for mothers of children between 3 and 10 going back to work accrued.	First 24 months	€307	One parent not working or working <30h/week <i>Max threshold:</i> <input type="checkbox"/> €51.130 for married couples, €38.350 for others (first 6 months) <input type="checkbox"/> €16.470 for married couples, €13.498 for others (remaining time) Thresholds increased if further children
E	3 years 1 year may be taken when the child is between 3 and 8	First year of parental leave contributes to unemployment and pension Afterwards, freeze of the entitlements for pensions and unemployment.	No statutory benefit		
GR	4 days per years until the child is 16 y/o 3 months for workers in companies with more than 50 employees	Freeze of the entitlements for pensions and unemployment during the 4 days	For worker only: 1 child €5.87 per month; 2 children €18; 3 children €40; 4 children, €48; for each additional child after the fourth, €8.07 per month.		
UK	13 weeks for parents of children <5 y/o 4 weeks per child per year with right to return to the same job	No contribution paid to the National Insurance. In the case of pensions parents getting Child Benefit will be credited with Home Responsibility Credits	No Statutory benefit	In some cases, means tested benefits (called Income Support) and/or continued payment of tax credits (Working Families Tax Credit) for parents/households with low income	

As can be seen from Table 13, the provisions governing parental leave differ considerably from one country to another. The length of leave determines whether the employee can maintain his or her status and, consequently, in some countries, access to parental allowances and the maintenance, acquisition or freezing of other social security benefits. In other words, people taking care of small children for six months in Sweden and in the United Kingdom would find themselves in different situations for the second three months. Looked at from this point of view, parental leave is an indicator of the security related to the flexibility of some careers – mainly women’s careers – when linked to family events.

Leave varies in length from three years (Germany and Spain) to about three months (United Kingdom, and workers in undertakings employing over 50 people in Greece). In the United Kingdom, supplementary provisions set an annual ceiling for availing of this right. In the Netherlands, however, the leave is concentrated in a six-month period. In this case, workers under flexible contracts might be entitled to shorter leave than other employees. Leave is most limited in Greece.

With regard to contributions to other social security benefits, the most widespread situation is that of a ‘freeze’ of contributions already accumulated so that leave does not have a negative impact on the rights already accumulated by the worker. On the other hand, workers do not continue contributing to their pensions or unemployment benefit during these periods of leave. In some countries, however, the measures go even further:

- In Sweden, parental leave periods are regarded as contributory for first-pillar income-related pensions;
- In Germany, women returning to work after parental leave with a child aged between three and 10 years find that their pension contributions have increased;
- In Spain, the first year of parental leave contributes to pension schemes;
- In the United Kingdom, for parents (mainly women) who have contributed for at least 20 years to National Insurance, their periods of withdrawal from the labour market to raise their children are regarded as contributory when calculating pension years.

It should be noted that these measures mainly concern pension schemes and not unemployment benefit. In principle, however, parental leave is often combined with a prior right to return to work.

With regard to parental allowances, most of the Member States examined do not have allowances to cover withdrawals from the labour market to bring up children or to take care of dependants. There is a risk in practice that this will limit the right to leave to certain income categories and to women whose spouses are working. Employees in certain forms of employment (for instance single mothers employed part-time) may well be unable to take this leave.

Sweden and Germany, however, have adopted such measures. Sweden has parental insurance covering 16 months, the amount of which is partly linked to the previous income (80% replacement rate). Even though this aspect puts the lowest incomes at a disadvantage (for instance part-time workers and the self-employed with low turnovers), it is a factor that facilitates access to parental leave for all workers, as well as an incentive for women to remain on the labour market¹⁰⁷ and an encouragement for men to take parental leave (Vielle, 2001).

¹⁰⁷ Because it is concentrated in the first few years of the child’s life. In addition, there is another allowance for temporary parental leave.

In Germany there is a flat rate universal benefit, the amount of which is limited, restricted to the lowest incomes after the first six months. Because of these features, equal access is guaranteed to the various types of employees, but they are not likely to encourage men to take parental leave (Vielle, 2001).

There is limited compensation in Greece. In the United Kingdom, means-tested allowances (or a tax credit system) is in place for the lower incomes. Generally speaking, it must be underlined that paid parental leave that is apparently favourable for flexible workers (flat rate and/or universal allowances) are unfavourable in terms of equal opportunities between men and women. The latter would require measures to encourage men to avail of parental leave (allowances in proportion to salaries) and to encourage women to remain on the labour market (more generous allowances related to previous employment on the labour market). The Swedish system, with its sophistication and generous allowances, seems to be the only one that can reconcile these two apparently contradictory objectives.

Social assistance and guaranteed minimum income

Although the provisions on the guaranteed minimum income are not related to the record of employees on the labour market, we thought it useful to provide an overview of the measures regulating them in the various countries examined since they form an ultimate safety net for people who do not meet the conditions of other schemes (in particular pensions and unemployment benefit).

Sweden

The *Social Bidrag* is a form of emergency assistance paid to persons/families who temporarily lack adequate means of support. The ultimate social protection safety net, it is subject to a means test and a permanent obligation to seek proper employment for such time as the person concerned is capable of working. This allowance is paid as a supplement to other subsistence allowances. There are no conditions regarding net worth, but the applicant's means are taken into account. The benefit is a flat-rate one, reviewed annually by parliament and the local authorities, and may be increased by various supplements. The beneficiary receives personalised assistance (active employment policy).

It does not seem, then, that any differences exist between workers under flexible contracts and typical workers in relation to access to this benefit.

The Netherlands

The guaranteed income system in the Netherlands is similar to that applicable in other countries: funded by the state¹⁰⁸ and based on the *Algemene Bijstandwet* (General Assistance Act – Abw). It is open to all residents aged 18 years or over, subject to a means test, family situation¹⁰⁹ and availability to accept a job. The total assistance payable is 50% of the minimum net wage (€844.62) for a person living alone between the ages of 21 and 65 and 70% (€1,085.94) for a single parent. Supplements are available. The spouse of the person who files the application may, in some cases, be asked to seek paid employment (European Commission, 2001).

¹⁰⁸ It is funded 90% by the state and 10% by local authorities.

¹⁰⁹ Persons with dependent children under the age of 5 are not required to seek jobs; nor are unemployed people over the age of 57.5 years.

Germany

A system known as *Sozialhilfe* (residual income guarantee)¹¹⁰ exists in Germany, for the majority of residents, subject to a means test and for an unlimited period, for people available to accept paid employment. *Hilfe zum Lebensunterhaltstandard* (income support) is made up of a flat-rate allowance, housing assistance and one-off payments. The basic flat-rate amount varies between the different *Länder* (between €268 and €282 as of 1 July 2000) (European Commission, 2001). Various supplements may be granted, depending on family situation, to meet immediate and/or specific needs (illness, clothing). Various types of income support (*Hilfe in besonderen Lebenslagen*) are provided for groups who are not in receipt of any other benefits.

It is also necessary to consider the employment reintegration plans (subsidised jobs, temporary public service jobs) and plans for activation in the context of social assistance, and to check whether some of these schemes create hybrid statuses not covered by employment law and/or not conferring the right to other social security benefits (pension, unemployment).

Spain

With regard to the *ingresos mínimos de inserción* (guaranteed minimum income), Spanish legislation differs between the various *Comunidades Autónomas* (Autonomous Communities). In general, benefits are granted subject to a means test for a period of 12 months, subject to renewal, for persons who have lived in an Autonomous Community for a period of between three and five years and are aged between 25 and 65 years.¹¹¹ The beneficiary is generally required to participate in a reintegration programme. Some forms of assistance are conditional on the authorities having sufficient budget resources available. The average amount of benefit varies between €180 and €270, depending on the number of dependents (European Commission, 2001). The various programmes are mainly targeted at families.

Although access to the minimum income is universal in theory, and thus open to workers under flexible contracts as to other employees, three comments are called for:

- Given the disparities between application arrangements, and in some cases the inadequacy of the resources appropriated to this area by some Autonomous Communities, some workers who have exhausted other entitlements may slip through the mesh of the safety net.
- In a number of cases, the income guarantees are associated with activation programmes and employment reintegration schemes. Sometimes, these may create atypical forms of employment which are non-contributory and confer no entitlement to some or all of the benefits associated with contribution – essentially pensions and unemployment. These measures thus help to increase the insecurity of certain vulnerable categories.
- A special allowance exists for workers aged over 45 with dependents, the active integration income, which funds the social minima for these categories.

Greece

There is no system in Greece to provide a guaranteed minimum subsistence income. However, various special programmes are in place for certain specific categories i.e. people with physical disabilities, people of Greek origin repatriated from abroad, exceptional circumstances.

¹¹⁰ *Bundessozialhilfegesetz* (Federal Social Assistance Act – BSHG) of 30 June 1961, version dated 23 March 1994, as amended by the Act of 21 July 1999.

¹¹¹ The youngest age group can benefit from this only if they have dependent children.

When this is combined with the absence of long-term unemployment insurance benefits, there is a risk that the most impoverished fringes of employees under flexible contracts may fall below the poverty threshold because of excessively irregular periods of employment, or because they are not entitled to unemployment insurance benefits or are entitled only to a very reduced amount.

United Kingdom

The guaranteed minimum income in the United Kingdom (income support¹¹²) is funded by taxation and accessible, subject to means testing, for an unlimited period to all residents who are not full-time employees¹¹³ and whose income is below the minimum thresholds.¹¹⁴ Any savings may not exceed €12,775 for an applicant under the age of 60. The beneficiary need not necessarily be capable of or available for employment,¹¹⁵ but will have to meet with a personal adviser. The amount of benefit is a flat-rate €85 per week. It may be reduced depending on the total savings accumulated by the applicant. Various supplements are provided where there are dependent children and, especially, in the event of handicap (European Commission, 2002).

Various additional non-contributory minimal benefits are provided, including:

Housing benefit, which is means-tested and is intended to enable residents to pay for their accommodation provided that their resources do not exceed €25,551. The amount is income-based, and the maximum allowance is paid to applicants whose income is below the minimum threshold (€85 for a person living alone, €133 for a couple without children) or drawing income support. (European Commission, 2002).

Council tax benefit is intended to assist those on low incomes to pay the council tax levied by local authorities. Depending on the individual's income, benefit may pay up to 100% of the tax.

¹¹² Income Support (General) Regulations (1987), Social Security Administration Act (1992).

¹¹³ The limit is set at 24 hours per week.

¹¹⁴ All income is taken into account, except housing benefit, local taxes benefit and the invalidity allowance.

¹¹⁵ In such cases, however, the applicant will have access to ib-JSA instead.

As we saw in Chapter 2 the scope and direction that reforms of the welfare state may take to deal with the problems raised, for instance, in Chapter 3 are still being debated both by researchers and by the authorities. Added to this is the fact that, as we already mentioned, the problems facing each country vary in nature and importance (from unemployment, poverty and an increase in economic inequalities to a competitiveness problem for undertakings). We will endeavour in this chapter to present and put into perspective some of the points in the debate concerning these reforms.

Proposals

We are now going to examine briefly two aspects that have been and still are the subject of major discussions: the 'transitional labour markets' ('TLM') (Schmid) and 'professional state' associated with 'social drawing rights' (Supiot). What they have in common is the fact that, on the one hand, they enshrine the end of the typical employment norm of Fordist compromises (meaning full-time permanent employment contracts) and, on the other, they provide institutional solutions in a longitudinal perspective that promote the transitions between different situations in or outside of salaried employment while preserving the essential social rights found in 'traditional' welfare states. The idea is to allow male and female workers more flexible management of their professional careers, which covers in particular individual life choices, obligations regarding reconciliation of professional and private life (especially childcare) and, more generally, discontinuity of individual careers.

The main difference between these proposals lies in the fact that Supiot's approach is legal/conceptual: how can coherent employment status be re-established which is combined with a clear set of social rights? The approach adopted by Schmid and his collaborators takes a more specific economic point of view: how can political tools and institutions be combined to facilitate transitions between different employment situations while achieving certain political objectives? It is right to regard both of these approaches as complementary standpoints on the same problem rather than as two mutually exclusive proposals.

Transitional markets: social integration through participation in the labour market

Transitional labour markets (TLM) do not necessarily constitute a revolution that will completely transform current employment policies and social protection mechanisms, even according to the author who devised them, Günther Schmid. Rather this is a concept and guide for the analysis, management and coordination of existing and future employment market policies. Some national policies (in Denmark for instance) are in fact already close to the underlying principles of transitional markets.

TLM are based on the following ideas:

1. The time for reasoning on the basis of professional status has gone; policies and researchers must focus on transitions between different employment situations. According to the authors, the most significant transitions that may arise during a professional life cycle are the following: transition between initial education/professional training and employment, between part-time and full-time employment or between salaried employment and self-employment, as well as transition between reproduction and care activities and paid employment, between non-

employment and employment, between disability and employment, and between employment and retirement.

2. The purpose of TLM is to maximise full employment (calculated on the basis of an average of 30 hours per week throughout the life cycle, taking into account equality of employment rate and working hours for men and women) by introducing a set of tools to encourage risk-taking by workers, while providing them with the prospect of economic security.
3. In this context, the aim of social protection and employment market policies is to maximise the fluidity of these transitions and career paths, taking care to avoid confinement to precarious employment (career paths leading to exclusion) while promoting upward mobility or the maintaining of a situation that is satisfactory for the worker.
4. The main tool underlying the TLM will be the creation of new 'stop-gap measures' (new regulation bodies, or better synergy between existing players) between employment and non-employment, by means of institutional devices that permit a certain financial security, retraining in new skills, and consideration of care activities and socially-useful work.
5. This also implies the creation of local partnerships (at the level of sectors and/or regions) aimed at ensuring a better match between needs and demand on the labour market. Depending on the case, these partnerships would consist of the authorities, undertakings, the trade unions and associative structures.
6. A key element of TLM is the general implementation of labour market activation policies that have the objective of providing better information on the state of the labour market as well as a sufficient number of quality training courses which would promote geographical mobility.

From an economic point of view, TLM thus form labour market regulation bodies that have the objective of assimilating the external effects of the flexible employment created and demanded by undertakings, while attempting to reduce the costs of the transaction.

The 'local negotiated' approach does not necessarily mean that the concept of substantial rights guaranteed to workers by the law is being questioned. As noted by some authors close to Schmid, new rights could be devised arising from citizenship in the context of TLM. This last point allows us to make a connection with social drawing rights.

Professional state and social drawing rights

There is no question that the concepts of 'professional state' and 'social drawing rights' can be attributed to Alain Supiot in his book *Au-delà de l'emploi (Beyond Employment)*. Unlike transitional markets, the debate to date involved the formulation of a new and unique legal concept that would result in radical reform of labour law and social protection.

The work of the researchers collaborating with Supiot is based on the problem which labour law has in regulating the growing diversity of employment situations and contracts, and on the risk of a gradual decoupling of presence on the labour market from social rights for a large number of people.

The idea underlying social drawing rights is, first, to recognise several levels of professional state. This concept allows a link to be established between the traditional employment contract and

simple universal rights. Four states are therefore envisaged, which may be represented as four concentric circles: universal rights, rights based on non-professional work, rights based on non-salaried work and rights relating to salaried work. Each layer grants entitlement to specific social rights.

What is original is the appearance of social rights granted to ‘work in general’, accumulated by a worker in the course of his or her career. Entitlement is not linked to the occurrence of an event or risk, but is left to the worker’s free choice, hence the term ‘social drawing rights’. Similarly, and contrary to a good number of existing national situations, the autonomy of these rights as regards employment contracts or specific employment situations is considerably increased.

In practice, social drawing rights consist of a set of accumulated credits (time, training, parental leave, help with embarking on self-employment), looked at from the point of view professional life in its entirety, and connected with the different professional states listed above. They thus guarantee, according to the authors, tools capable of supporting, softening and redeploying the different phases of professional life for everyone. This implies, of course, a stable professional state enjoyed by the workers throughout their careers. This idea has a number of points in common with the concept of activity contract developed by the Boissonnat report. According to Supiot, this proposal would grant employees more freedom in terms of time (the latter would not longer be fully dependent on their employers’ decisions) and would also pave the way to financing socially-useful activities.

Questions raised by these proposals

While some aspects of these approaches are attractive, they nevertheless raise the following questions:

1. The exact nature and definition of employment and socially-useful activities must be defined, from a gender perspective. In particular, the aim is to see whether ‘professional state’ includes care activities on the same footing as salaried employment in order to accumulate drawing rights, or whether, on the contrary, these activities would only confer a limited drawing right, compared with the others?
2. An approach based on ‘drawing rights’ combined with increased flexibility of the labour market does not clarify the differences between ‘chosen flexibility’ and ‘imposed flexibility’. In the case of women, whom we know have a greater tendency to occupy flexible jobs, there is a risk of seeing the gap widening between the people obliged to use up their drawing rights and those who can go on accumulating them indefinitely.
3. By the same token, at this stage of drafting proposals, the question of the share of universality and conditionality in social drawing rights must be clarified. A set of basic rights which is too narrow and which would require considerable participation in the labour market (in terms of duration, working time and level of pay) in order to be eligible for more extensive rights, would simply reproduce the double system applicable at the moment to workers. This is particularly true of the traditional Bismarckian welfare states (continental/corporatist and Mediterranean). Another question concerns the consideration of inequalities as regards needs and the targeting of certain rights which result from this, while avoiding the usual stigmatisation traps.
4. One of the aspects of TLM and social drawing rights which also requires clarification concerns

replacement income, the level of this and its suitability for the specific situations of male and female workers. This question arises in particular for periods during which family responsibilities are exercised. This must be tied to the question of the definition of guaranteed rights on the one hand and of rights acquired by participation in the labour market on the other. In fact, compensation for these periods in the context of social protection rather than in the form of the accumulation of 'credits' by participation in the labour market appears to be a more suitable response to specific situations (Vielle, 2001).

5. The two approaches emphasise in particular the individualisation of preferences by male and female workers, by taking certain professions (artists, academics) as archetypes for a possible employment trend. It must be asked whether this does not produce an elitist effect which would apply working and employment conditions to all employees that require a high level of economic, social and cultural resources.
6. In the event of the general introduction of TLM, social drawing rights and the associated fluidity of the labour market, one aspect must not be neglected: the insecurity that results from the absence of a clear time frame, the permanent retraining of workers and the burn-out problems this can generate, as demonstrated by recent research findings. Not to mention the fact that it is fairly unlikely that individuals will have their own clearly determined professional plan, which they can then develop on a labour market that offers all the opportunities for doing so.
7. The procedural aspect of TLM and social drawing rights, ultimately negotiated in the context of local partnerships, raises the question of inequalities of negotiating power, either because trade union organisation is less widespread in certain sectors/regions, as is the representation of employee interests, or the fact (which can already be observed) that industrial relations actors do not take account of the interests of male and female workers in the most marginal situations.

The imperative need for a compromise between flexibility and security or 'flexicurity'

Whatever the global 'level'¹¹⁶ of the welfare state reforms, the relationship between the employment market and the rules governing it, on the one hand, and the social protection attached to it to varying degrees, on the other, will be affected. *Flexicurity* (Wilthagen 1998) has emerged as an imperative need to reconcile the new forms of flexible employment with an updated concept of security for workers. Most observers do not question the need and desirability of this new alliance. The term also echoes the concepts of *decent work* (ILO) and *quality employment* (EU) which, with different criteria, attempt to alleviate the most severe effects which flexible employment has on security for workers. However the characteristics of quality employment and decent work do not necessarily include the question of access to social protection.

This proves that it is unwise to allow oneself to be misled by the apparent simplicity of this formula. We saw above that flexibility refers to a multitude of different dimensions and practices, of which employment constitutes only one aspect. Similarly the issues relating to security for workers are also very complex when it comes down to analysing them. We might attempt to present the main dimensions in the form of a table.

¹¹⁶ See Chapter 2: 'Measuring the nature and extent of change'.

- One dimension that may be linked to the concept of *decommodification*: in other words the extent to which individuals can rely on a safety net that enables them to avoid simple survival strategies, regardless of the resources they have accumulated or received because of their participation in the labour market. This is a collective dimension since it refers to policies of wealth redistribution which alone allow differences in conditions to be reduced, but not however eliminated.
- Another dimension concerns, in a complementary way, *employability*, which may be defined as the ability of a worker to find employment at a given time in a labour market segment. It is important to understand that this dimension is only partly individual. It depends, of course, on personal strategies implemented by the worker, and also on skills acquired by the worker in and outside of employment, hence on training and skilling policies pursued both by undertakings and by the authorities. We will return to this point later.
- A third dimension is crosscutting and refers to the temporal nature of security. In terms of decommodification, security can be guaranteed in the short term (for instance by granting replacement income in the case of the occurrence of a cyclical risk, such as the loss of a job) or in the long term in the context of the life cycle (in the case of the occurrence of a structural risk such as old age or disability). Similarly, with regard to employability, security may concern the ability to find a job in the short term (which may be underpinned by public job-creation and re-employment policies or by the acceptance of lower quality jobs by workers). In the long term, however, it involves by necessity the need to develop the worker's abilities, which means the possibility of gaining access in one way or another to training courses, 'skilling jobs' or, more generally, opportunities to enhance abilities.

The three dimensions mentioned above interact closely, of course. The value of this distinction is that it enables four areas to be identified that should be covered both by employment policies and by social protection policies.

Figure 3 Areas that should be covered by employment and social protection policies

	Short term	Long term
Collective dimension: decommodification	Temporary income to protect people from precarious situations Eg: unemployment or disability benefit	Continuation of income in the case of structural or long-term events. Retirement pensions not linked very much to past labour market record.
Individual/collective dimension: employability	Re-employment, secondary status, fixed-term jobs, integration schemes in companies	Development of personal projects that are not necessarily immediately profitable in the short term on the labour market, skills development

It seems, therefore, that the compromises between flexibility and security cannot be summarised in a simple equation. We would like to underline forcefully that the temporal dimension of security is important and often neglected in debates on compromises between security and flexibility. In fact, the aim is not simply for a worker to find or keep a job, or to receive replacement income. A worker's time frame, whether short or long-term, constitutes his or her personal framework, enabling him or her to consider a real 'career' and also the possibility of a family, social and personal plan. It is doubtful whether, in the short term, a response to certain forms of flexibility (such as on call work), which was exclusively devised in terms of economic security, would ever

appear sufficient and adequate to compensate for the de structuring of the biological, family and social times associated with them. Moreover, several authors (Castel, 1995; Schmid, 1998) have suggested that it is the prospect of a long-term time frame that is relatively stable from the point of view of expectations that enables an individual to develop strategies for the future, including risk-taking, and the pursuit of flexibility strategies. Thus, in order to put the content of Chapter 4 into perspective, it is not enough simply to adapt social protection to new social events or to new labour market or life situations, although this is an important aspect of it.

More generally, it is clear that there is a lack of explanation for the prescriptive foundations of the welfare state, in particular in the proposals just described: while references are made, depending on the case, to an increase in the employment rate, equal participation by men and women in the labour market, the activation of employment policies and better adaptation of social protection systems to the economic needs and preferences of employees, the basic question 'What are the purposes of a welfare state?' has never really been asked. It would be useful in particular to question the legitimacy of the objective of raising the employment rate (or in some cases the rate of activity) which implies mechanical social integration through work, presented by many (including the European Commission) as a political priority, and to consider possible alternatives. Therefore we will end this section on theoretical perspectives by presenting a prescriptive framework, which might be useful in the context of the debates on the reform of the welfare state.

An approach based on Amartya Sen's concept of 'capabilities'

The above proposals are generally in keeping with existing compromises, their base line being the need to generally increase employment rates while supporting flexible forms of employment.

Amartya Sen's approach is based on the concept of *capabilities* (Sen, 1990; Sen, 1992; Sen, 1995). In this concept, justice and equality are defined in terms of specific *effective liberties* (capabilities) which individuals have in order to perform *functions*. A function is described as one element, among others, which ensure a good, fulfilled life (for instance to be in good health and to have an income that permits a fulfilling social life). Some basic functions are essential (such as food, access to health care and education). In addition to these, Sen considers that the various possible functions for individuals should be regarded as so many 'baskets of goods' from which they must be able to choose. The well-being and security of individuals are therefore measured by the extent of the actual liberty they have to choose between the different opportunities or functions offered to them. Correlatively, social justice and equality can also be measured in terms of these specific and effective liberties as regards access to certain functions.

The quantities and qualities of the functions are also related to the characteristics of individuals and to the environment in which they operate. This is a major difference compared with those approaches that look at equality from the standpoint of the redistribution of (or access to) resources. Sen is original in considering the diversity of individual situations, in particular as regards their ability to convert the resources they have into functions (a disabled person will need more resources than an able-bodied person to achieve an equal result, for instance moving from one point to another). To this end he uses the concept of *informational basis of ethical choice*, in other words the amount of information that is taken into account when the degree of social justice of a given situation is evaluated. Sen considers that the elements excluded from this information

basis of ethical choice covers ‘personal heterogeneities, environmental diversities, variations in social climate, differences in relational perspectives, distribution within the family’ (Sen, 1999: 70-1). Complex handling of situations based on the concept of informational basis of ethical choice is different, for instance, from the utilitarian concepts which, in practice, do not in most cases deal with anything other than the aggregated incomes of individuals, placing them on the same footing as the satisfaction they draw from them without taking into account the effective liberties individuals enjoy. This also differs from the Rawlsian concepts of justice based on essential goods (initial capital) which do not take account of the inequality of real capacity to translate them into effective functions (Vielle and Bonvin, 2002). This approach offers new perspectives in terms of relations between flexibility and security. The main interest for us lies in its dynamic vision of the objectives of public policies based on individual fulfilment. In adopting an approach based on capabilities, the purpose of a welfare state is not necessarily to guarantee equivalent income (or even jobs at any price) to individuals at each moment of their lives, but rather to maximise at all times their freedom of choice between several fulfilment possibilities – different opportunities. In return, this broader horizon for fulfilment possibilities must be regarded as a condition of possibility and an added factor of flexibility (Supiot, 1999; Castel, 2001). Similarly, the ‘old’ concepts of security based exclusively on granting a ‘decommodifying’ allowance do not take into account personal inequalities in converting this allowance into functions (for instance, all recipients of the minimum income do not have the same ability to use it to improve their condition). However, certain aspects of new active employment market policies can be seen as developing their capabilities because they provide more training opportunities to workers (Lødemel and Trickey, 2000; Vielle and Bonvin, 2002).

The consequence of this approach is that maintaining freedom of choice remains a key issue, particularly in activation policies: once a constraint is introduced, the capabilities of individuals are reduced, and hence their security of existence. From this point of view, some methods of reforming assistance based on workfare or learnfare involving a constraint are more difficult to justify in the context of an approach in terms of capability.

The other consequence is that the focus of public policies should shift from a purely quantitative vision of employment market and social protection policies (for instance measured in terms of employment rates), or from the concept of human capital, to a more qualitative vision of the individual worker. However, the very concept of capabilities implies that there is no contradiction *per se* between flexibility and the development of individual liberty.

It goes without saying that the emphasis on capabilities does not justify that a policy developing only one aspect of them (for instance, specialised professional training) could abandon income security. On the contrary, income security is justified since it permits the accomplishment of the necessary basic functions for a fulfilled individual life, and is also necessary for the gradual development by a person of his individual capabilities.

Fundamentally, two research trends can be distinguished in line with Sen’s work:

- One trend questions the *basic capabilities and functions* that must be assured by public policies. Given the emphasis on individual features in Sen’s work, some researchers wondered about a list of universal capabilities which could be similar to fundamental rights. It includes the right to health, to material well-being, to industrial relations and to political liberties. With respect to

social protection policies, the debate should be continued in this direction, identifying all the functions that would then constitute the objectives to be fulfilled by welfare states, mindful of individual diversity, in particular, diversity between men and women.

- The approach based on capabilities is often interpreted in individualist terms. The role of the state is confined to providing incentives to individuals so that they adapt their behaviour as desired by the state (for instance returning to the employment market). To achieve full social and/or professional participation, the concept of *combined capabilities* (Nussbaum, 2000) requires the development not only of individual capabilities, but also of collective/institutional capabilities. This approach considers internal capabilities (linked to individuals) separately from institutional capabilities (in the broad meaning of the term), which enable individuals to convert their internal capabilities into effective functions.

Thus a job-seeker with access to social security benefits is faced with an important set of institutional constraints, in particular in the context of the intensification of activation policies (need to comply with many formalities, possibility of sanctions, limits to the activities that he or she can undertake, possible quotas imposed on the official responsible for supervising his or her placement, contractualisation of conditions for granting benefits, etc.). These institutional constraints limit the job-seeker's capabilities, notably from the point of view of expressing his or her individual preferences. Hence social protection systems or employment policies devised solely in terms of individual incentives may limit job-seekers' current capabilities and their future development. It is therefore necessary not to limit social policy aims solely to the development of internal capabilities, but to include institutional capabilities which provide the environment that facilitates their effective application. Oddly enough, maintaining and strengthening workers' collective capacity for negotiation and deliberation (and in particular that of flexible workers) in the area of labour law and social security appear to be a decisive element in combined capabilities.

A study recently conducted in Switzerland among a group of poor workers¹¹⁷ shows that a good number of such situations are based on the weakness of the institutional environment rather than on a lack of individual capabilities (in particular in terms of qualifications). This is particularly true of two of the groups analysed in the study: families consisting of two parents (generally in precarious employment and/or with low salaries and relatively long working hours) with several children, on the one hand, and single mothers (whose poverty is connected with precarious jobs, generally in domestic service, with short working hours). The researchers conclude by recommending the adoption of new legislation to provide better guarantees to poor workers (minimum salary, access to social protection for atypical jobs, and procedural guarantees permitting a fair position in negotiations). This illustrates the importance of the perspective of combined capabilities.

As can be seen from this initial analysis, the idea of capabilities is certainly interesting in evaluating the missions that the welfare states are accomplishing or could accomplish as well as possible reform plans. However the practical nature of this theoretical framework should be examined further as it was initially devised in the context of development economies and, when applied to the analysis of social protection in northern European countries, it may sometimes produce

¹¹⁷ Projekt Mäder/Knoepfel/Kutzner, 'Working Poor in der Schweiz. Wege aus der Sozialhilfe', NFP 45 *Probleme des Sozialstaats*.

ambiguities, given its general nature (Standing, 2002). Research into capabilities is currently being conducted in depth by several research teams which are endeavouring to implement it in a more objective way into public policy evaluation instruments. Developments from this work are expected in the near future (Salais, 2002; Standing 2002; Lewis, 2002; Kazepov, 2002).

General avenues of research

In this report we have endeavoured to provide an initial, albeit fragmented, approach to the complex relationship between flexible employment and social protection.

The summary of literature in Chapter 1 concerning flexible employment demonstrated the many forms flexibility takes and their respective proportions, which vary from country to country. The many studies already conducted on this matter by the Foundation form a major contribution to ensuring better knowledge and understanding of the flexible employment phenomenon.

However, it is precisely because of this multiform and variable nature of employment flexibility in each country that there is a scarcity of studies tackling the general question of the relationship between social protection and flexible employment. Chapter 2 is confined, therefore, to looking at this phenomenon within the more general framework of the diversity of welfare states, and of the challenges they must cope with and the changes in progress.

An effort was made in Chapter 3 to identify the obstacles encountered by some flexible workers in the context of some branches of social protection. Its observations are confined within narrow methodological limits: the forms of flexibility looked at do not concern the same legal and sociological situation, and are not present in the same proportion, in each country. It is difficult to extrapolate data from the conclusions drawn. In fact:

- Labour regulation governing the various forms of flexibility in each country is not discussed in Chapter 3, although in many systems, it constitutes a functional equivalent or at the very least a valuable adjunct of social security. What is probably needed is a comparative table showing how the 'labour law' and 'social protection' dimensions support one another and are mutually balanced for flexible employees in different systems.
- Moreover, if the widespread employment of women is taken into account, it can be seen that the 'caring' tasks can no longer be performed on the basis of former agreements and arrangements. Flexibility can no longer be looked at only on a selective basis, but must also be tackled as a longitudinal feature that runs throughout the professional careers of men and women. We would posit the hypothesis that workers are being increasingly subjected to two types of flexibility: flexible employment and flexible careers, arising in particular from the need for new time arrangements involving production and reproduction work. Welfare states are being forced to deal with a new social phenomenon i.e. the need for the male or female worker to interrupt or reduce his or her activity to take care of a child or close dependent. Feminist studies (mentioned in Chapter 2) deserve praise for having underlined this problem. Persons engaged in certain forms of flexible employment are particularly vulnerable when such events arise, either because of the actual characteristics of their jobs (variable timetables, for instance) or because of the problem they experience, due to these characteristics, in gaining access to a series of social rights linked to care. Chapter 3 tackles this matter incompletely, from the point of view of access by certain flexible employees to parental leave; this essential matter demands a more thorough study.
- The information concerning the second and third pillars of pensions and health care is still fragmentary and approximate in many systems, even though these pillars represent a growing proportion of the social protection of workers, and even though their access and benefits are closely linked to prior employment.

- Lastly, Chapter 3 takes a selection of ‘representative’ countries based on Esping-Andersen’s typology. The main types or regimes identified by Esping-Andersen, as detailed in Chapter 3, appear to offer at best only a fragmentary view of national systems, which are in fact beginning to turn into ‘hybrid’ systems. There is a need emerging to reform or update the framework for understanding welfare state systems and for examining countries that do not fit into these types. In the meantime, the ‘representativeness’ of the countries selected for the study should be treated with caution. An examination of all Member States would be advisable.

Chapter 1 showed that the phenomenon of employment flexibility cannot be examined solely from an economic point of view. As the report as a whole shows, the time dimension, the deconstruction of working time over a day, a week, a year or the entire career of an employee, is a major issue in terms of the employee’s mental and physical health and of his ‘capacity for making plans’, and also a major issue for his family, his immediate circle and for society in general.

Access by flexible workers to social protection, which is at the heart of the traditional flexicurity systems (Chapter 4) and is looked at more specifically in Chapter 3, is not a relevant response to these aspects of flexibility. However, the deconstruction of working time is testing a number of social security systems that were devised to respond to changes in typical employment, as pointed out in Chapter 3.

In the light of these difficulties, defining avenues for research in future is attempting the impossible. Is not the very essence (both political and practical) of flexibility the fact that it does not allow itself to be examined from a global standpoint? Even more so when it comes to pinpointing the relationship between it and extremely sophisticated social security systems? If we accept this hypothesis, we can make two political deductions: either we endorse the phenomenon of flexibility and its expansion, in which case employment and social protection must be completely separated, or we consider that it would be desirable to re-regulate employment while maintaining the current principles that are at the root of the various welfare state regimes. Depending on the option chosen, future, forward-looking research will attempt to reconstruct the characteristic features of a social protection system that is less linked to participation in the labour market. In other words the actual status of employment must be reconsidered.

Chapter 4 points to developments in future research. It sketches theoretical avenues – economic, legal and prescriptive – which permit the reconsideration of the respective roles of employment and social protection, and their links, on a global basis. We consider, in fact, that at the end of this study, any fertile approach to the issue must adopt a global, creative and imaginative view that skims over it. Solutions based on attempts to identify and list meticulously the cracks, faults and soon chasms in social protection systems confronting employment forms whose contours are becoming increasingly blurred are doomed to failure.

The approach based on ‘capabilities’ (Sen) engages in a prescriptive revolution as regards how it perceives the mission of the welfare state. However, this concept is not very operable even today. Flexible employment is an ideal field in which to clarify the ‘information-based ethical choice’ and capacities from which all employees should benefit. Such research must be based on a gender perspective.

The concept of flexicurity deserves to be examined in fundamental critical terms, given the above comments. As mentioned above, given the deconstructing of time and places of work, employment flexibility engenders not only economic problems for many workers, but also problems based on plans (in terms of professional career, family and social plans) and even physical and mental health. What form should the security of a worker take that could compensate for these effects of flexibility? Who is responsible for providing this security? In more fundamental terms, does the concept of flexicurity not constitute, in some cases, a contradiction in terms?

Furthermore, a careful and critical reading of the concepts of quality employment (EU) and decent work (ILO) would be advisable. In what way do they differ? Do these concepts match the reality of flexible employment? Do they cover the question of access by workers to social security? What about other aspects relating to the security of workers? With regard to governance, are the type of instruments and process of formulation and implementation of these concepts likely to improve the situation of flexible workers in various countries. The question of governance in general should be examined. How do regimes adapt to changes in the economic environment, what political choices are made and for what reasons, through which channels do the European standards pass in the context of the open coordination method, and do the ultimate effects for the target groups correspond to the original objectives?

Without prejudice to these important comments, we will nevertheless suggest several avenues for research below that are likely to contribute to better knowledge and understanding of the security of flexible workers.

Concrete avenues of research

On a more concrete level, the avenues of research that might be contemplated in the light of this literature review depend on the definition of the compromise between security and flexibility that is felt to be desirable.

1. If it is felt that the issue is the short-term flexibility/security compromise (i.e. maximising the fluidity of the labour market with a view to increasing the rate of employment, on the basis of the British or Danish model), the problem is to identify the 'bottlenecks' from the point of view of this fluidity on the market side of employment and on that of social protection:
 - The obstacles to dismissal and recruitment and the 'unemployment traps' corresponding to an excessive differential between level of allowances and minimum wages.
 - Excessively high and/or sustained levels of social protection which, according to the utilitarian theories, ensure that workers remain too comfortable outside the labour market while threatening the long-term security of the system as a whole (funding problem).
 - In general terms, labour regulations that make it more difficult to move from one employment status or one job to another (by obstructing or slowing the process).
2. From the standpoint of the quest for a new 'social democratic' compromise (although this type of approach is still at the development stage, and its consistency may be doubted), the problem will be to maximise this fluidity while retaining an adequate income/security for workers in the medium term and offering opportunities for employment and/or training during their future

careers (the straight continuation of the analysis undertaken by Schmid and Supiot). From this angle, the avenues of research could focus on:

- Highlighting opportunities or gangways (or the absence thereof) facilitating the transition from one employment situation to another (cf. the German or British case of extended allowances in the event of a transition from part time to full time) from the viewpoint of regulations that obstruct or slow down these changes or opportunities, the loss of income here and now (allowances that replace wages, rate of replacement, etc.), and actual opportunities for training, etc. Temporary workers form particularly interesting groups in this respect.
 - Tax policies that make it possible to provide an income adequate to the low incomes derived from work (from the point of view of part-time work as well as temporary work with periods of unemployment), such as negative tax or tax credit formulas.
 - Starting from the dual finding that careers are becoming more individualised and more precarious, a new field of research is opening up: that of identifying and consolidating knowledge relating to the losers in the flexible employment markets. It is thus a matter of urgency to develop longitudinal analyses and to provide tools which will make it possible to monitor at repeated intervals (or *a posteriori*) flexible employees throughout the various stages in the labour market, having due regard to the possibilities offered to them by the social protection systems.
 - These career analyses could, initially, concern the target groups identified by most studies: unskilled workers, young workers (under 30 years of age) and, in particular, women (such studies would in fact identify better from a gender perspective the flexibility of employment and flexibility of career linked to family events).
 - Linked with the above, a study of the training opportunities offered to these various target groups with a view to ensuring career security (i.e. development of skills/qualifications, status of the existing availability, etc.).
 - The informal economy, a difficult area of study, which seems to absorb (especially though not exclusively in the Mediterranean countries) a relatively unskilled and hyperflexible workforce (can a link be established between the apparent underdevelopment of some forms of flexible employment in southern Europe and this informal employment market)?
3. There is the contrary view that worker security in the broad sense and in the long term provides the best foundation for developing flexible policies (following on from the analyses by Castel and Klammer, and with possible links to Sen). In terms of research, this means that it will be necessary to identify everything that results in a difference in treatment (i.e. a more precarious status) for flexible employees, which may result in their confronting greater material insecurity and finding it impossible to redeploy themselves in the labour market.

Taking up this last point, in addition to the theoretical avenues of research suggested above, we propose more specifically that Sen's theoretical framework be used to test flexible jobs created in the context of 'active' or re-commodification policies. These jobs appear to maintain a particularly ambivalent relationship with social protection. Do they contribute to an improvement in the worker's career prospects or do they constitute a trap in terms of long-term, quality employment? Do they contribute to improving his or her 'security' in the broad sense of the term, or are they limited to allowing the worker to keep or accumulate new rights to social protection?

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Annex

Analytical grid and questionnaire

'Flexibility and social protection' research project: Questionnaire to the national experts

Due to the vast number of different flexibility patterns, we will only deal with employment flexibility, that is flexibility in relation to the employment status rather than work and working conditions¹¹⁸ consequences for social protections. The following categories will be taken into account:

1. Atypical/flexible employment status resulting from employment programmes (i.e. focused on specific groups/populations) and workfare/activation provisions¹¹⁹;
2. Interruptions in careers: parental leaves and training¹²⁰/voluntary unpaid leaves;
3. Temporary agency work;
4. Part-time work;
5. Fixed-term contracts;
6. Other flexible employment patterns of particular relevance in the country and not included above.

Quantitative data

Purpose: this section deals with an quantitative estimation of the number of workers concerned by the different employment statuses described above. We would like to point out that the figures collected will have mostly an illustrative purpose. Therefore,

- the national experts are asked not to spend too much time on this point, especially on data already covered by European Labour Force Surveys (such as fixed terms, and part time contracts). Please note that we are mostly interested in available data that could compensate for any deficiencies in ELFS (i.e. on less documented forms of flexible employment status).
- by selecting data, we are mostly interested in aspects relevant to the study: i.e. dimensions conditioning access to social security.

Tasks: the national experts will provide:

- Number of workers¹²¹ (in absolute figures, as a proportion of total employment¹²², as a % of new jobs created) – if available, divided by sex - most recent figures available - affected by flexible work patterns:

¹¹⁸ For the same reasons we will not focus on independent workers/'self-employment' - or new employment patterns amounting to the same: we assume that the consequences of such employment patterns are well known. The only exception to this will be in the case of part time salaried workers who at the same time have independent status.

¹¹⁹ Due to the numerous different schemes/provisions possibly involved, national experts are expected to select the most important ones (in terms of workers concerned) in both cases (employment policies and workfare provisions) among them (or alternatively describe their shared most significant features).

¹²⁰ Depending on the context, training leave may/may not be seen as voluntary leave.

¹²¹ Not including full time equivalents

¹²² Salaried +independent workers.

- Atypical/flexible employment status resulting from employment programmes (i.e. focused on specific groups/populations) and workfare/activation provisions;
 - Interruptions in careers: parental leave and training/voluntary unpaid leave;
 - Temporary agency work (aspects data not already covered by ELFS)
 - Other flexible employment patterns of particular relevance to this review.
- If available, they will also provide quantitative information on combined forms of flexible employment especially:
 - Superposition of salaried employment and self employment;
 - Juxtaposition of fixed term (including temporary agency work) and part-time employment;
 - Superposition of two part time contracts
 - Other if relevant
 - Same data for 1990, 1995 and 2000;

In addition, the national experts will

- List and briefly assess the main existing national quantitative sources that might be of use with respect to the subject of this review.
- Same request as far as longitudinal data (if existing) are concerned (individual employment trajectories throughout the active life cycle)

Social protection for flexible workers

Purpose: The national experts are expected to examine the provisions in force in the five identified social protection areas in terms of (1) access (2) level and (3) duration of benefits¹²³ in the case of each of the six flexible employment patterns identified above. These social protection areas are:

A. Unemployment benefits;

B. Minimum guaranteed income schemes. They will be dealt with in relation to unemployment benefits: Either:

1. As complementary allowances to unemployment benefits (i.e. when less than legal minimum income provisions);
2. As a specific replacement income in case of termination of the entitlement period to unemployment benefits;
3. As a universal replacement income, for individuals not entitled to unemployment benefits/ termination of the entitlement period to unemployment benefits

C. Retirement schemes. We will draw the distinction between (universal citizenship-based or work based) ‘first pillar’ schemes and complementary schemes (industry, occupational or company-based, etc.) ‘secondary pillar’. The national experts will consider the second one only when relevant (i.e. in case of adequate benefits);

¹²³ This term is to be understood as a generic one: no distinction will be made here from other concepts such as allowances, payments etc.

D. Parental allowances, services, and access to facilities;

E. Healthcare;

General aspects

Tasks: national experts will provide an analysis for each ‘square’ of the Table A1 (see p. 124), thus examining the possible issues in each social protection area for each of the 5 employment patterns. We recommend proceeding ‘by column’ (by social protection area) rather than ‘by row’ (see table)¹²⁴.

- Current state of legal provisions (also trends in case law if relevant, and additional compensations resulting from sectoral/branch or company level collective agreements) determining access to, levels/duration of social protection and benefits schemes in the area under consideration;
 - Upper and lower thresholds (in terms of incomes, employment relation duration, working time)
 - Reference period used to the calculation of benefits;
 - ‘Application area’ (i.e. categories of workers explicitly excluded?)
- Stakes/issues/ social problems identified in relation to access to, levels/duration of benefits with a special attention paid to gender issues;
- Legal/technical solutions contemplated by the players involved (assimilation of flexible employees to existing ‘mainstream’ categories, adaptation of social protection schemes and thresholds to include flexible workers, institutionalisation of new employment patterns);
- If any, the national experts will describe any other flexible work patterns/flexible kind of workers excluded from social protection schemes as a result of their employment relation characteristics, or any major issue in the framework of this review purpose that is not planned for in the table.

Additional and specific issues

In carrying out the above mentioned analysis the national experts will pay attention to the following specific issues:

- What is the maximum duration of parental or training leave that allows for the worker to ‘remain inside the system’ and still be considered as an employee?
- The status of temporary agency workers between period of work (‘missions’);

Case studies

Tasks: the national experts will describe possible or actual additional consequences in terms of access to, levels/duration of social protection and benefits resulting from the following superposition/succession of flexible employment status:

¹²⁴ For example, what are the actual issues arising from unemployment schemes provisions in terms of access, levels and duration of benefits in case of the six employment patterns.

- Succession of periods of salaried employment and self employment;
- Superposition of salaried employment and self employment status in the same time (as in the case of a part-time salaried employee who is also self employed);
- Juxtaposition of fixed term and part time employment in the same contract;
- Superposition of two part-time contracts, none of which grants access to social protection of its own;
- Succession of a period of full time salaried employment followed by a period of voluntary unpaid leave (typically in case of women beginning a career (five years employment), then taking parental leave (another five years).

Actual flexible employment practices: example

Purpose: in this section, national experts will examine the issue ‘the other way round’, by identifying the more significant actual employment situations which given practices and/or labour law provisions (if relevant case law, major trends in collective agreements at sector level, company level) are the more problematic with respect to social protection (access, level and duration of benefits) within each of the six flexible employment patterns identified above .

Tasks: National experts will thus select the relevant employment situations¹²⁵ and describe their relevant characteristics (in relation to access to, levels/duration of social security benefits), i.e.:

- Duration of the employment relation;
- Impacts on incomes levels;
- Working time/occupation rates¹²⁶;
- Employment status (is the worker clearly linked to the ‘salaried workers’ category, or is he/she experiencing a ‘twilight’ situation without any clear employment status¹²⁷?);

The national experts will pay a special attention to supply information about the extent to which incentives/coercion measures towards flexible employment (hybrid statuses,) forms are promoted by social security and welfare policies (e.g. subsidies to part time employment, incentives for temporary agency work aimed at long term unemployed, miscellaneous ‘activation’ provisions etc.)

Prospects

Purpose: identification of the more representative challenges, issues and prospects in the country as far as flexibility and social protection are concerned.

Tasks: national experts will provide an overview of the current scientific and political debate in relation to the issues at stake in this review. They will focus especially on the four following fields:

¹²⁵ There is some degree of freedom as for the criteria of this selection. However, please keep in mind that the quantitative importance (i.e. number of workers involved), as well as the general significance of the situations (with regards trends in employment flexibility) should be taken into account.

¹²⁶ Selection of the relevant basis of calculation is left to the national experts, depending on social protections provisions thresholds and methods of calculation (i.e. on weekly, monthly, yearly basis)

¹²⁷ For example, in case of (partly) state-financed employment or workfare schemes

In terms of issues:

- the subordination relation (changes and trends in the borderlines of the employment relation: distinction between self employed and salaried workers, lack of clear employment status as a result of workfare/employment policies, etc);
- the growing heterogeneity of employment statuses;

In terms of prospects:

- What are the prospects of social security adaptation (specific/global) to these challenges ?
- Are there any breakthrough/steps towards the institutionalisation of new employment relation patterns, such as the *activity contract* (Boissonnat, 1995; Supiot, 1999) (i.e. the idea of a new kind of contracts that will provide for periods of training, unemployment together with 'normal' activity periods), or any other attempt to conciliate flexible labour market and security for workers.

Bibliography

Task: the national experts will provide a specific bibliography, in addition to their report of approximately 20 pages. They will try and sort sources by issues (i.e. following the classification of flexible employment patterns and social protection areas adopted in this work programme).

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The employment relationship has undergone a major transformation in recent years, resulting in increased flexibility for both worker and employer. The growth of different forms of work – part-time and temporary work, contractual work and self employment – as well as responding to employers' changing needs, has also acted as a necessary counterbalance to unemployment in many Member States.

This report looks at the challenges to social protection systems brought about by these flexible forms of work and new working time arrangements. It puts the spotlight on the problems arising from an ageing social protection system and the current pension reform. Drawing on information from six Member States representative of the various welfare systems throughout the EU, it explores possible solutions for the redeployment of social protection in the light of the current trend towards increasing flexibility.

The European Foundation for the Improvement of Living and Working Conditions is a tripartite EU body, whose role is to provide key actors in social policy-making with findings, knowledge and advice drawn from comparative research. The Foundation was established in 1975 by Council Regulation EEC No. 1365/75 of 26 May 1975.

