PRECARISATION AND THE CRISIS
The growing challenge of transforming precarious into decent work

Kristin Carls
Author

Kristin Carls is labour sociologist and has recently finished her PhD thesis on precarious work in the Italian retail industry (to be published). She studied international economics and sociology in Hamburg (Germany) and Orléans (France) and pursued her PhD at the Bremen International Graduate School of Social Sciences (Germany) and the State University of Milan (Italy).

Disclaimer

The views expressed in this report are the sole responsibility of the author and can in no way be taken to reflect the official opinion of either the European Commission or the European Union.
PRECARISATION AND THE CRISIS
The growing challenge of transforming precarious into decent work

This document is a part of the EU-funded pilot project entitled *Decent Work for Precarious Workers*. The project, implemented in 2011, was managed by the International Training Centre of the International Labour Organisation, in partnership with the European Trade Union Confederation.
# Content

Acknowledgements 4
Abbreviations 6
Abstract 7
Introduction 8
1. Precarious Employment in Europe 9
2. Precarious labour during the crisis 20
   2.1 The effects of the crisis and the labour market 20
   2.2 Development of precarious forms of work during the crisis 25
      2.2.1 The European level 25
      2.2.3 The development of part-time employment in the EU Member States 37
      2.2.4 The development of own-account labour in the EU Member States 45
      2.2.5 Conclusion 53
3. Labour market policies during the crisis 60
   3.1. Labour market flexibilisation in times of austerity 61
   3.2. Decent work for precarious workers 70
      3.2.1 Restricting precarious employment 70
      3.2.2 Enhancing rights and protection for workers in precarious employment 72
      3.2.3 Decent work for young, migrant and female workers in precarious employment positions 78
4. Unions’ Activities in the field of precarious work 84
5. Conclusion 93
Bibliography 95
Annex: Survey charts 98
Acknowledgements

The project ‘Decent Work for Precarious Workers’ would like to acknowledge the contributions of the following international and national organisations in the implementation of its activities:

**ETUC** European Trade Union Confederation
**ETUI** European Trade Union Institute
**EFBWW** European Federation of Building and Woodworkers
**EFFAT** European Federation of Food, Agriculture and Tourism Trade Unions
**EMF** European Metalworkers' Federation
**EPSU** European Public Services Union
**EUROFOUND** European Foundation for the Improvement of Living and Working Conditions
**ILO** International Labour Organization
**ITUC** International Trade Union Confederation

**Austria [OGB] OSTERREICHISCHER GEWERKSHAFTSBUND**

**Belgium [ACV-CSC] CONFEDERATION DES SYNDICATS CHRETIENS DE BELGIQUE, [CGSLB] CENTRALE GENERALE DES SYNDICATS LIBERAUX DE BELGIQUE**

**Bulgaria [KNSB] CONFEDERATION OF INDEPENDENT TRADE UNIONS IN BULGARIA, CONFEDERATION OF LABOUR PODKREPA**

**Cyprus [SEK] CYPRUS WORKERS’ CONFEDERATION, [DEOK] DEMOCRATIC LABOUR FEDERATION OF CYPRUS**

**Czech Republic [CMKOS] CZECH MORAVIAN CONFEDERATION OF TRADE UNIONS**

**Denmark** DANISH CONFEDERATION OF TRADE UNIONS

**Estonia [EAKL] CONFEDERATION OF ESTONIAN TRADE UNIONS**

**Finland [AKAVA] CONFEDERATION OF UNIONS FOR ACADEMIC PROFESSIONALS IN FINLAND, [SAK] CENTRAL ORGANIZATION OF FINNISH TRADE UNIONS, [STTK] FINNISH CONFEDERATION OF SALARIED EMPLOYEES**
France [CGT-FO] CONFEDERATION GENERALE DU TRAVAIL, FORCE OUVRIERE, [CFDT] CONFEDERATION FRANCAISE DEMOCRATIQUE DU TRAVAIL

Germany [DGB] DEUTSCHER GEWERKSCHAFTSBUND

Greece [GSEE] GREEK GENERAL CONFEDERATION OF LABOUR

Hungary [MOSZ] NATIONAL FEDERATION OF WORKERS’ COUNCILS, [LIGA] DEMOCRATIC LEAGUE OF FREE TRADE UNIONS

Ireland [ICTU] IRISH CONGRESS OF TRADE UNIONS

Italy [CGIL] CONFEDERAZIONE GENERALE ITALIANA DEL LAVORO, [CISL] CONFEDERAZIONE ITALIANA DEI SINDACATI LAVORATORI, [UIL] UNIONE ITALIANA DEL LAVORO

Latvia [LBAS] LATVIA FREE TRADE UNIONS FEDERATION

Lithuania [LDF] LITHUANIAN FEDERATION OF LABOUR, [LPSS/K] LITHUANIAN TRADE UNION CONFEDERATION, [LWU] LITHUANIAN TRADE UNION SOLIDARUMAS

Luxembourg (OGBL) CONFÉDÉRATION SYNDICALE INDÉPENDANTE DU LUXEMBOURG, LCGB

The Netherlands [FNV] FEDERATIE NEDERLANDSE VAKBEWEGING, [CNV] CHRISTELIJK NATIONAAL VAKVERBOND IN NEDERLAND,

Malta [GWU] GENERAL WORKERS’ UNION, [CMTU] CONFEDERATION OF MALTA TRADE UNIONS

Poland [NSZZ SOLIDARNOSC] NATIONAL COMMISSION OF INDEPENDENT SELF-GOVERNING TRADE UNIONS, OPZZ

Portugal [CGTP-IN] CONFEDERACAO GERAL DOS TRABALHADORES PORTUGUESES, INTERSINDICAL NACIONAL, UNIAO GERAL DE TRABALHADORES

Romania [CARTEL-ALFA] NATIONAL TRADE UNION CONFEDERATION

Slovakia [KOZ SR] KONFEDERACIA ODBOROVYCH ZVAZOV SLOVENSKEJ REPUBLIKY

Slovenia [AFTUS] ASSOCIATION OF FREE TRADE UNIONS OF SLOVENIA

Spain [CCOO] CONFEDERACION SINDICAL DE COMISIONES OBRERAS, (UGT) UNIÓN GENERAL DE TRABAJADORES

Sweden [LO] LANDSORGANISATIONEN I SVERIGE, [SACO] SVERIGES AKADEMIKERS CENTRALORGANISATION

United Kingdom (TUC) Trades Union Congress
The project would like to thank Mr. Ronald Janssen, ETUC senior advisor, Ms. Janine Leschke, ETUI senior researcher, Mr. Kurt Vandaele, ETUI senior researcher, Mr. Giacomo Barbieri, manager of the Programme for Workers’ Activities at the ITC-ILO and Ms. Evelin Toth Mucciacciaro, activity manager at ACTRAV ITC-ILO for their contributions to the design of the on-line survey on precarious work and the review of this report.

**Abbreviations**

**EU**
European Union

**EU-12**
Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia

**EU-15**
Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom

**EU-27**
Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom

<table>
<thead>
<tr>
<th>Country Code</th>
<th>Country Name</th>
<th>Country Code</th>
<th>Country Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT</td>
<td>Austria</td>
<td>LV</td>
<td>Latvia</td>
</tr>
<tr>
<td>BE</td>
<td>Belgium</td>
<td>LT</td>
<td>Lithuania</td>
</tr>
<tr>
<td>BG</td>
<td>Bulgaria</td>
<td>LU</td>
<td>Luxembourg</td>
</tr>
<tr>
<td>CY</td>
<td>Cyprus</td>
<td>MT</td>
<td>Malta</td>
</tr>
<tr>
<td>DK</td>
<td>Denmark</td>
<td>NL</td>
<td>Netherlands</td>
</tr>
<tr>
<td>EE</td>
<td>Estonia</td>
<td>PL</td>
<td>Poland</td>
</tr>
<tr>
<td>FI</td>
<td>Finland</td>
<td>PT</td>
<td>Portugal</td>
</tr>
<tr>
<td>FR</td>
<td>France</td>
<td>RO</td>
<td>Romania</td>
</tr>
<tr>
<td>DE</td>
<td>Germany</td>
<td>SL</td>
<td>Slovakia</td>
</tr>
<tr>
<td>EL</td>
<td>Greece</td>
<td>SI</td>
<td>Slovenia</td>
</tr>
<tr>
<td>HU</td>
<td>Hungary</td>
<td>ES</td>
<td>Spain</td>
</tr>
<tr>
<td>IE</td>
<td>Ireland</td>
<td>SE</td>
<td>Sweden</td>
</tr>
<tr>
<td>IT</td>
<td>Italy</td>
<td>UK</td>
<td>United Kingdom</td>
</tr>
</tbody>
</table>
Abstract

The latest global financial and economic crisis has accelerated the process of precarisation for workers in the European Union. This paper takes a look on the development during the crisis of temporary, part-time and own-account labour as potentially precarious, “non-standard” forms of employment. Moreover, in a decent work perspective it examines policy interventions undertaken by governments and social partners at the level of legislation, social dialogue and collective bargaining which variously attempt to increase or restrict labour market flexibility and which have an effect on the rights and protection of workers in precarious employment positions.

As the European Labour Force Survey data indicates, potentially precarious, “non-standard” forms of employment have again started to grow quickly following the first crisis effects. Temporary employment has been particularly hard hit by the crisis, with a strong decrease in its share by 0.5 percentage points in both 2008 and 2009. Already in 2010 it recorded a new, although slightly less pronounced, increase. For part-time employment, crisis-induced downturns have been less dramatic. Its long-term growth trend only briefly stopped in 2008, but resumed an appreciable growth rate of 0.5 and 0.4 percentage points in 2009 and 2010 respectively. Finally, the share of own-account labour has displayed much more moderate changes; however a slightly accelerated decline in its share in the first crisis year was turned into a moderately growing trend, with increases of 0.3 and 0.1 percentage points in 2008 and 2009 respectively.

As regards policy interventions throughout Europe, in response to the crisis these have mainly been characterised by accelerated labour market flexibilisation as well as harsh austerity policies. The consequent welfare retrenchments call into question or at least sharply contrast with the extensions in unemployment schemes enacted in a range of EU Member States as early crisis responses. Against this backdrop, the few efforts to increase the rights and protection of workers in precarious employment positions that can be found across European countries appear all the more insufficient. The crisis, however, seems to have increased trade unions’ sensibility to the generalised process of precarisation and the need for interventions. While this topic is by now widely recognised by trade unions as an important policy issue, the translation of respective declarations of intent into concrete action still lags behind. So far existing activities relate mainly to communication, awareness raising and public opinion campaigns, but also some important organising efforts.

\[1\] The term temporary employment, in all the following report, comprises both temporary agency and fixed-term work. Own account workers are those self-employed workers who do not have own dependent employees and thus do not act as employers themselves. A precise definition of part-time work is difficult, since working hours differ between Member States and between branches of activity. The distinction between full-time and part-time work used by the Eurostat Labour Force Survey, therefore, is based on a spontaneous response by respondents (except in the Netherlands, Iceland and Norway where part-time is determined if the usual hours are fewer than 35 hours and full-time if the usual hours are 35 hours or more, and in Sweden where this criterion is applied to the self-employed). (http://epp.eurostat.ec.europa.eu/portal/page/portal/employment_unemployment_lfs/methodology/definitions)
Introduction

This report gives an overview of the development of precarious forms of employment in Europe during the current financial and economic crisis, from 2008 until today. The questions at stake are the quantitative development and regulation of such forms of employment through legislation, social dialogue and collective bargaining. Moreover, particular attention will be paid to trade unions’ activities and positions in this field, including their political priorities, as well as the development of particular support structures and organising and campaigning initiatives addressing workers in precarious employment positions. The aim is to identify both the major trends in labour market flexibilisation and the best practices of governments and social partners in enhancing the rights and protection of workers in precarious positions and thus promoting the transformation of precarious into decent work.

The definition used for precarious work is a multidimensional one, including “a variety of forms of employment established below the socially accepted normative standard” in at least one of the following dimensions: the temporary, organisational, economic and/or social dimension of the employment relationship. In all four dimensions precariousness “results from an unbalanced distribution towards and amongst workers of insecurities and risks typically attached to economic life in general and to the labour market in particular.” (EOPE 2004: 8 and 9) The important feature of this multidimensional understanding is that it points to the fact that precarisation not only results from a limited contract duration (the temporal dimension), but also from insufficient pay and salary progression (the economic dimension), lack of, or reduced, access to legal and social protection (the social dimension), or the organisation of labour processes and labour control (particularly regarding workers control over working conditions, processes and time); or a combination of the foregoing. Through this multidimensional definition, the enhancement of rights and protection attached to an employment position becomes evident as a key route out of precarisation. However, the focus of the analysis here is on precariousness deriving from contractual arrangements, while the issue of the labour process and control is only marginally considered in terms of regulations regarding working time flexibility. Owing to data restrictions, the quantitative analysis is focused on three types of potentially precarious employment: temporary, part-time and own-account labour. Special attention is paid to youth employment, as young workers are particularly affected by precarious forms of employment as well as by crisis-induced increases in unemployment. Moreover, migrant as well as female workers will be explicitly considered as particularly exposed and vulnerable groups in the analysis of current labour market politics and union activities.

The report is structured as follows: In a first part, a quantitative analysis is undertaken based on data form the European Labour Force Survey (Eurostat 2011:

\[2 \text{ The age group considered comprises young workers between 15 and 24 years.}\]
It includes an assessment of the current rates of the three afore-mentioned forms of potentially precarious employment (section 1), as well as their development during the crisis from 2008 until today (section 2) in the 27 EU Member States. The second part addresses labour market policies enacted during the crisis. It refers first to ongoing labour market flexibilisation in times of austerity (section 3.1), and then addresses the efforts being undertaken by governments and social partners to limit the use of precarious forms of employment and to enhance the rights and protection of workers in such positions (section 3.2). The third part addresses activities undertaken by trade unions to combat precarisation (section 4). These analyses of labour market policies and union activities rely on an online survey conducted between June and August 2011 among representatives of national union confederations in 20 EU Member States.

1. Precarious Employment in Europe

This first part contains an overview of the amount and development of precarious labour in the European Union since the outbreak of the latest financial and economic crisis in 2008. However, there is a considerable lack of data on such forms of employment, as they are usually not considered under this designation in the statistics. As an approximation, data on so-called “a-typical” or “non-standard” forms of employment will be used, particularly on temporary employment (including fixed term and temporary agency work), part-time contracts and own-account labour (referring to self-employment without employees). Although these forms of work are not necessarily all precarious, their shares in overall employment can give an estimation of how much work is carried out with fewer rights and less protection when compared to what used to be considered as Fordist standard employment. As indicated in the definition of precarious labour given above, such reduced labour standards might address one or more of the dimensions of employment security and stability, sufficient wages, working time regulations, access to social security, and collective rights.

While the potentially precarious character of temporary contracts (be it in the form of fixed-term or temporary agency work) is obvious in terms of employment insecurity, it moreover highlights increased resulting vulnerability to blackmail and often limited (factual) access to social security schemes. Part-

---

1 Throughout the whole text, the term temporary employment refers to both these categories of temporary agency and fixed-term work together.

2 A precise definition of part-time work is difficult, since working hours differ between Member States and between branches of activity. The distinction between full-time and part-time work used by the Eurostat Labour Force Survey, therefore, is based on a spontaneous response by the respondent (except in the Netherlands, Iceland and Norway where part-time is determined if the usual hours are fewer than 35 hours and full-time if the usual hours are 35 hours or more, and in Sweden where this criterion is applied to the self-employed). (http://epp.eurostat.ec.europa.eu/portal/page/portal/employment_unemployment_lfs/methodology/definitions)
time work can also be precarious, above all due to reduced salary levels and reduced access to social security (lower contribution payments, and especially very low pension benefits). A particular source of precariousness can also result from the higher potential for working time flexibility, either within one given job (there is greater margin for allocating shorter part-time shifts flexibly throughout the working week than there is for full time shifts) or with respect to coordination of several part-time contracts. Own-account labour is a category embodying some of the central characteristics of bogus or economically dependent self-employment which represents an increasing proportion of precarious labour. As in most countries there is no (disaggregated) data on such forms of bogus self-employment at all, the category of own-account labour - defined as self-employment without employee - is coming closest to these types of employment, as they are most likely carried out on a strictly individual basis. For all three types of employment a further disadvantage, as compared to Fordist “standard” employment, lies in more limited and difficult access to collective representation through unions and collective bargaining, as well as to lifelong learning as a growingly important resource in ever more flexible labour markets. (Vandaele/Leschke 2010)

However the extent to which these forms of non-standard employment are in reality considered as precarious by society and politicians differs from country to country. It depends also on who is working on these kinds of contract. For example, as long as temporary employment relates mainly to young workers it is often considered less problematic, as hope is placed in possible future employment stabilisation and precarious work is associated with the initial phase of entrance into the labour market. Yet, as will be argued below, this role of precarious employment as an entrance door is less than secure as current labour market developments appear to be a structural change producing a substitution trend from “standard” to “non-standard” employment.

In 2010, temporary employment in the 27 countries of the European Union on average affects 13.9% of all (dependent) employees. Part-time employment stands at 18.5% and own-account work at 10.2% of all employment (dependent and self-employment). However these single values cannot simply be summed to obtain the level of (potentially) precarious or “non-standard” forms of labour in Europe. This measurement difficulty arises because the categories of temporary and part-time employment overlap: a contract can be both temporary and part-time at the same time. Yet even these single values already indicate a high degree of flexibilisation, de-standardisation and potential precarisation of current labour markets. In order to obtain an aggregated value for the different forms of precarious employment, the above mentioned ESOPE study uses eight indicators, reflecting the multiple, temporal, organisational, economic and social dimensions of precariousness (ESOPE 2004). A job is thus considered as precarious if it belongs to the lowest income quartile, has a tenure of less than one year, is based on a fixed term or temporary agency contract, involves unsocial hours working, has a low intellectual job content, is characterised by a high degree of heteronomy or a bad physical job environment, and/or if the worker has suffered harassment during the previous 12 months. Aggregation of these different dimensions
leads to high percentages of precarious employment: 70% of all employment in the countries considered (UK, France, Italy, Germany and Spain) turns out to be precarious in at least one dimension, between 36% and 52% are precarious in at least two respects in the different countries, and 16% to 30% in at least three respects. Despite these already striking values, the indicators used still do not take account of all aspects of precarisation. Thus, working time flexibility, reduced social and legal protection and access to collective representation, as well as the specific vulnerability of hybrid, bogus forms of self-employment are not included as sources of precarisation.

“Very atypical” forms of work, such as very short temporary employment of less than one year, very short part-time of less than 10 hours per week, on-call labour, and work without a contract, can all be considered especially vulnerable. In a recent survey based on data from the 2005 and 2007 European Working Conditions Survey, the Eurofound indicates a share of 6% of all employment for such very short temporary contracts, 2% for very short part-time and 7% for work without contract, while data is lacking for on-call labour. (Eurofound 2010, 2010a)

Precarious work touches especially upon the youngest, but also the eldest, segments of the workforce. Young workers, as new labour market entrants, are the first to see increasingly flexible and precarious forms of employment imposed on them. Moreover, as future stabilisation often no longer occurs, they are also excluded from subsequent accumulation of rights and protection. Workers of advanced age, particularly if close to retirement, might experience precarisation due to age-targeted layoffs or transfer into pre-pension schemes with reduced benefits. In this situation the only alternative employment is often of a precarious nature. Precarisation might still be less generalised for the eldest than for the youngest workforce segments, but it represents a growing trend. Precarious employment also particularly affects low-skilled professions and less educated workers, but neither does it leave highly qualified and managerial positions untouched. Women are clearly over-represented in this category. While for men precariousness tends to takes the form of physically hard working conditions, for women the main source of precarisation is low pay. (ESOPE 2004, Eurofound 2010)

Looking at different country patterns, in 2010 the highest values for part-time work can be found in the Netherlands, Denmark, Germany and Sweden which all have shares above 25%. The lowest ranking countries with shares between 2% and 5% are Bulgaria, Slovakia and the Czech Republic. Beyond these statistics, the patterns of part-time employment, and hence the form of precarisation associated with them, also differ substantially between countries. In the Nordic countries part-time contracts particularly concern young workers and consequently they are more likely to be non-permanent, as temporary employment is also more widespread among the youth. Instead, in countries such as the Netherlands, Germany and the UK, the majority of part-time workers are prime-age women. While part-time employment here might be well permanent, it has negative effects, especially on further career possibilities, retirement and other social security benefits. Overall, there are major gender differences in

---

5 Among the considered countries, Germany displays the lowest and Spain the highest values.
part-time employment across Europe. While in 2010 31.4% of women in the EU27 worked part-time, this was the case for only 7.8% of men. And in many cases, although not all, countries with high female employment rates also have high part-time shares in overall employment. (Leschke 2011: 9)

The largest percentages of temporary employment exist in Poland, Spain and Portugal where they reach more than 20%. In contrast they remains below 5% in Romania, Lithuania, Estonia and Bulgaria. Finally, own-account labour is most frequent in Greece, Romania and Italy where it accounts for above 15%, whereas the lowest rates of 4%-5 % are displayed by Luxembourg, Estonia and Denmark.

From these figures a rather clear divide appears between old and new Member States: as to temporary employment, nearly all new Member States display values below 10%, with the important exceptions of Poland, which has the highest values for temporary employment in all Europe, and also Slovenia and Cyprus. The majority of old Member States instead have percentages above 10% (besides UK, IE, DK, LU, BE, AT which all have values between 5% and 10%). With regard to part-time employment, the divide is even stronger, with all new Member States showing values below 15% and, again, the majority of old Member States above 15% (all but FI and the southern Member States EL, PT, ES, IT). In other words, in the context of dependent employment, market flexibilisation appears more advanced in the old Member States. For own-account work no such new-old or east-west patterns emerge from the data; while higher values above 12% concern some old southern and new central-eastern countries (EL, RO, IT, SL, PT, CZ, PL), no north-western and also no Baltic States record rates above 12%. These shares of own-account labour are likely to be strongly influenced by the structure of occupations. Particularly countries with a high share of agricultural employment are likely to have high percentages of own-account labour.6

Taking into consideration all EU27 countries, for each of the three kinds of potentially precarious employment three large groups can be distinguished: below, around and higher above the EU average. In 15 countries temporary employment remains well below the EU27 average with values between 1% and 10% (RO, LT, EE, BG, MT, SL, UK, LV, LU, CZ, BE, DK, IE, AT, HU). Nine countries can be counted as a middle group around the EU-27 average, with values ranging between 12% and 18% (EL, IT, CY, DE, FR, FI, SE, SI, NL). The last group is composed of the three above-mentioned countries with the highest values, between 23% and 27% (PL, ES, and PT). When considering the degree of employment precariousness reflected by such different shares of temporary employment, it is important to take into consideration the fact that, in countries with lower levels of temporary contracts, general employment protection for open-ended contracts is often low.

6 These differences between old and new Member States are visible also in the EU average values. For the old EU15 countries (referring to the Member States before the eastern enlargement in 2004), the share of temporary and part-time employment is (slightly) higher than for the EU27, reaching 21.4% for part-time and 14.1% for temporary employment (against 13.9% and 18.5% for all EU countries). Own-account work is in contrast slightly less frequent in the EU15 than in the EU27, with 9.5% and 10.2% respectively.
As to part-time employment, a lower group comprises seventeen countries with percentages between 2% and 15% (BG, SL, CZ, HU, EL, PL, LT, CY, PT, LV, RO, EE, SI, MT, ES, FI, IT). Seven countries are around or above the EU27 average (IE, BE, AT, SE, DE, UK, DK), with values between 15% and 25%, while high above the EU27 average the Netherlands stand out with 48.3% of part-time employment. For own-account labour, a clear majority of twenty countries is located below or only slightly above the EU27 average, displaying values between 4% and 11% (LU, EE, DK, DE, LV, SE, HU, FR, AT, LT, BG, SI, FI, BE, MT, NL, ES, IE, UK, CY). A middle group can be seen to be composed of four countries with a limited percentage range between 12% and 14% (SL, PT, CZ, PL). At the higher level there are three countries with values between 16% and 22% (IT, RO, EL).

(Temporary employment comprises both temporary agency and fixed-term work.)
From these different values and the different positioning of each country for the three types of potentially precarious employment under consideration, different country patterns of precarisation and flexibilisation can be deduced, distinguishing the most relevant types of potentially precarious employment for each country. Thus Portugal, Poland, Spain, France, Finland and Slovenia are characterised by a relatively high share of temporary employment, to which equally significant shares of own-account labour have to be added for Portugal, Poland and Spain. Countries with labour market flexibilisation focused on part-time employment are Denmark, the UK and Ireland, and to a lesser extent also Luxembourg, Belgium and Austria. The UK and Ireland also have a significant share of own-account labour. The Netherlands, Sweden and Germany represent flexibilisation models with a double focus on temporary and part-time employment. In contrast, in the case of Greece, Romania and Italy, the three countries with the highest shares of own-account labour, values for temporary and part-time employment remain below the EU27 average (only slightly below for temporary employment in Italy and Greece). Although with lower percentages, “non-standard” employment in Slovakia and the Czech Republic is also dominated by own-account labour. Finally, Lithuania, Estonia and Bulgaria display particularly low percentages for all three types of non-standard employment and can thus be judged to be countries with still limited flexibilisation and differentiation of employment contracts. To a lesser extent this applies also to the remaining countries: Latvia, Hungary, Cyprus and Malta have values below the EU27 average for all three forms of employment and thus do not seem to have developed any marked pattern of contract-related flexibilisation and precarisation, at least not yet.

As to differentiating patterns between regions and between new and old Member States, flexibilisation focused on part-time employment takes place in old, central and northern Member States, while that focused on temporary employment is evident in a more diversified group of countries, including southern Member States as well as one northern old Member State and two new Member States. As already indicated above, own-account labour occurs as a significant form of “non-standard” employment in both old and new Member States, but particularly in southern countries. Especially low values of non-standard employment, finally, are displayed by the Baltic States and the other remaining new Member States (BG, HU, MT, CY).

As regards youth employment (referring to the 15-24-year age group), the development of “non-standard”, potentially precarious forms of employment takes a slightly different form. Above all, it is focused on temporary forms of employment, which reach much higher percentages than for the overall workforce. But part-time employment is also more frequent among younger workers. For young workers, the percentages of temporary employment in the EU27 countries vary from 4% in Romania to 70% in Slovenia; for part-time employment, the shares go from 5% in Bulgaria to 75% in the

---

1 In the following, when reference is made to “youth employment” or “young workers” this refers to the age group from 15 to 24 years, whereas the terms “overall workforce” or “all workers” relate to the age group from 15 to 64 years.

2 These very high levels of temporary youth employment in Slovenia are closely linked to the rising number of students in tertiary education and, consequently, the growing share of student work among overall employment. (The number of
Netherlands. The EU27 averages for this age group are 42.2% for temporary and 29% for part-time employment, as compared to 13.9% and 18.5% for the overall workforce. Seven countries record a share of temporary employment among young workers above 50% and up to nearly 70%. These are France, Portugal, Sweden, Germany, Spain, Poland and Slovenia. The seven countries with the highest shares of part-time youth employment, in turn, all rate close to or well above 40%: from 39% in the UK, through Finland, Slovenia, Ireland, Sweden and Denmark, up to 75% in the Netherlands.

In contrast, own-account labour turns out to be decisively less important for young workers. The EU average is only 3.6%, as compared to 10.2% for all workers. The percentages in individual countries range from 1% in Germany to 12% in Romania (against the highest value of 22% in Greece for the 15-64 age group). The countries with a relatively high share above 5% are Cyprus, Greece, Czech Republic, Italy, Slovenia, and Romania.

Besides these differences between the youth and the overall workforce, the ranking order of countries for each type of non-standard employment is relatively similar between the two age groups. The most obvious differences concern Germany and Italy which display notably higher percentages of temporary employment for young workers (58% against 15% in Germany, and 47% against 13% in Italy), as well as Finland and Slovenia which reach much higher part-time percentages for young workers (40% against 14% in Finland, 41% against 10% in Slovenia). Germany is a special case, as the high amount of temporary employment among young workers is closely linked to its specific, dual system of apprenticeship and training; while in Italy the higher share of temporary youth employment reflects the strong flexibilisation policies undertaken during the last 10-15 years. Along with the more recent reductions in rights and protection for those workers with open-ended contracts (through rather encompassing opening clauses with regard to collective bargaining and the possibilities for deviating even from national labour law), these policies have been particularly marked by the introduction of a multitude of different flexible contract types. This has generated a process of replacing open-ended, protected employment by flexible contracts which take effect with new hirings and thus touch first on youth and new labour market entrants in particular. As regards own-account labour, Portugal and Poland are not among the countries with the highest percentages for young workers as compared to all workers (2.5% against 12% in Portugal, 4.5% against 14% in Poland).

---

graduates from tertiary education has risen from 11.497 in 2000 to 16.680 in 2007 and to 19.694 in 2010.) If student work is excluded, then the share of temporary youth employment in that age group falls to 42% in 2009. (data from Employment Service of Slovenia, http://www.ess.gov.si)
Temporary employment comprises both temporary agency and fixed-term work.

**Temporary youth employment in 2010, as % of all employees aged 15 to 24 years (Eurostat / Labour Force Survey)**

**Part time youth employment in 2010, as % of total employment for the age group 15 to 24 years (Eurostat / Labour Force Survey)**
Turning now to the country patterns of precarisation and flexibilisation for young workers, the range of countries displaying marked foci on temporary, part-time or own-account labour remains largely the same, although some countries move from single to double foci or vice versa. Thus in Poland, Spain, Germany, Portugal and France, non-standard youth employment is focused on temporary employment (plus DE and IT, minus SI and FI, as compared to the 15-64 age group). In Italy “non-standard” youth employment is characterised by both temporary contracts and own-account labour (instead of a stronger own-account focus for the 15-64 age group). In general, self-employment can be considered a less frequent option for first labour market entrants, owing to the necessary independent resources it requires. Yet Italy has a particularly high share of bogus and dependent self-employment, including among young workers (a share which is most probably not even fully taken into account in the available figures for own-account labour).

As for the overall workforce, in Denmark, Ireland and the UK flexible youth employment predominantly takes the form of part-time contracts, although again without any additional significance of own-account labour for young workers in the UK and Ireland. In contrast, Luxembourg, Belgium and Austria do not appear in the group of part-time-focused countries in respect of youth employment although they do with respect to the overall workforce. This indicates that part-time employment in these countries above all concerns the older or middle-aged workforce. The Netherlands, Sweden, Slovenia,
and Finland represent a mixed model based on both part-time and temporary employment for young workers (plus SI and minus DE as compared to the 15-64 age group).

Finally, in Romania, Slovakia, Greece and the Czech Republic potentially precarious employment among young workers predominantly takes the form of own-account labour. In these cases the high shares reflect the overall employment structure as these countries, together with Italy, are also the countries with the highest own-account labour rates for all workers. Another gradual change concerns Estonia and Hungary: both still display below-EU-average values for all three types of employment, including for young workers; but while Estonia is no longer among the countries with the lowest values for all three types of employment, Hungary has now joined this group with the least de-standardised labour markets. Hence for young workers Lithuania, Bulgaria and Hungary are the countries with extremely low values in all three employment categories, while Latvia, Estonia, Cyprus, Malta, Belgium, Luxembourg, and Austria have not developed any particularly focused pattern of flexibilisation, with values for all three types of employment below the EU averages.

<table>
<thead>
<tr>
<th>Patterns of flexibilisation in 2010</th>
<th>15-64 age group</th>
<th>15-24 age group</th>
</tr>
</thead>
<tbody>
<tr>
<td>high share of temporary employment</td>
<td>FR, FI, SI</td>
<td>PL, ES, DE, PT, FR</td>
</tr>
<tr>
<td>high share of temporary employment + relevant share of own-account labour</td>
<td>PT, PL, ES</td>
<td>IT</td>
</tr>
<tr>
<td>high share of part-time employment</td>
<td>DK; LU+BE+AT</td>
<td>DK, IE, UK</td>
</tr>
<tr>
<td>high share of part-time employment + relevant share of own-account labour</td>
<td>UK+IE</td>
<td>-</td>
</tr>
<tr>
<td>high share of temporary and part-time employment</td>
<td>NL, SE, DE</td>
<td>NL, SE, SI, FI</td>
</tr>
<tr>
<td>high share of own-account labour</td>
<td>IT, RO, EL; SL+CZ</td>
<td>RO, SL, EL,</td>
</tr>
<tr>
<td>lowest values for all three types of employment</td>
<td>LT, EE, BG</td>
<td>LT, BG, HU,</td>
</tr>
<tr>
<td>no particular patterns / values below or around EU27</td>
<td>LV, HU, CY, MT</td>
<td>LV, EE, CY, MT, BE, LU, AT</td>
</tr>
</tbody>
</table>
2. Precarious labour during the crisis

2.1 The effects of the crisis and the labour market

To assess the effects of the financial and economic crisis in the European Union, first it is useful to distinguish Member States by relevant differences in their economic structures. (Becker/Jaeger 2010) The crisis has had different effects on countries with more strongly financialised or export-oriented economies. Following the analysis by Jaeger and Becker, among the Western European Member States the most strongly financialised economies are those of the UK, Benelux, Spain, and to some extent also the Scandinavian countries (mainly Denmark). Financialisation is less pronounced in Germany, Austria, Sweden and Italy, which instead, represent examples of an export-oriented regime of accumulation that comprises also the service and namely the banking sector. France and Portugal can be considered mixed economies ranging somewhere in between these two models. The newer Eastern and Central European Member States, in respect to both of these models of financialised or export-oriented economies, typically represent dependent forms of development since key sections of their economies are controlled by foreign capital (with the exception of Slovenia). In the case of the Baltic States, Bulgaria, and to some degree also Romania, this takes the form of dependent financialisation which is highly dependent on foreign capital inflows, coupled with high foreign debt and current account deficits. In Poland, Slovakia, Czech Republic, partly in Hungary (the Visegrad countries) and Slovenia, the prevailing model is that of dependent industrialisation with strong export orientation. Dependence here concerns imports for industrial production and high foreign direct investment in national firms, leading to close linkages to foreign mother firms, often concentrated in few sectors.

Crisis effects have varied according to these different economic structures. In the case of the strongly financialised economies, the main crisis trigger has been a decrease of capital inflows (especially for the UK, through a contagion effect from the US market), the explosion of real-estate speculation bubbles (especially in Spain) and high debt levels (particularly due to debt-financed private consumption). In the case of the Eastern European countries a further crisis catalyst has been the existence of rigid exchange rate regimes (introduced in the 1990s), the resulting appreciation of domestic currencies and high external, foreign currency debts (both public and private). (Becker/Jaeger 2010: 16) In the export-oriented economies the main damage has come from a drop in exports and production, partly worsened by restrictive income policies (as in Germany), but also from the structural crisis in the automobile industry. In both categories of financial and export-oriented economies, contagion has passed from the Western to the Eastern European countries, although the Baltic States especially had already suffered financial instability before 2008.
Within this overall picture, those countries with the strongest degree of liberalisation, financialisation or export orientation are those most hit by the crisis. This especially concerns the Baltic States, the UK, Ireland and Spain which all represent financialised economies and were hit by the crisis at an early stage. In the UK on an annual basis GDP declined by 5.5% in the third quarter of 2009 and in Spain by 4.4%. In Germany, as the most pronounced example of an export oriented economy, the annual decline was even higher in the first two quarters of 2009, at 6.7% and 5.8%, and was still at 4.6% in the third quarter of the same year. In the Baltic States GDP decreased by up to 16% in the first three quarters of 2009. Recession was the worst in Estonia, although at 9% more limited in Latvia. (Becker/Jaeger 2010: 7-13)

However, apart from Poland, all other East European countries have also been heavily touched by the crisis, be it through financial contagion or shrinking exports. In the first two quarters of 2009, only Poland continued to experience a positive, although slowed-down growth rate of 1.3% and 1.1%. The next least crisis-effected country, after Poland, remained the Czech Republic with a decline of GDP between 4.1% and 4.7% in the three first quarters of 2009. Contagion also passed in the other direction from East to West as especially Austrian, Swedish and Greek banks had massively expanded in East European economies and were thus affected by the crisis in these countries which started with a small time-lag. (Becker/Jaeger 2010: 12-16) Finally, in a further phase of the crisis, those Western European countries with particularly high public debts were especially hard hit, including Ireland, Greece, Spain, Portugal and Italy.

In contrast, according to Becker and Jaeger those countries which seem to have fared relatively better were those that adhered to an economic model more strongly focused on the internal market. Besides Poland, another example is France. In Poland the economy is still to a relatively strong extent based on small and medium-size domestic enterprises while in France financialisation has taken only a partial form. It is based on productive foreign direct investment in domestic firms combined with a relatively strong welfare state, rather than relying predominantly on the financial economy, the real estate and construction sectors, and debt-based private consumption.

As regards labour markets, the strongest effect of the financial and economic crisis has been a drastic rise in unemployment in nearly all Member States, be they marked more strongly by financialisation or export-orientation. On average the unemployment rate in the EU27 rose by 1.9 percentage points from 2008 to 2009 and 0.7 percentage points from 2009 to 2010, reaching a level of 9.7% in 2010. The strongest increases at the high points of the crisis, between the third quarters of 2008 and 2009, occurred in Estonia and Lithuania where unemployment rates more than tripled, as well as in Ireland and Latvia with more than doubled rates. A high rise of around 6% was also recorded in Spain and Denmark. (ETUI 2010) All in all, fourteen Member States experienced increases in unemployment of more than 2% percentage points per year in at least one year since 2008. In contrast, a smaller annual growth between 0.3 and 1.9 percentage points only was registered in Poland, Slovenia, Romania, Malta, Cyprus, Germany, Austria, Belgium, the Netherlands, Luxembourg, France, Italy and Portugal. For only
three of these countries, Germany, Luxembourg and Austria, unemployment has decreased again in 2010 by 4.0, 0.8 and 0.4 percentage points.

The highest unemployment rates in 2010 were registered in Spain (20.2%) and the Baltic States (19% in Latvia, 18% in Lithuania, 17.3% in Estonia). However, in Slovenia, Ireland, Greece, Portugal, Hungary and Bulgaria unemployment was also above 10% during that year. That is, in geographical terms the highest unemployment rates are located in the Baltic States, the Southern and the Anglo-Saxon Member States, and some further new Member States, while continental Western Europe is experiencing lesser crisis effects in terms of unemployment. (Eurostat, Labour Force Survey)

Most of the countries which have experienced high GDP losses due to the crisis also display high unemployment rates and increases. However, as a recent ETUI report points out, the relationship between GDP losses and unemployment increases is not linear for all. While Spain registered below-average output losses between the third quarters of 2008 and 2009, unemployment grew enormously during that same period. In contrast, Germany experienced larger than average output losses between 2008 and 2009, but unemployment remained relatively stable. (ETUI 2010) These contrasting developments can be explained by differences in labour market institutions and their buffering effects. As Leschke and Watt point out, there are at least three such buffers which reduce the extent of conversion of output losses into employment reductions and unemployment increases. The first is the “hourly productivity buffer”, that is the fact that, empirically speaking, productivity is pro-cyclical and thus losses in output are often followed by a drop in productivity rates due to the shifting of employees to less productive tasks, training or elsewhere. There are big differences in the functioning of this buffer across different sectors: in more capital-intensive sectors the fall in labour productivity will be higher and thus the employment effects smaller; whereas in more labour-intensive sectors the opposite will be the case, with lower productivity and consequently larger employment effects of output losses. Taking the example of Spain, one explanation for the particularly strong employment effects might be the marked effects of the crisis on the labour-intensive construction industry.

However, the most important reason for the difference between employment and unemployment trends in Germany and Spain is the existence and quick adaptation of short-time working schemes in Germany and their absence in Spain. By intervening on the average number of hours worked per worker, these schemes enhance internal employment flexibility and, together with other forms of work-sharing such as compulsory holidays, constitute the “average working hour buffer”. Firms are much more stimulated to use such internal flexibility options to keep workers on open-ended contracts during times of economic downturn so as to avoid the costs of firing and loss of human capital. In contrast, the particularly high share of temporary employment in the Spanish case has contributed to an extreme use of external flexibility as a crisis response. The third buffer, finally, consists of various, mostly

---

9 While in Germany the average of actual working hours declined by more than 2% between the first quarter of 2008 and the second quarter of 2009, Spain is among the only five European countries in which average working times increased during the crisis. This trend has aggravated the rise in unemployment.
governmental measures that mitigate the effect of shrinking employment on effective unemployment numbers. Examples are training programmes, job placement services, disability and early retirement programmes or other measures that re-allocate and redefine the status of the *de facto* unemployed or else support individual withdrawals into inactivity. However, while in most European countries active labour market policies have been major labour policy measures throughout the crisis, early retirement programmes as a means of subsidising individuals’ moves into inactivity have been used only to a limited extent. Spain, again, proves to be different: active labour market policies have focused strongly on employment incentives which, however, “at times of low labour demand (...) are unlikely to play an effective buffer role” (Leschke/Watt 2010: 59). Instead, early retirement and inactivity seem in this case to have played some significant role in at least mitigating a further unemployment rise. (Leschke/Watt 2010: 10-11, 16, 20, 57-59)

![Unemployment rates 2010 in %](image)

The growth in unemployment affects above all young and prime-age workers (with a growth of unemployment between the second quarters of 2008 and 2009 from 15.1% to 19.6% for young workers and from 6% to 8% for prime-age workers). Men are more affected than women by this rising unemployment, as the sectors most affected are male-dominated construction and manufacturing. This is reflected in an increase of unemployment rates for women by 1.4 percentage points (from 7.4% to 8.8%), but by 2.5 percentage points for men (from 6.4% to 8.9%) in the first crisis year. As regards
countries of origin, most hit by rising unemployment are migrants from non-EU States, closely followed by migrants within the EU, with an increase in respective unemployment rates of 35% and 33% between 2008 and 2009 (data from Eurostat, Labour Force Survey, quoted from ETUI 2010: 40-41, and referring to the 2nd quarters of 2008 and 2009).

Looking in more detail at youth employment, the reasons for the unduly strong affect of the crisis lie in young workers’ over-representation in temporary employment, but also in the often easier firing rules for those with the shortest work experience. (ETUI 2010: 41-42) The average unemployment rate for workers aged 15-24 years in the EU27 stood at 20.8% in 2010 which is more than twice the unemployment rate for the overall workforce. Yet, these figures still underestimate the crisis effects on youth, as youth inactivity rates are also on the rise at the same time. Indeed the unemployment figures do not take account of involuntary returns into education as a frequent crisis response among young people, nor of those young people that have given up their job search. As regards individual countries, the highest rates of youth unemployment, in this case above 30%, can again be found in Spain and in the Baltic States, but also in Slovakia and Greece. The peak is located in Spain with 41.6%, while the rates in Italy and Ireland are only a little below 30%.

Nearly all of these countries are also among those with the strongest increases in unemployment during the crisis years. In 2009 the youth unemployment rate increased by 20 percentage points in Latvia and by nearly 16 points in Lithuania and Estonia (with additional strong increases above five points for the latter two in 2010). In Spain, the increase reached 13.4 percentage points in 2009 (following previous 6.4 percentage points in 2008) and in Ireland 11.5 percentage points, while in Greece the strongest increase of 7.1 percentage points occurred only a year later, in 2010. In Slovakia the increase was above 5 percentage points in both 2009 and 2010 (8.9 and 6.3 percentage points). While for Italy the annual increases remained below 5 percentage points, strong increases were also experienced in Hungary and Czech Republic (both 6.7 percentage points in 2009, reaching respective levels of 26.5% and 16.6%). Below these nine countries with annual increases in youth unemployment rates of more than 5 percentage points in at least one year since 2008, seventeen other countries experienced still substantial upward changes of between 2 and 5 percentage points. Only in Germany did annual growth remain below 1 percentage point, reaching its highest value of 0.7 percentage points in 2009. In 2010, six of these latter countries showed a downturn in youth unemployment rates (DE, AT, MT, LU, FR, FI), from -0.1 in Finland to -3 percentage points for Luxembourg.

---

10 According to the latest Global employment trends for youth published by the ILO, the youth labour force participation rate dropped from 50% to 47.5% between 2008 and 2010 in the developed economies and the European Union. In fact, in a global perspective, the developed economies have been most heavily touched by both growing youth unemployment and decreasing youth activity rates. In the developing economies, instead, the major problem is not unemployment, but the low income and poor quality of often informal jobs which young workers have to take up in the lack of alternatives and the impossibility to sustain any longer unemployment (or education) phases. (ILO 2011a: 2, 10)
2.2 Development of precarious forms of work during the crisis

2.2.1 The European level

Beyond the increase in unemployment, the crisis has had an important effect also on the development of precarious or “non-standard” forms of labour. Always referring to the three categories of part-time, temporary and own-account labour, the following crisis developments can be delineated on a European level: Part-time employment experienced a slowdown in its long-term growth trend already since 2006 (0.6 percentage points in 2005, 0.2 in 2006, and 0.1 in 2007). In the first crisis year of 2008 this still slowly increasing trend came to a momentary stop, but growth even accelerated only a year later, from 2009 onwards (0.5 percentage points in 2009 and 0.4 in 2010). Temporary employment (including fixed term and temporary agency work) displayed a strong growth trend until 2007, although equally with a slowdown from 2006 to 2007 (0.8 percentage points in 2005, 0.5 in 2006, and 0.1 in 2007). In 2008 and 2009, at the heights of the crisis, this slow-down turned into a steep fall of half a percentage point in both 2008 and 2009. However, in 2010 there has again been a significant increase (0.3 percentage points). Finally own-account labour demonstrated a very moderately decreasing pre-crisis trend (-0.07 percentage points in 2006 and -0.09 in 2007) which slightly accelerated in 2008 (-0.19 points). Since 2009 and 2010 an equally moderate upturn has occurred which more than out-weighted the crisis decline (+0.13 percentage points in 2009 and +0.29 in 2010).
In sum, for all these three types of potentially precarious employment there was recorded a temporary and partly accelerating decrease, or at least a cessation of growth, at the beginning of crisis, followed by an upturn. Yet these decreases and increases had very different magnitudes for each type of employment. For temporary employment the depressing effects of the crisis were the strongest: the immediate strong decline lasted two years (2008 and 2009), while the following upturn has been slightly slower than the growth rates reached before the crisis (before 2006). In contrast, for part-time working only a cessation of growth occurred between 2007 and 2008, and an accelerated increase followed. For own-account labour changes occurred at a much lower level, with an only slightly accelerated decreasing trend between 2007 and 2008, followed by an upturn. However, as far as only fixed-term work is considered, the strong net employment losses in this category during the first crisis years can be attributed to only two sectors (manufacturing and construction) and even to only one country (Spain). In the rest of the EU, fixed-term employment increased even during the early crisis years by nearly 250,000 jobs. (Eurofound 2011a: 47).

The distribution of the newly-created, potentially precarious jobs among different groups of workers has been rather uneven, but it only partly followed the already-described distribution pattern of the existing precarious work. Thus, according to the latest Eurofound report on the labour market effects of the great recession, the growth in part-time employment has affected as many men as women despite the still enormous over-representation of women in part-time jobs across the EU. Moreover, while part-time contracts overall are still most frequent in low-paid jobs, this pattern has been followed during the crisis, especially for new male part-time employment (concentrated in agriculture, food and beverages as well as building and landscape services), while new female part-time employment seems to have occurred particularly in higher-paid jobs in education, health and professional services. Self-employed workers are more likely to be in lower-paying jobs, although more than half of the growth in self-employed jobs during the employment expansion phase from 1995 to 2006 (more than two million new self-employed jobs created in the EU) took place in the highest income quintile (namely in liberal professions), while job losses during that period were highest for lower-paid self-employment (especially in agriculture). During the crisis this pattern changed gradually, as the strongest declines have now affected not agricultural, but medium-low-paid jobs, mainly in construction (and to a lesser extent in manufacturing).

Yet the most important trend in the development of potentially precarious forms of self-employment is the concentration of job losses among those self-employed with their own dependent employees (one-third of all self-employed). In contrast to these employment losses, which are linked to the contraction of small businesses notably in manufacturing, construction and retail, the number of own-account workers slightly increased from 2006 to 2010, as indicated above. Finally, while the steady pre-crisis growth (1995-2006) of fixed-term employment was skewed towards low-paid jobs, developments during the first crisis years showed a polarised growth pattern: declines were concentrated in (lower-)medium-paid employment whereas modest gains occurred in the highest and lowest income quintiles. (Eurofound 2011a: 40-47)
For young workers (aged 15-24), the crisis-driven changes in the trends in the three forms of “non-standard” employment considered were decisively more pronounced vis-à-vis the changes relating to the overall workforce, especially as regards the upturns in percentages in the later crisis years. On the one hand, this seems to indicate that the crisis has accelerated the replacement of Fordist “standard” employment by these potentially precarious forms of work, especially for youth, in turn driving overall, long-term structural change in labour market and employment categories. However, it has to be taken into account that even before the crisis, growth rates of these forms of employment were higher for young workers than for the overall workforce. Part-time youth employment during the crisis thus experienced a lesser slowdown in its equally increasing trend than for the overall workforce, without reaching a complete stop. This slowdown moreover already occurred in 2007, the year before the crisis, and lasted only this one year (+0.7 percentage points in 2005, +0.6 in 2006, +0.3 in 2007, and +0.6 in 2008). Since 2009 the increasing trend accelerated significantly (+1.2 percentage points in each of 2009 and 2010). Also for temporary employment among young workers there was some slowdown in the long-term growth trend in 2006 and 2007 (+3.5 percentage points in 2005, and +1.1 in 2006 and 2007 together), followed by a strong decrease in the first crisis year of 2008. Measured in lost percentage points, this has been twice as great as for the overall workforce (-1.1 points). However, for young workers temporary employment immediately started to turn upwards in 2009 and this growth accelerated in 2010 (0.3 percentage points in 2009, 1.7 in 2010). The development of own-account labour among young workers, in contrast to temporary and part-time employment but in line with the development of this type of labour for the overall workforce, displayed much more limited changes during the crisis. After an initial decrease of 0.2 percentage points in 2008, its share augmented by 0.12 points in 2009 and 0.14 points in 2010.

In sum, the slow-down in growth trends for part-time and temporary employment in 2007, which is the year before the generally accepted date of the outbreak of the crisis, reflects a particular sensitivity to economic cycles which accounts for the precarious character of these forms of labour. This seems to be especially the case for temporary employment. Very clearly, at the height of the crisis, it was temporary workers who were dismissed first, or their contracts were simply not renewed. Further on, as the accelerated growth trends of temporary employment in a context of still-growing unemployment shows, the crisis has accelerated and facilitated the replacement of open-ended by temporary contracts. In fact, “since the third quarter of 2009, the majority of workers in the EU who have been in their jobs for fewer than 12 months are working on fixed-term rather than permanent contracts.” (Eurofound 2011a: 47)\(^{11}\)

\(^{11}\) In this respect, Janssen points to the fact the idea of job creation by means of flexibilisation is an illusion which even the OECD had to admit in a report form 2006 (OECD 2006). Instead, labour markets witness a structural increase of temporary employment that has strong substitution effects at the disadvantage of open-ended contracts. This situation puts into question not only the hope in employment creation, but also the prospects of workers’ transitions from temporary to stable employment. (Janssen 2011) Also Leschke indicates such a limited stepping-stone function of “non-standard” forms of employment in the EU. This regards not only temporary, but especially also part time workers for whom it is difficult to move into full-time employment. (Leschke 2011: 13)
Analogous reasoning applies also to own-account labour, especially if it takes the form of bogus or dependent self-employment. Similar to temporary contracts, such outsourced labour is the easiest to reduce in the event of the first crisis signs. In addition, the crisis is a convenient occasion for dismissing more strongly protected internal staff and to re-employ a more precarious externalised workforce. Although not very visible in the EU average, this will become significant in development trends in individual countries.\(^\text{12}\) While such a substitution effect might equally explain part of the accelerated increase in part-time working since 2009, this is also caused by the massive partial unemployment policies undertaken in many countries, as well as a sign of continuously low labour demand (ETUI 2010).

\(^\text{12}\) For example, especially in the countries with the strongest rises in self-employment (France, Slovakia and the Czech Republic), this growth does not only regard more low than high-paid jobs, but it also comes about with a simultaneous decline in dependent employment. (Eurofound 2011a: 45) Although this affirmation regards all self-employed and not only own account labour, and thus can be linked to a lesser extend to potentially precarious forms of employment, it indicates the trend of labour market diversification and the reducing impact of so called “standard employment”. 
Development of temporary contracts, part-time employment and own-account labour

(Temporary employment comprises both temporary agency and fixed-term work.)
2.2.2 The development of temporary employment in the different EU Member States

In this section the development of temporary, part-time and own-account labour across the different EU Member States will be considered in more detail. As for temporary employment, the most common trend across all countries has been the described temporary decrease during the early crisis years 2008 or 2009 which is visible in the EU average, together with increasing shares both before and after this period. In most cases, in fact, the momentary decrease during the crisis affected only one year and remained below 1 percentage point (LV, CZ, CY, MT, IT, PT, UK, DK, DE, LU), whereas in only four countries the crisis decline lasted two years or reached yearly values between 1 and 1.3 percentage points (PL, SL, SI, FR). Only two countries, following these decreases and upturns, experienced a further decrease in 2010 (DK and LU). In six other countries a long-term increasing trend continued even during the crisis (EE (since 2007), HU, EL, IE, NL and AT). As regards the strength of the various upturns, in six countries they have been around or greater than 1 percentage point in at least one year since 2008. In nearly all these cases similarly strong increases occurred in 2010 (LV, SL, EE, HU, PT, LU, SI and FI). In contrast, a continuously decreasing trend, which had already started before the crisis, was observed in Lithuania, Romania, Bulgaria, Spain, Finland, Sweden and Belgium. However, for Romania, Bulgaria and Sweden this trend was reversed in 2010.

In the end, in eight of the twenty-one countries experiencing decreasing percentages during the crisis these decreases were more than outweighed by the following upturns. Thus in Germany, the UK, Cyprus, the Czech Republic, Malta, Portugal, Slovakia and Latvia the percentages of temporary employment in 2010 exceeded those of the pre-crisis year 2007 by between 0.1 (DE) and 2.6 percentage points (LV). Together with the six States displaying a continuous growth trend, this makes a total of fourteen countries with higher post-crisis than pre-crisis levels of temporary employment.
Development of temporary employment in the crisis: decreases and reincreases
(in % of all dependent employment, comprising temporary agency and fixed-term work, 15-64 years, Eurostat / Labour Force Survey)

![Graph showing the development of temporary employment in the crisis with decreases and reincreases. The graph includes data for EU 27, Czech Republic, Denmark, France, Italy, Cyprus, Latvia, Luxembourg, Malta, Poland, Portugal, Slovenia, and Slovakia. The x-axis represents the years 2006 to 2010, and the y-axis represents the percentage of dependent employment.)

Development of temporary employment in the crisis: continuous increases
(in % of all dependent employment, comprising temporary agency and fixed-term work, 15-64 years, Eurostat / Labour Force Survey)

![Graph showing the development of temporary employment in the crisis with continuous increases. The graph includes data for EU 27, Estonia, Ireland, Greece, Hungary, Netherlands, and Austria. The x-axis represents the years 2006 to 2010, and the y-axis represents the percentage of dependent employment.)
Development of temporary employment in the crisis: continuous decreases
(in % of all dependent employment, comprising temporary agency and fixed-term work, 15-64 years, Eurostat / Labour Force Survey)

Comparing the shares of temporary employment reached in each country in 2007 and 2010, the most impressive increases in temporary employment can be found in Estonia and Latvia where its share grew by more than 60% (68 % and 62% respectively). But in Ireland, Greece and Slovenia growth was also in excess of 10% and up to 16%. However, decreases in the share of temporary employment over the whole crisis period have also been impressive in some countries. The falls were of 31% in Lithuania and Romania, 21% in Spain, 14% in Bulgaria and 10% in Sweden.

As regards the highest annual rates of change, these were similar for both increases and decreases. The largest increases in single crisis years occurred in Latvia, Slovakia, Estonia, Hungary and Lithuania with values between 0.9 and 2.6 percentage points. The strongest yearly decreases of between 0.9 and 2.4 percentage points occurred in Spain, Sweden, Poland, Slovenia, Finland and Portugal. However, all of these countries with strong crisis-related decreases, besides Spain, equally experienced relatively strong upturns in 2010 (of between 0.8 and 1 percentage points).

The remaining three countries with above EU average percentages of temporary employment in 2007, namely Germany, France and the Netherlands, witnessed only limited changes during the crisis, with both decreases and increases below 1 percentage point (although for France the temporary decrease lasted for two years). Romania and Bulgaria, which were countries with extremely low initial values (below 5% in 2007), experienced only limited further decreases during the crisis (-0.2 and -0.3
percentage points) and, for Romania, an equally very limited final increase in 2010 (+0.1 percentage point).

Finally, those countries with the largest increases during or since the crisis are among those with the lowest initial levels of temporary employment, while those with the strongest temporary annual decreases are among those with the higher initial levels. This is partly linked to simultaneous differences in the degrees of employment protection legislation. As stated above, typically those countries with lower protective standards witness lower temporary employment levels. In terms of easy firing policies, there is less need for such flexible contracts as dismissals are relatively easy for open-ended employment. In times of crisis, the dominant reaction in these cases can thus be the dismissal of the “standard” workforce, while subsequent hiring is however used to shift the balance from permanent to temporary employment and thus avoid even the less pronounced employment protection norms in the future. In countries with higher employment protection and similarly higher shares of temporary employment, the latter is instead used as a crisis-buffer, causing particularly strong (albeit temporary) declines in its share. As regards open-ended employment, the existence of stronger employment protection norms might lead to a more extensive use of short-time working schemes as a further crisis response, where they are available. (Leschke/Watt 2010)

As regards young employees (15-24 years), as with the average EU development, the annual changes in the shares of temporary employment in individual countries during the crisis have been greater than for the overall workforce (15-64). Thus, while the largest increases for all workers were registered in Latvia with only 2.6 percentage points, for young workers eleven countries displayed an annual growth in the shares of temporary employment of more than 3 percentage points in at least one year between 2008 and 2010. These countries are Ireland, Luxembourg, Slovakia, Slovenia, Finland, Czech Republic, Sweden, Belgium, Malta, Portugal and Latvia, with the highest values of 5.4 and 5.2 percentage points in Ireland (in 2010) and Luxembourg (in 2008). Also (temporary) decreases were greater, attaining the highest values of between 3 and 5.2 percentage points in Latvia, Spain, Sweden and Slovenia. In a word, young workers are more affected both by temporary employment in general and by the crisis effects on this type of labour.

However, the direction of development trends in the single countries has mostly been similar to those for the overall workforce. As many as nine countries witnessed a temporary crisis-decline followed by an upturn in the shares of temporary youth employment (SI, CY, MT, EL, PT, UK, DE, BE, FR). In seven

---

13 Yet this argument would require further investigation, especially as regards developments during the crisis. According to Leschke, simple correlations between the share of temporary employment and the OECD EPL indicators for 2008 turned out to be weak or even contrary to the expected direction. (Leschke 2011: 10-11, 31-32)

14 In Spain for example, this buffer function is very visible: while overall employment declined by 8%, “among those on temporary contracts more than 20% must have lost their jobs.” (Leschke/Watt 2010: 31) But also as a European average, temporary workers lost their jobs during the crisis nearly four times as often as permanent workers (data from the last joint employment report by the Council of the European Union, 8 March 2011: 11; quoted from Leschke 2011: 11).

15 No data has been available in the Labour Force Survey for Estonia since 2008 on the issue of temporary youth employment.
countries there has been continuous growth (HU, IT, IE, DK, AT, NL, LU), although with a final decline in 2010 for the same two countries as for the overall workforce (DK, LU; for Denmark even below the 2007 share). In addition, in two further countries, the Czech Republic and Latvia, a pre-crisis declining trend was reversed in 2008 into an ongoing increase. Eight countries (LT, PL, SL, BG, RO, ES, FI, SE) displayed decreasing shares throughout the crisis at least until 2009. However, in all these countries besides Romania, a final increase occurred in 2010. As a result of these various trends, all but three EU Member States displayed an increase in the share of temporary youth employment from 2009 to 2010.

Comparing the shares of temporary employment reached for each country in 2007 and 2010, nearly all of the countries with changes in these shares above 10% for the overall workforce also showed particularly strong changes in the share of young temporary workers (besides Bulgaria and Sweden). But the group of countries with above-10% increases is larger for young temporary workers (eight countries), while the highest growth percentages remain lower; and there are also fewer countries with a decrease of more than 10%. In Ireland, Latvia and Malta, this increase across the whole crisis period reached more than 30% (with a highest value of 48% in Ireland). For Hungary, Czech Republic and Slovakia values between 25% and 30% were attained, while they still exceeded 10% for Greece and Italy. The most pronounced declines occurred in Lithuania (23%), Romania (15%) and Cyprus (12%). In Spain, with its strong decline in temporary employment among the overall workforce, the share for young workers still decreased by 7%.

Particular differences in development trends during the crisis can be noted for Italy, where there has been a continuous growth trend in temporary youth employment instead of the temporary crisis-induced decline registered for the overall workforce. That is, the substitution process within youth employment here appears to have been so strong as to produce growing shares of temporary employment despite a strong crisis-induced growth in (youth) unemployment and also despite (or because of) the strong buffer-function played by temporary employment in the Italian labour market. This increasing share of temporary youth employment is above all an effect of the strong flexibilisation policies undertaken in this country during the last ten to fifteen years. The substitution process from protected “standard” employment towards flexible forms of labour virtually leaves various forms of temporary, part-time or bogus self-employment as only employment opportunities for new labour market entrants. Less significant crisis-related decreases are displayed also in Slovenia (in relation to the very high share of temporary youth employment), while in Cyprus and Czech Republic both annual decreases and increases are more significant for young workers. In Belgium, instead of a continuous decreasing trend, the development of temporary youth employment takes a more irregular form (with a decrease, upturn and final downturn between 2008 and 2010).
Development of temporary youth employment in the crisis: pre-crisis increase - decrease - upturn (in % of all dependent employment, comprising temporary agency and fixed-term work, 15-24 years, Eurostat / LFS)
Development of temporary youth employment in the crisis: pre-crisis decrease – increase 2010 (in % of all dependent employment, comprising temporary agency and fixed-term work, 15-24 years, Eurostat / LFS)

Development of temporary youth employment in the crisis: increasing trends (in % of all dependent employment, comprising temporary agency and fixed-term work, 15-24 years, Eurostat / LFS)
2.2.3 The development of part-time employment in the EU Member States

Turning to part-time employment, the most common development during the crisis across the different countries was an increase in its share of total employment, either as a continuation or acceleration of a pre-existing growth trend or as an upturn from a former decline. A rather continuous growth trend was thus maintained in Hungary, Belgium and the Netherlands, whereas such growth accelerated during the crisis, with annual increases of between 1.1 and 2.6 percentage points in the following countries: Ireland, Slovenia, Denmark, Romania, Austria, and Sweden. Apart from Sweden (2008) and Romania (2010), this accelerated growth occurred in 2009. Instead a decreasing trend in the pre-crisis years 2006 and 2007 was reversed during the crisis in the Czech Republic, Slovakia, Bulgaria, Cyprus, Greece, Spain, the UK, and Lithuania.

Some countries, however, also experienced a short-term annual decrease (or at least a halt in growth) in the share of part-time employment of up to 0.8 percentage points. These are Estonia, Finland, France and Malta, Germany, Latvia, and Italy (stable share in 2008 and 2009). These temporary decreases occurred mostly in 2008 (for Malta in 2009); but they were at least partly followed by rather sharp immediate upturns which more than out-weighed the former reductions (LV +2.9 percentage points, EE +3 points). There are only a few countries with an overall shrinking trend. Since the crisis this has been the case for Portugal (2008) and Luxembourg (2009), and even before that for Poland. Sweden and Lithuania display (modest) declines in the share of temporary employment in 2010, following the aforementioned previous acceleration in the growth trend in Sweden or, respectively, the upturn from a former decline in Lithuania.

The countries with the strongest annual crisis-induced changes are thus Estonia, Latvia, Ireland, Lithuania, Sweden, Slovenia, Denmark, Romania and Austria, which all experienced some annual increase of between 1 and 3 percentage points. That is, similarly as for temporary employment, the Baltic States and also Slovenia (albeit the latter with a strong increase this time instead of a strong temporary decrease) are among the countries which have shown the strongest annual variations in the share of part-time employment during the crisis.

Comparing the shares of part-time employment reached in 2010 with those in 2007, and thus evaluating the whole crisis period passed so far, the dominance of increasing trends across the Member States is highly visible: there is a large number of 12 countries with increased shares of more than 10% - as compared to only 5% for temporary employment. The strongest growth across this time period occurred in Latvia (+66%), again in a Baltic State, followed by Slovakia with 52%, Bulgaria with 47% and Hungary with 41%. Estonia, Slovenia, Ireland and Cyprus experienced increases between 26% and 36%,

---

16 As Leschke points out, one reason for this growth of part-time employment might be the increased use of short-time working schemes as a crisis response. In fact, “part-time work in the European Labour Force Survey is determined on the basis of a spontaneous answer and not of usual working hours”. (Leschke 2011: 10) Yet such an explanation does not seem convincing for all countries. Thus while in Germany short-time working increased strongly during the crisis, part-time shares remained rather stable. (Leschke/Watt 2010: 31)
while in the Czech Republic, Greece, Spain, Romania, Austria and Italy levels of 10%-15% were still reached. Decreases are much less frequent and lower than for temporary employment. The only four countries with lower shares in 2010 compared to 2007 were Poland (-11%), Lithuania (-5%), Portugal (-4.5%), and Luxembourg (-1.7%). Despite the differences in the magnitude of the changes, the group of countries with the most pronounced changes is similar for both temporary and part-time employment. Latvia, Estonia, Ireland and Greece display high values for both types of employment, while for both types Lithuania is among the two countries with the largest decreases.

Among the countries mentioned as experiencing the largest annual changes in part-time shares, the majority again belongs to those EU Member States most strongly hit by the crisis, be it in terms of GDP losses (as for the Baltic States, Ireland and Romania), or in terms of rising or especially high unemployment rates (as again for the Baltic States and Ireland, but also Slovenia and Denmark). Taking also into account data on involuntary part-time employment, this interaction between the effects of the crisis and the growth of part-time employment is mostly confirmed: above-average rises in involuntary part-time work can be again found in the Baltic States and Ireland as well as Spain, but also in the UK (as a country with a below-average unemployment rate in 2010). (Leschke 2011: 10) A similar overlap is also visible for temporary employment: again a majority of those countries with strong variations in the share of temporary employment during the crisis are among the most crisis-ridden economies. This is the case for all countries with annual increases in temporary employment of around or above 1 percentage point (Latvia, Estonia, Hungary, and Lithuania), and also for those with a growth of temporary contracts above 10% across the whole crisis period from 2008 to 2010 (plus Ireland, Greece and Slovenia). The same holds true also for some of the countries with the strongest decreases in temporary employment, such as Spain, Slovenia and Portugal as some of the countries with particularly strong short-term annual decreases, as well as Lithuania and Bulgaria as two of the countries with an overall decrease in temporary employment of more than 10% between 2008 and 2010.

Regarding the levels of part-time employment reached in those countries with strong crisis-related changes in its shares, two groups emerge: Lithuania, Latvia, Estonia, Romania and Slovenia have shares well below the EU average (18.5%) even after the stronger annual crisis increases, reaching between 7.7% and 10% in 2010. In contrast, Ireland and especially Austria, Sweden and Denmark are among the countries with shares well above the EU average, with up to 26%. Only for Ireland was this percentage sharply below the EU average in the pre-crisis year 2007 (17.3% versus 17.6%). In other words, strong increases in the share of part-time employment during the crisis occurred in countries with high initial levels as well as in countries with below-average shares, although not in those with the lowest rates. In fact five other countries had even lower rates of part-time employment before the crisis (in 2007) (BG, SL, HU, EL, CZ). In these countries, however, the changes during the crisis remained more modest, reaching an annual maximum of only +0.9 percentage points for Slovenia and Hungary in 2009. The Netherlands, as the country with the highest part-time rates in both 2007 and 2010, continued its
growth trend during the crisis, on a slightly accelerated path, with a maximum annual increase of 0.9 percentage points in 2009. As regards UK and Germany, two further countries with high shares slightly in excess of 25% in 2010, increases during the crisis remained very limited (maximum increase of 0.2 percentage points for Germany, and 0.8% and 0.7 percentage points in the UK in 2009 and 2010).

Development of part-time employment during the crisis: increasing trends
(in % of all employment, 15-64 years, Eurostat / Labour Force Survey)
Development of part-time employment during the crisis: pre-crisis decrease – increase
(in % of all employment, 15-64 years, Eurostat / Labour Force Survey)

Development of part-time employment during the crisis: pre-crisis increase – decrease – reincrease
(in % of all employment, 15-64 years, Eurostat / Labour Force Survey)
Again, as regards young workers, changes and particularly increases in the share of part-time employment are more pronounced than for the overall workforce. There are fifteen countries with increases between 2 and 9.7 percentage points against only eight countries with more modest changes of between 1 and 3 percentage points for all workers (of which all but two recorded less than 2 percentage points). These fifteen countries are: Italy, the Netherlands, Czech Republic, UK, Romania, Denmark, Finland, Spain, Malta, Slovenia, Estonia, Latvia, Sweden, Ireland and Luxembourg. Besides for Romania (2010) and Luxembourg (2008) these stronger changes occurred in 2009, while for Denmark (2009 and 2010) and Ireland (2008/09/10) they concerned more than one year. Moreover, the overall number of countries with increasing shares of part-time employment during the crisis (no matter how large) is higher for young than for all workers; the numbers of countries are 22 for young workers (7 with continuous growth trends also in the pre-crisis years, 15 with accelerated growth or reversed former decreases during the crisis) against 17 for the overall workforce (3 with a continuous growth trend, 14 with increases only or accelerated since the crisis).

Comparing the countries with strong changes in youth and overall part-time employment, among those countries with increases of more than 2 percentage points for young workers, the following did not show any particularly strong increases for the entire workforce: Italy, Czech Republic, UK, Finland, Spain, Malta, Sweden and Luxembourg. But, Slovenia, Cyprus, Belgium, Portugal, Poland, Latvia and Germany
also demonstrated significantly stronger increases in part-time shares for young workers during the crisis. For Slovenia and Cyprus the growth trend is simply reinforced for young workers, while for Belgium a temporary crisis-related decrease for all workers turned into a continuously increasing trend for young workers. For Portugal and Poland, there was even an upturn from a decreasing trend for all workers to an increasing trend for young workers (however with a short but significant crisis decrease of 3 percentage points in 2008 for Poland). In France and Germany, in contrast, there has been a continuing decline since the crisis for young workers (since 2008 for France and 2009 for Germany) in comparison with an only temporary, one-year decrease for all workers. Trends are also reversed and reinforced for Malta with a two-years crisis-related decrease and a final upturn for young workers, instead of an increasing trend with a decrease only in 2010. In Austria, youth part-time labour experienced a temporary decrease, while for the overall workforce the share has been continuously increasing. For Latvia, both a temporary crisis-related decrease and subsequent upturn became more pronounced for young workers, but were also followed by an final decrease in 2010. That is, beyond the generally more pronounced changes (and especially larger increases) in youth part-time employment shares, a very heterogeneous picture emerges with regard to the relationship between youth and overall part-time employment in the different European Union Member States.

However, comparing the shares of youth part-time employment reached in 2007 and 2010 respectively, it turns out that, as with temporary employment, nearly all of the countries with high increases for the overall workforce also demonstrated similar trends for youth (besides Austria and Italy). But, also across this time span, the number of countries with strong increases (above 10%) was bigger for young part-time workers (16, against 13 countries for all workers). In particular Slovakia and Luxembourg, as the two countries with the largest increases in youth part-time employment (+146% and +91%), do not register as such for the overall workforce. This holds true also for Portugal (+40% for young workers) as well as for Lithuania, Belgium, Malta, and Denmark (all with growth rates between 10% and 20%). For Luxembourg, Portugal and Lithuania the difference with the overall workforce is particularly strong, as for the latter there was a decline in the share of part-time employment from 2007 to 2010. Moreover the rates of growth reached between 2007 and 2010 were decisively higher for young workers than for the overall workforce, as the highest values for Slovakia and Luxembourg have already indicated. A further nine countries display values between 38% and 76% (Ireland, Czech Republic, Bulgaria, Hungary, Estonia, Cyprus, Greece, Spain). Decreases have also been rare for youth part-time employment, occurring only in Poland (-9.3%), France (-4%) and Germany (-2.5%).

According to the latest “Global employment trends for youth”, published by the ILO, this particularly strong rise in part-time employment among young workers hints at a serious problem: while part-time employment is not necessarily problematic as such and for young people might in many cases result from the combination of education and working, today it often presents itself as the only available option for young workers and not as a voluntary choice. In other words, young people affected by the
crisis are often forced to take up whatever job they find, and most often this is only a part-time job, with the consequent problems of reduced wages, career opportunities and social security contributions. Measured in percentage points (and thus with less interference from original levels), such particularly strong increases in part-time youth employment occurred between 2007 and 2010 in Ireland (+17 percentage points), Luxembourg (+10.5 points), Slovenia (+10.1 points), Spain (8.8 points), and the UK (5.2 points). Moreover, the “increase in the time-related underemployment-rate in many countries over the course of the economic crisis” further confirms this “involuntary nature of part-time work”.¹⁷ (ILO 2011a: 4) Taking the example of Ireland, one explanation for this strong growth in youth part-time employment could be the strong temporary flexibility demands of employers in sectors such as retail, restaurant, hotel and cleaning which, at least for the first two, are typical areas of youth employment. Such flexibilisation of working times includes to an important extent the replacement of full-time with part-time contracts which particularly impacts on young workers as new labour market entrants.

¹⁷ “This is a situation in which a person would like to work additional hours than they are currently working (for instance, a person who is working part-time because they could not find full time work). In 2009, the youth underemployed rate was greater than the adult rate for all European Union countries but Austria and Germany. Youth were especially prone to time-related underemployment vis-à-vis the total working population (ratio greater than 2.0) in Finland and Sweden.” (ILO 2011a: 5)
Development of youth part-time employment during the crisis: increasing trends
(in % of all employment, 15-24 years, Eurostat / Labour Force Survey)

Development of youth part-time employment during the crisis: pre-crisis decrease – increase (in % of all employment, 15-24 years, Eurostat / Labour Force Survey)
Development of youth part-time employment during the crisis: decreases (and reincreases) (in % of all employment, 15-24 years, Eurostat / Labour Force Survey)

<table>
<thead>
<tr>
<th>Year</th>
<th>European Union (27 countries)</th>
<th>Germany (including former GDR from 1991)</th>
<th>Estonia</th>
<th>France</th>
<th>Latvia</th>
<th>Malta</th>
<th>Austria</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2.2.4 The development of own-account labour in the EU Member States

Finally, turning to own-account labour, the most common development pattern during the crisis across the different countries was an increase in its share in overall employment. This increase mostly started right at the beginning of the crisis and had been preceded by declining shares in the pre-crisis years. This is the case for Romania, Slovenia, Bulgaria, Malta, Greece, Sweden, Finland and Germany. In other cases there was only a slowdown in this pre-existing decreasing trend in the early crisis years, and growth only occurred later, in 2010, for example in Poland, Italy and Austria. Six further countries showed continuously increasing trends even before and throughout the crisis (Denmark, UK, Ireland), which in some cases accelerated from 2008 (Czech Republic, Slovakia, the Netherlands). Temporary crisis-related declines in the shares of own-account labour can instead be found in France, Latvia, Luxembourg, Estonia, Spain and Belgium where they have been followed by immediate upturns. However for Latvia, Luxembourg, Belgium and Finland such growth again reversed into a decrease in 2010. Finally, continuously declining trends have been present only in Portugal and, albeit with a slowdown in the decrease during the crisis, in Lithuania and Cyprus.
Development of own-account labour during the crisis: increasing trends
(in % of all employment, 15-64 years, Eurostat / Labour Force Survey)

Development of own-account labour during the crisis: pre-crisis increase – decrease – re-increase (in % of all employment, 15-64 years, Eurostat / Labour Force Survey)
Development of own-account labour during the crisis: (pre-)crisis decreases – increase
(in % of all employment, 15-64 years, Eurostat / Labour Force Survey)
On the whole these annual variations in the shares of own-account labour during the crisis remained relatively modest. Only six countries showed higher growth of between 1% and 2 percentage points in that share. Most of these are newer Member States, namely Czech Republic, Slovakia, Slovenia, Romania, plus the Netherlands and Luxembourg as the only West European countries. As regards those countries with declining shares during the crisis, the figures also turned out to be more limited than for temporary and part-time employment. These more modest crisis reactions might indicate that also own-account work has had some buffer function during the crisis, with workers shifting from dependent to self-employment in the event of job loss, thus compensating for possible decreasing crisis effects on this type of employment. Indeed such a substitution process is a growing phenomenon in the construction industry, as one of the most crisis-ridden sectors. Two exceptions, however, are Lithuania, with annual decreases of more than 1 percentage point for three consecutive years (albeit starting before the crisis in 2007) and Estonia with a decline of 1.22 percentage points in 2008.

This overall picture of more moderate change also prevails when considering the development trends throughout the crisis. In fact, comparing the pre-crisis year 2007 with the latest data for 2010, both growing and declining trends are less pronounced than for temporary or part-time employment. Only four countries exhibited a growth in the share higher than 10%. They were Slovakia, the Netherlands, Czech Republic and Bulgaria, with the highest growth of 27% in Slovakia. A further seven countries
demonstrated still relatively high growth rates between 5% and 10%: France, Latvia, UK, Finland, Romania, Greece and Ireland. A decline of more than 10% occurred in Lithuania and Estonia (-29% and -17% respectively), while decreases were still also relatively significant in Portugal, Cyprus and Spain (between 5% and 8%).

The interaction between the most strongly crisis-ridden countries in terms of GDP-loss and unemployment growth and those with the largest changes in the share of own-account labour is similarly less pronounced than for temporary and part-time employment. Among the Baltic States, only Estonia and Lithuania displayed sharp increases in own-account labour during the crisis, while these were much more limited for Latvia. Among the countries with high increases in the share of own-account labour, only Slovenia was particularly strongly touched by crisis-related unemployment. The stronger growth of such single self-employment in the Slovenian case might be interpreted as a reaction to the high losses of dependent employment. Slovakia and to a more limited extent the Czech Republic are instead touched by a depression of their export industries linked to West European mother firms, but suffer relatively less from a crisis-related rise in unemployment rates. However in this case the growth of own-account labour might also indicate a crisis-accelerated trend of labour externalisation, and thus of substituting open-ended dependent employment with (at least partly bogus) own-account labour.

Comparing strong crisis changes and initial shares of own-account labour, it is particularly interesting to note that the strongest decreases registered in Lithuania and Estonia related to two countries with already low initial levels. Estonia was thus the country with the second lowest shares in the EU in 2010 (4.6%), while also Lithuania still remained far below the EU27 average (6.8% compared to 10.2%). However, this development also reflects the particularly strong crisis-induced growth in overall unemployment in these countries. Among the countries with the strongest annual increases during the crisis, Luxembourg, Slovenia and the Netherlands started out from a below-average level of own-account labour and, moreover, still displayed such below average values in 2010. Luxembourg even remained the country with the lowest rate among all European Member States (4.1%), whereas the Netherlands (9.9%), however, came very close to the EU27 average, with Slovenia ranged in the middle between the two (7.6%). In contrast, Slovakia, Czech Republic and Romania, as other countries with strong increases in own-account labour during the crisis, had relatively high levels prior to the crisis. In 2010 they reached 12% for Slovakia, 13% for the Czech Republic and even 18% for Romania, which is the second highest value in a European comparison. That is, similar to part-time but different from temporary employment, strong change patterns during the crisis appear as less clearly linked to the level of own-account labour reached in each country. Denmark as the third country with a level of own-account labour below 5% in 2010, in contrast, displayed only limited developments during the crisis, with a relatively continuous growth trend which only slightly accelerated between 2008 and 2009. In the two other countries with the highest shares apart from Romania, that is Greece (22%) and Italy (16%),
annual changes during the crisis remained below 1 percentage point. However, pre-crisis declining trends in these cases reversed into increases (since 2009 and 2010 respectively) which even reached 0.9% percentage points in 2010 for Greece.

Similarly for young workers, changes in the share of own-account labour during the crisis have been of a more moderate order than for part-time and temporary youth employment. Less than for the overall workforce, there are only five countries which experienced some annual increase of more than 1 percentage point, with a maximum of 3.3 points. Again these are nearly all new Member States, comprising Slovakia, Romania, Czech Republic and Cyprus, but also Greece. Latvia and Italy were the only countries with a decrease in the share of own-account labour among young workers of more than 1 percentage point (max. 1.1 points). For Lithuania and Estonia, the countries with the highest decline in the share of own-account labour among all workers, there is no data available for the specific group of young workers. The same is the case for Denmark, Malta and Luxembourg.

Contrary to the results for temporary and part-time youth employment, these stronger crisis-related changes have been only slightly higher for youth than for the overall workforce. The most evident exception again is Slovakia, with its particularly strong increase in own-account labour for young workers (6.4 percentage points from 2007 to 2010 against 2.6 points for the overall workforce). On the whole, thirteen countries have experienced growing numbers of young own-account workers since the crisis, mostly in 2009 and 2010. Among those, the only countries with a continuous growth trend throughout the crisis were the Netherlands, Slovenia and Bulgaria. In Slovenia, Hungary, Italy, Greece growth occurred only during the crisis, reversing previously declining rates. In Latvia, Poland, Cyprus, Sweden, Germany and Belgium the increase was only temporary, followed by an immediate decline. In contrast a temporary crisis-related decline within an overall growth trend took place in Romania, Czech Republic, Portugal, UK, Austria and France while Finland and Ireland experienced a reversal of their growth trends in 2010. Finally, Spain is the only country with a continuous decline in the number of young own-account workers throughout the crisis.

Yet, as regards the whole period from the pre-crisis year 2007 to 2010, as with temporary and part-time youth employment both increases and decreases in the share of own-account labour are significantly higher for young own-account workers than for the overall workforce. Ten countries displayed a strong increase of more than 10%, as compared to only four countries if all workers are considered. The most impressive growth took place in Slovenia with 135%, and Sweden with 41%, followed by Bulgaria and Czech Republic with 35% each. In the Netherlands, France, Greece, Slovenia, Finland and Romania growth rates still reached between 12% and 24%. However, nearly all of these countries (besides Sweden and Slovenia) also displayed a growth in the share of own-account labour in excess of 5% for the

---

18 As indicated above, one explanation for the particularly strong growth of temporary and also part time youth employment in Slovenia is the equally strong growth in the number of student jobs. This is linked to the increase in enrolment numbers in tertiary education which is an already longer, pre-crisis trend in this country. But, prolonging or returning into education can also be considered as an important crisis response, especially but not only for young workers.
overall workforce. Decreases affected the same number of countries, although data is missing for two of the Member States with strong declines in the share of own-account labour in the overall workforce (Lithuania and Estonia; as well as for Ireland as one of the countries with still relatively strongly increasing shares for all workers (+5.3%). Thus, for young own-account workers, Portugal experienced a decrease in its share of 30%, while for Cyprus and Spain the figures were 16% and 12%. In addition, Latvia and Germany displayed decreases of more than 10% (-19% and -15%). In comparison with the trend for the overall workforce, the case of Latvia is especially remarkable since, in contrast to this decline for young workers, it displays a relatively strong growth of 8.09% in the share of own-account labour for all workers.

**Development of own-account labour among young workers during the crisis: increases**
(15-24 years, share of all employment in %, Eurostat / Labour Force Survey)
Development of own-account labour among young workers during the crisis: temporary increases (15-24 years, share of all employment in %, Eurostat / Labour Force Survey)

Development of own-account labour among young workers during the crisis: decreases (15-24 years, share of all employment in %, Eurostat / Labour Force Survey)
Development of own-account labour among young workers during the crisis: temporary decreases
(15-24 years, share of all employment in %, Eurostat / Labour Force Survey)

![Graph showing development of own-account labour among young workers across different countries from 2006 to 2010.]

**2.2.5 Conclusion**

In conclusion, comparing the shares of temporary employment, part-time and own-account labour in 2007 with those in 2010, for all three types of employment and for both age groups (young workers from 15 to 24 and the overall workforce from 15 to 64 years) the majority of countries recorded growth. In relation to the overall workforce this is the case for 15 countries for temporary employment, 18 countries for own-account labour and as many as 23 countries for part-time. As to young workers, these numbers are slightly higher for temporary employment with 16 countries and part-time employment with 24 countries, but lower for own-account labour with 14 countries registering an increasing share. Thus in the majority of Member States the decline (temporary employment and own-account labour) or the halt in growth (part-time employment) during the initial crisis years which is evident in the European average, has been more than outweighed by the following upturns. It could thus be said that the crisis has had only a temporary effect on the development of these potentially precarious forms of employment. At least for temporary and part-time employment there has been a quick return to growth trends, whereas for own-account labour the previously decreasing trend has reversed into modest growth. Yet, this growth in the shares of all three types of employment from 2007 to 2010 could also be
seen as an effect of the crisis. As the following analysis of labour market policies will show, the trend towards increased flexibilisation and deregulation has continued or even accelerated as a crisis response. And this accelerates the growth in the shares of flexible, potentially precarious forms of employment.

This development trend is largely reflected in the European average, which between 2007 and 2010 displayed a growth in the share of own-account labour of 2.3% for the whole workforce and of 1.9% for young workers. For part-time employment such growth is decisively more pronounced, with 5.1% for the overall workforce and especially 13.3% for youth. Temporary youth employment has also grown as a European average at 2.2% which is similar to that for own-account labour. For the overall workforce, however, the immediate crisis declines have been stronger than the following upturns, and hence the average growth of temporary employment throughout the crisis remains negative at -4.8%.

The differences between the overall workforce and young workers demonstrate again that the growth of potentially precarious forms of employment touches even more strongly on the youth, at least as long as temporary and part-time employment are concerned. While own-account labour in some countries such as Italy is also widespread among young people in the form of bogus self-employment, it generally affects less the youngest segment of the workforce as it often presupposes larger investments, levels of experience and social networks as well as higher levels of self-responsibility and risk. The particular growth in temporary and part-time youth employment reflects the trend in much labour market flexibilisation, which is realised mostly at the moment of new hiring, through a replacement of former open-ended, full-time jobs with temporary and part-time contracts. Consequently, all those in search of new jobs, and thus particularly labour market entrants and young workers that have already entered the labour market on temporary contracts, are most affected, whereas the generation that still holds open-ended contracts is concerned by such employment flexibilisation only in case of dismissal - which however is an ever more frequent experience in times of crisis.
Temporary employment comprises both temporary agency and fixed-term work.
As regards individual country patterns, Latvia, Greece and Ireland are three countries which display high growth rates for all three types of employment (albeit only between 5% and 10% for own-account labour, but above 10% for temporary and part-time employment). Czech Republic, Bulgaria and Romania experienced strong growth in the shares of part-time and own-account labour, while for two of them, Romania and Bulgaria, this was combined with an equally strong decline in the share of temporary employment. Slovakia shows high growth in temporary and own-account labour. Countries with strong increases in the share of only one of these types of employment are Hungary, Slovenia, Cyprus, Spain, Austria and Italy in the case of part-time employment; and the Netherlands, France, UK and Finland for own-account labour.

Multiple declining trends, in contrast, can be found in Lithuania for all three types of employment, in Portugal for part-time and own-account labour, and in Spain for temporary and own-account labour. Strong declines in the shares of a single employment category occur in Romania, Bulgaria and Sweden for temporary employment, in Poland and Luxembourg (only -1.7%) for part-time employment, and in Estonia and Cyprus for own-account labour (both with a simultaneous strong increase in part-time and,
in Estonia, temporary employment). The remaining Member States display no particularly strong growth or decline in any of the three types of employment.\(^{19}\)

As described above, there is no linear relation between the patterns of change during the crisis and the initial, pre-crisis share of the respective types of employment in each country. For temporary employment only, the strongest annual changes in percentage points apply to countries with low initial shares of this type of employment, while the strongest decreases during the crisis occurred in countries with the highest pre-crisis levels. As indicated above, these patterns relate to the use of temporary employment as a crisis buffer in the second case, and the acceleration of flexibilisation and substitution processes between open-ended and temporary employment during the crisis in the first. For part-time and own-account labour, however, the relationship is less clear, with strong annual increases and decreases for Member States with high as well as low initial shares. Particularly striking cases are Lithuania and Estonia as two countries with already very low pre-crisis levels of own-account labour but registering an equally strong decline during the crisis. This particular decline, however, has to be considered in the context of a very strong, general rise of unemployment in these extremely crisis-ridden countries. However, across the EU Member States such a link between the development of own-account labour and overall crisis impact (with respect either to GDP losses or to unemployment rises) seems less pronounced. It is instead clearly visible for temporary and part-time employment.

Similarly, also comparing change rates in the shares of the three potentially precarious forms of employment throughout the crisis (from 2007 to 2010) with the levels of temporary, part-time and own-account labour reached and the patterns of flexibilisation-precarisation evident in 2010, a variegated picture prevails. In some of the countries with strong increases in the shares of one or more of these types of employment this coincides with high final shares. This is the case with Austria for part-time employment, Romania for own-account labour, Greece and Ireland for all three types. In contrast, strong growth patterns during the crisis go hand in hand with still low respective rates in 2010 for Estonia (temporary and part-time employment), Romania (part-time employment), and Bulgaria (part-time and own-account labour). Conversely, strong decreases in the shares of temporary, part-time, or own-account labour between 2007 and 2010, on the one hand, touch upon countries with high shares and thus flexibilisation patterns focused on the respective forms of employment, as for Sweden (temporary employment), Luxembourg (part-time employment) and Spain (temporary and own-account labour); but on the other hand such declines also particularly affect countries with already low shares, as

---

\(^{19}\) By strong growth, in the case of the overall workforce, are meant increases in the shares of the respective forms of employment between 2007 and 2010 above which are above 10% for temporary and part time employment, and between 5% and 10% for own account labour. In case of young workers, such strong growth indicates increases above 10% for all three types of employment. The highest decreases to be found are more moderate. Therefore, in the case of the overall workforce, as a strong decrease is considered a change rate below -10% for temporary employment, below -5% for own account labour and between -1% and -11% for part time employment. As regards young workers, a strong decrease refers to growth rates below -10% for temporary and own account labour, but only between -2% and -10% to part time employment.
again is the case of Romania (regarding temporary employment), Lithuania (regarding temporary and part-time employment) and Estonia (for own-account labour).

In order to give explanations for these differences, a closer look into labour market institutions and their development in the different countries would be necessary. However some arguments can be propounded: for instance the strong decreases in temporary employment in Spain and Sweden as countries with high shares in this category reflect the buffer function of temporary employment explained above, and thus its particular crisis exposure which results in easier firing, or more precisely the non-necessity of firing but instead simply of not renewing these contracts. But this buffer function is visible also in the case of still low overall numbers of temporary employment, as in Romania. Moreover, the strong increases in own-account and part-time labour in this country might reflect further labour market flexibilisation (or also a crisis-induced escape strategy from dependent into self-employment, for example in agriculture). The strong crisis-related decreases in both temporary and part-time employment in Lithuania, and also in own-account labour in Estonia, can be interpreted as signs of the overall very strong crisis effects and particularly the strong increases in unemployment in these countries. However, the subsequent upturns in temporary and part-time contracts in Estonia from a low initial level speak of a simultaneous catch-up labour market flexibilisation. Finally the strong increases in all three forms of potentially precarious employment in Greece and Ireland show that flexibilisation as a crisis response is enforced even in countries with already relatively high levels. The following analysis of regulatory labour market interventions through legislation, social dialogue and collective bargaining during the crisis will confirm this as a generalised trend.
<table>
<thead>
<tr>
<th>Development patterns 2007 – 2010</th>
<th>Patterns of flexibilisation in 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strong growth in temporary employment (&gt; +10%)</td>
<td>-</td>
</tr>
<tr>
<td>Strong growth in temporary + part-time employment</td>
<td>LV, EE, IE, EL</td>
</tr>
<tr>
<td>Strong growth in part-time employment (&gt; 10%)</td>
<td>HU, SI, CY, CZ, ES, RO, AT, IT</td>
</tr>
<tr>
<td>Strong growth in own-account labour (&gt; 5%)</td>
<td>NL, FR, UK, FI</td>
</tr>
<tr>
<td>Strong growth in temporary and own-account labour</td>
<td>SL</td>
</tr>
<tr>
<td>Strong growth in part-time and own-account labour</td>
<td>BG, CZ, RO</td>
</tr>
<tr>
<td>Strong growth in temporary, part-time and own-account labour</td>
<td>LV, EL, IE</td>
</tr>
<tr>
<td>Strong decrease in temporary employment (&gt; 10%)</td>
<td>RO, BG, SE</td>
</tr>
<tr>
<td>Strong decrease in temporary + part-time employment</td>
<td>LT</td>
</tr>
<tr>
<td>Strong decrease in part-time employment (&gt; 1%)</td>
<td>PL, LU</td>
</tr>
<tr>
<td>Strong decrease in own-account labour (&gt; 5%)</td>
<td>EE, CY</td>
</tr>
<tr>
<td>Strong decrease in temporary and own-account labour</td>
<td>ES</td>
</tr>
<tr>
<td>Strong decrease in part-time and own-account labour</td>
<td>PT</td>
</tr>
</tbody>
</table>
3. Labour market policies during the crisis

While the first part of this study has presented the quantitative development trends in precarious forms of employment during the crisis, this second part addresses the regulatory initiatives undertaken by governments and social partners by which the rules and conditions are set for these labour market developments. The aim is to shed light on how labour market and welfare policies have responded to the crisis and how these responses have contributed to further flexibilisation on the one hand, and possible limitation of precarious employment conditions on the other.

The analysis relies on an online survey carried out between June and August 2011 in which trade union representatives of national confederations from 20 EU Member States were involved. The countries covered are Latvia, Lithuania, Poland, Czech Republic, Slovenia, Hungary, Romania, Bulgaria, Cyprus, Denmark, Germany, Austria, Belgium, Luxembourg, Greece, Italy, Spain, Portugal, the UK and Ireland. Estonia, Finland, Sweden, Slovakia, Malta and France are missing from the sample, while only limited information on union activities was obtained from the Netherlands. For four countries - Italy, Spain, Portugal and Luxembourg - two responses were obtained from different union confederations.

The first part of the survey analysis addresses labour market flexibilisation policies as well as the cutbacks in social security schemes effected since 2008. This initial analysis of dominant policy trends sets the backdrop for a second part of the inquiry in which current labour market policies are examined as to their contribution to reducing precarious labour conditions. For this purpose policy measures to limit the use of precarious employment and to enhance the rights and protection for workers in precarious employment positions are analysed. Both these analyses refer to initiatives by governments as well as social partners and thus cover the regulatory levels of legislative reform, social dialogue and collective bargaining. Finally, as the third step, trade unions’ activities in the field of precarious labour are considered in more depth. This last section covers *inter alia* policy priorities, organising activities and campaigns addressing precarious employment and those working in such situations.

The methodology of the survey has been a mix of multiple choice and open-ended questioning. As regards the validity of the responses it has to be underlined that the country information gathered through this survey cannot be considered as offering any exhaustive picture. Instead of representative results, it is meant to bring to light some particularly interesting examples and problems. Moreover the data necessarily reflects the available knowledge and also the way in which respondents evaluate single measures and initiatives. This limited exhaustiveness of the answers particularly relates to questions addressing flexibility regulations by means of social dialogue and collective bargaining. These are very complex, heterogeneous and fragmented fields of intervention which are very difficult to assess in one survey question. Hence more initiatives might well be taken which are not grasped by the survey.

60
3.1. Labour market flexibilisation in times of austerity

Labour market flexibilisation is considered in the survey questions with regard to the three aspects of employment relationships, wages and working time. The questions refer to the introduction of new forms of employment; easier use of part-time; zero-hour or fixed-term contracts; temporary agency work or bogus self-employment; reduction of dismissal protection; exemptions from minimum wages for precarious contracts; direct public employment subsidies; and deregulation of working time. The following three levels of re-regulation are distinguished: legislative reform, social dialogue and collective bargaining.

At the level of legislative reform, in most countries under consideration at least one of these flexibilisation measures has been enacted from 2008 up until today. The most numerous government interventions, according to the survey responses, can be found in Romania, where flexibilisation has addressed seven of these issues, followed by Portugal, Spain (both five measures) and Lithuania (four measures). Still important flexibilisation also took place in Italy, Ireland and Bulgaria (three measures). These stronger flexibilisation trends partly reflect long term labour market policy trends (e.g. Italy), and partly can be seen as direct crisis responses in countries strongly affected (Lithuania, Ireland, Portugal, Spain, and also again Italy). In Latvia, Greece and Luxembourg (two measures each) as well as in Slovenia, Poland, Germany, Belgium and Austria (one measure each) the degree of new flexibilisation since the crisis appears from the survey results to have been more limited. To some considerable extent flexibilisation in these latter cases is related to introduction or extension of short-time work or partial unemployment schemes (Germany, Belgium, Luxembourg). According to survey responses no new labour market flexibilisation at all has been undertaken in five countries: Czech Republic, Hungary, Cyprus, UK, and Denmark. But in the UK there is a political debate on the reduction of dismissal protection.

The most commonly used measure to render labour markets more flexible through new legislation has been to make the use of temporary agency work easier, as has been done in seven countries. In five countries each working time has been deregulated, the use of part-time and temporary employment has been made easier, or new forms of employment have been introduced. The new forms of specially created employment concern very short-term employment, but also so-called "mini-jobs" (minor part-time contracts with reduced social security coverage) and internship contracts as in the Slovenian and Spanish cases. Easier use of temporary contracts is achieved inter alia by reducing or simplifying existing restrictions regarding the maximum number or duration of consecutive fixed-term contracts. Another strategy is to increase the range of workers to which specific fixed-term contracts might apply, for example by means of a higher age limit for training contracts as has again been introduced in Spain. As to the easier use of part-time employment, this particularly relates to the afore-mentioned extension or introduction of short-time work or partial unemployment schemes.
The following levels of flexibilisation have been less frequently addressed: following the survey results, dismissal protection has so far been reduced in three countries, while respective discussions are under way in the UK and Italy. Yet, in a context in which the use of different forms of temporary employment has become increasingly easier, the segment of the workforce covered by such protection is decisively shrinking in any event. The use of zero-hour contracts and of what respondents judge to be bogus self-employment has been made easier in one country each: Portugal and Italy respectively. As regards wage rather than employment flexibility, there are exemptions from minimum wages for precarious contracts (enacted in three countries) and introduction of or increase in direct public employment subsidies (enacted in four countries). Such exemptions from minimum wages as flexibilisation strategies indicate that flexibilisation brings about diversification not only with respect to contractual typologies, but also wage levels. In other words it produces fragmentation of the workforce into groups with more or fewer rights as regards not only employment security and dismissal protection, but also wage levels.

Fewer flexibilisation initiatives are mentioned by the respondents at the level of social dialogue and collective bargaining. Within the sample there are twelve countries in which the use of social dialogue for this purpose is indicated, be it at national, sectoral or company level. In four countries, Latvia, Austria, Luxembourg and Belgium, this flexibilisation has concerned just one of the above listed measures or one contract type only. In the other eight countries two or more aspects of flexibility have been regulated by social dialogue. Two areas of intervention have been covered in Italy, Portugal, Poland and Slovenia, three in Bulgaria, Lithuania and Greece. Spain stands out with five issues covered. According to the survey responses, the aspects of flexibilisation most frequently addressed by social dialogue have been deregulation of working time (in six countries) and easier use of part-time employment or short-time work (in four countries). Reduction of dismissal protection, easier use of different kinds of temporary employment (fixed term, temporary agency work), as well as direct public employment subsidies, have each been issues in three countries, the introduction of new forms of flexible employment in two countries, while exemptions from minimum wages have occurred in only one country (Greece). No social dialogue initiatives have been indicated for Czech Republic, Hungary, Romania, Cyprus, Denmark, Germany, Ireland or the UK.

By means of collective bargaining, according to the survey responses, flexibilisation has been enacted in twelve countries. The regulatory level is used most comprehensively in Italy and Spain where five and four of the above measures have been enacted through collective bargaining. In Bulgaria, Lithuania, Czech Republic and Greece three aspects of flexibility appear as issues covered by collective bargaining. In Latvia, Poland, Portugal, Denmark, Belgium and the UK, only one or two aspects of flexibilisation are

---

20 As argued above, it has to be remembered especially that answers on these issues of social dialogue and collective bargaining cannot be considered as exhaustive, as it is extremely difficult to cover such heterogeneous and complex fields in one single question, or for one single respondent to possess all-encompassing knowledge of these issues. The answers collected are thus to be seen as examples rather than as offering a complete picture of the situation. This applies also to the later argument on the extension of rights and protection for precarious workers by means of social dialogue and collective bargaining.
covered by collective bargaining initiatives as indicated in the survey answers. The issue most treated is again the flexibilisation of working times (in eight countries), followed by easier use of part-time or short-time work (six countries) as well as fixed term employment (five countries), and the introduction of new kinds of employment (four countries). Direct public employment subsidies emerge as a topic in collective bargaining only in two countries, and the easier use of temporary agency work and zero-hour contracts in one country each.\textsuperscript{21} No initiatives in flexibilisation through collective bargaining are mentioned for Hungary, Romania, Slovenia, Cyprus, Ireland, Germany and Austria or Luxembourg.

Beyond these gradual differences, however, all three of these regulatory levels appear as closely linked. In five out of seven countries with the most numerous, multilevel legislative initiatives, such flexibilisation has also been reinforced and enacted on the level of social dialogue and collective bargaining. This is the case in Portugal, Spain, Italy, Lithuania and Bulgaria while in Romania and Ireland legislation appears to be the only relevant level through which flexibilisation has been enacted.\textsuperscript{22} However for most of the countries which have witnessed more limited flexibilisation, this occurs at all three or at least two levels of regulation. This holds true for Poland, Latvia and Belgium (all three levels), as well as for Slovenia, Austria, Luxembourg (legal regulation and social dialogue), and Greece (social dialogue and collective bargaining). For Denmark and the Czech Republic, in contrast, collective bargaining seems to be the only level at which flexibilisation is enacted.\textsuperscript{23} Sometimes the link between collective bargaining and legislation is made explicit in the survey responses. Thus for Portugal the regulation of flexible working times through a new labour code has occurred \textit{ex post}, taking up already existing models which, in the absence of legal limitations, had been put in place through collective bargaining; whereas in the Spanish case respondents stress the fact that social dialogue has been used to limit the effects of previous legislative flexibilisation rather than reinforcing it.

Looking more closely at individual country patterns across the three regulatory levels, according to the survey responses measures to flexibilise working time as well as render the use of part-time employment or short-time work easier have emerged in many new as well as in older southern and certain old northern and central European Member States.\textsuperscript{24} These include Latvia, Lithuania, Poland, Czech Republic, Slovenia, Romania, Bulgaria, Greece, Italy, Spain, Portugal, Denmark, Germany, Belgium and Luxembourg. Particularly in the latter three countries this temporal flexibilisation is linked to short-time work schemes. A slightly smaller but similar range of countries appears to have introduced new types of temporary contracts or rendered use of temporary contracts easier. This applies to a few new

\textsuperscript{21} In addition, as indicated by a recent ETUI report, wages have also been affected by further flexibilisation. Through opening clauses, deviations from contracted wage increases have been made possible in various collective agreements as crisis responses (ETUI 2010)

\textsuperscript{22} In Ireland this is related to the fact that, as respondents stress, the crisis has resulted in a breakdown of social dialogue structures.

\textsuperscript{23} Such differences in the use of different regulatory levels for current flexibilisation are not only linked to the management of the current crisis, but also reflect more long-term country patterns in the regulation of labour markets.

\textsuperscript{24} However, with respect to this outcome it has to be taken into account that survey responses are missing for other countries, especially some north and central European countries: Sweden, Finland, Netherlands and France.
Member States and again to the old southern European Member States: Lithuania, Latvia, Czech Republic, Bulgaria, Greece, Italy, Spain and Portugal. Among the less frequently used measures of labour market flexibilisation is the facilitation of what are considered by respondents to be forms of bogus self-employment. This is the case for Portugal and Spain. Dismissal protection barriers for open-ended contracts have been lowered in Romania, Greece and Spain, and coverage by minimum wages has been reduced for workers in precarious employment positions in Italy, Ireland and Greece. Finally, public employment subsidies have been introduced or extended in Latvia, Slovenia, Ireland, Poland, Greece, Italy and Spain. No flexibilisation measures at any of the three levels of legislation, social dialogue and collective bargaining have been mentioned by respondents from Hungary while in Cyprus only concession bargaining is mentioned.

Respondents from various countries point to the fact that the flexibilisation described largely comes about as an imposed de-regulation or re-regulation. This is most openly expressed with regard to collective bargaining. Flexibilisation at this level is presented by unions in several countries as taking the form of employer-induced measures (Latvia), or as a result of concession bargaining including pay decreases (Ireland, UK and Cyprus). Alternatively flexibilisation comes about as derogation from national contracts and as such equally reflects a changed power balance in the labour relations system (Italy). A similar argument is put forward with regard to social dialogue which is presented for a range of countries as a tool for imposing flexibilisation. Social dialogue thus appears as merely a formal process aimed at legitimating legislative reforms (Romania, Portugal) and, through its results, as a form of concession bargaining (Portugal, Cyprus). Moreover, governments’ evasion strategies are mentioned. Thus in Ireland social dialogue is seen not to be working, avoided by the government and replaced by wider, non-binding civil society consultations. In Italy some unions criticise government attempts to increase divisions between the different union confederations, so as to avoid all-embracing, unified trilateral social dialogue and instead to conclude separate agreements with single unions. One pronounced counter-example comes from Slovenia, where social dialogue has been experienced as an effective tool in influencing policy decisions. It has in particular been used to hinder the introduction of

---

25 As compared to working-time-related flexibilisation Poland and Slovenia are missing. In Poland there is already a very high level of temporary employment while in Slovenia overall flexibilisation has remained limited.

26 According to Glassner and Keune, non-negotiated crisis responses at the plant level which are based on individualized employment relationships, and unilateral management decisions are widespread across all Europe but especially in countries with low collective bargaining coverage and decentralized bargaining systems such as Poland, Bulgaria, Hungary and the UK. (Glassner/Keune 2010: 10). The other way round, it appears from a recent ETUI report on social dialogue and collective bargaining in the crisis that “collective bargaining has been most effective in those countries where higher-level collective bargaining is predominant and sets framework conditions for company-level agreements, and where workers’ participation rights at the company level are strong.” (Glassner/Keune 2010a: 7).

27 Beyond Ireland, such a crisis-related breakdown of social dialogue is mentioned by the Eurofound also for Portugal and Spain (Eurofound 2011). Following Hoffer, “trade unions try to maintain the institutions for national and international social dialogue. But it takes two to tango. Even where social dialogue survives, the employers show little enthusiasm for any substantial regulations.” (Hoffer 2010)
the so-called "mini-jobs" (minor part-time employment with reduced social security coverage) that had been planned by the government.

With regard to the legal measures taken to increase flexibility, these are most described and criticised by Romanian and Irish unions as imposed, negative tools which give rise to a consequent loss of workers’ rights. The Romanian unions focus on the simultaneous deregulation of labour relations (the replacement of elected shop stewards by so-called "employee representatives" which can be appointed by employers).28 The Irish unions point critically to the correlated wage cuts and social security cutbacks. In current flexibilisation politics they see above all an attempt to downgrade and deny the employment relationship (a relationship including rights and protection for the worker) and to replace former dependent employment with what they see as bogus self-employment. In the Irish case, not only the government but the IMF is seen as the decisive actor behind these imposed flexibilisation and austerity measures.

Well beyond the Irish case, the survey responses indicate a similar, simultaneous trend of labour market flexibilisation and welfare cutbacks in the majority of countries during the crisis. Earlier studies covering the first crisis years 2008 and 2009 report some substantial extensions of welfare subsidies as immediate crisis responses which have often come about as a part of the stimulus packages enacted in many countries (ETUI 2010). Yet by now heavy cuts in social security schemes can be observed all over Europe. In consequence, for the most part the early crisis-related extensions have remained temporary measures. They have been cut short by the austerity programmes following the anti-crisis spending, and the bailing out of banks.29

Regarding the earlier welfare extensions, the ETUI report mentioned above concentrates on unemployment subsidies, in the form of both temporary and permanent measures undertaken in the European Union Member States (ETUI 2010: 90). The dominant developments encountered in 2009 are (a) increased replacement rates (or a changed base of assessment) in a whole range of mostly old Member States (Germany, Austria, Belgium, France, Portugal, UK, Bulgaria, Czech Republic), and (b) extended duration of unemployment benefits (Bulgaria, Latvia, Lithuania, Poland, Romania, Portugal, Spain). The report moreover highlights an extension of coverage, especially for young workers in the following countries: Sweden, Finland, Belgium, France, Italy, Portugal, Latvia. Furthermore, the ETUI report cites some new one-off payments (in Germany, France, Italy and Bulgaria), some additional social assistance benefits (France, Portugal, Czech Republic and Poland), and increases in minimum income schemes (Germany, Belgium, Luxembourg France, Italy, Spain, Lithuania, Czech Republic, Bulgaria and Cyprus).

28 Moreover, in 2011 a new law has been introduced in Romania which requires employers to engage in collective bargaining at company level only where trade unions attain a membership of 50% plus one worker in the concerned firm. For sectoral bargaining, the threshold is 7% of workers in the sector.
29 In addition, according to the ETUI report, in the early crisis years particularly some of those countries most touched by the crisis had already experienced welfare cutbacks (Lithuania, Estonia, Ireland).
Taking also into consideration a more recent report by the European Commission (European Commission 2011, quoted from Leschke 2011: 16, 17), the Netherlands, Poland, Latvia and Finland have to be added to the list of countries which have increased unemployment benefit levels (in the Netherlands and Poland only for the early period of unemployment), and in Finland benefit duration has also been increased. Moreover, new lump-sum payments have been introduced in Spain, although in most countries their introduction has been only a temporary measure.\(^{30}\) Finally, there have been various initiatives to loosen the qualifying criteria, as in Finland, France, Portugal, Latvia and Slovenia.\(^{31}\) (Leschke 2011) Such enlargement of coverage will be considered in more detail in the following section on decent work for precarious workers, in which particular attention is paid to the inclusion of workers in potentially precarious employment positions within social security and short-time work schemes.

However, both studies also highlight simultaneous retrenchment counter-developments, but in fewer countries. Thus since the crisis broke unemployment benefit duration has been reduced in Ireland, Poland, the Czech Republic and to some extent also in France.\(^{32}\) Eligibility criteria have been restricted in Ireland, Hungary and Czech Republic. In Italy training obligations have been enforced, in Lithuania the waiting period has been prolonged (now including the time during which severance pay is granted), and in Finland the minimum age for accessing additional benefit days following exhaustion of standard benefits has been increased. As for minimum income schemes, these have been frozen in Hungary.\(^{33}\)

The survey data particularly highlight such welfare cutbacks. In contrast to the dominance of extensions of unemployment schemes reported by the quoted studies, the main trend over the longer crisis period from 2008 to 2011, as experienced by responding trade unionists, is that of strong retrenchment. A strong regressive development is mentioned particularly for Lithuania, Latvia, Czech Republic, Romania, Bulgaria, Greece, Spain, Portugal, Ireland and the UK. The crisis has thus produced a seemingly contradictory development pattern marked by both limited welfare extensions, notably unemployment benefit schemes, and strong general cutbacks. This contrast is largely due to a two-phased development: while extensions were mostly enacted as immediate responses in the early crisis years

---

\(^{30}\) The introduction of such lump-sum payments has been temporary in Italy, France and Greece, while in the Spanish case such temporary initiatives have first not been prolonged, but then, after a few months, reintroduced.

\(^{31}\) The work requirement for eligibility for unemployment benefit was reduced in Finland (from 43 to 34 weeks during the preceding 28 months), in Portugal (from 450 to 365 days during the preceding 24 months), in France (from 6 months during the last 22 months to 4 months during the last 28 months), in Latvia (from 9 months during the previous 12 months to 12 months during the previous 18 months) and in Slovenia (from 12 months during the last 18 months to 9 months during the last 24 months from 2011 onwards). According to the European Commission, the pattern is that countries with originally more limited unemployment benefit schemes or stricter rules made more adjustments than countries with already more generous benefits. (European Commission 2011)

\(^{32}\) In the French case, this has been a double change: on the one hand, the required minimum period of contribution payments was increased in order to increase coverage of workers on temporary contracts, while on the other, benefit duration was made proportional to the affiliation period. In the Czech Republic and in Poland the reduction of benefit duration went hand in hand with an increase in initial benefit levels.

\(^{33}\) However, on this issue not all EU Member States are considered in the ETUI report, as data sources are mixed, including data from the OECD, the EU Social protection committee, and Eurofound.
2008 and 2009, the relevant cutbacks and austerity measures were introduced in the majority of cases in the second phase, from 2010 onwards.

According to the survey results, cutbacks have been classified as strong in the countries mentioned, as in these cases they have touched on at least five of the following eight areas of social protection: unemployment, health, maternity, paternity and parental leave, pensions, social assistance and benefits in kind. Respective cutbacks have concerned benefit amounts, their duration or their coverage. Among these countries, only in the UK has no simultaneous further labour market flexibilisation been indicated in the survey responses. Most has taken place in those countries with the strongest flexibilisation policies (all but Latvia, Czech Republic and Greece). That is, flexibilisation and welfare cutbacks appear to go hand in hand also during the crisis.

A more limited number of welfare cuts, touching on fewer than four areas, are reported for Hungary, Poland, Italy, Germany, Austria and Denmark. In the Danish case the cutbacks concern only one issue, shorter duration of unemployment benefits, while only limited labour market flexibilisation in terms of easier use of short-time work has been reported. In contrast, in the Italian case these more limited restrictions to social security schemes accompany further strong flexibilisation of labour markets. But as regards welfare retrenchments in particular, the survey in this case does not yet embrace the latest developments linked to the growing public debt crisis and the consequent further austerity policies decided since August 2011. These will result *inter alia* in heavy reduction in funds for social assistance, an increase in pension age, and a new round of labour market flexibilisation, focusing above all on reduction of effective employment protection. Some substantial cutbacks have also occurred in Germany, where austerity measures have particularly hit those receiving unemployment benefits or assistance. For example, parental leave benefits have been reduced or even completely cut for those on unemployment assistance. In Hungary, austerity measures have entailed narrowing of the access criteria for unemployment benefit, and reductions in health-related benefits and in the duration of maternity benefits. In Austria access to social assistance has been restricted and benefits in kind reduced, while at the same time access to paternity leave schemes has become easier. Finally, no welfare cuts are mentioned in the survey responses for Luxembourg, Belgium and Cyprus while, according to respondent accounts, Slovenia is the only country with major increases in the amounts and duration of unemployment benefits as well as enlarged coverage. But, in parallel with this re-regulation, a reduction in the funds available for unemployment subsidies is also reported.

It is interesting to note that most of the initial welfare extensions resulting from the ETUI’s and European Commission’s studies are not reported on by the responding unions in the survey. In contrast to the subsequently or even simultaneously experienced cutbacks, these welfare extensions apparently appear rather irrelevant from their point of view. In fact, according to the survey responses all but two of the countries mentioned in the ETUI report as having increased social security coverage in 2008 or 2009 as a crisis response, witnessed some cutbacks in the following years. The exceptions are Belgium
and Poland, no data being available for France, Sweden or Finland. But as regards the magnitude of registered welfare cutbacks, it has to be stated that the survey data on this point does not grasp very well the two-phased development described above. It does not say anything about whether these retrenchments have concerned the schemes or benefits which were increased as a first crisis response, or whether they also constituted cutbacks with respect to the pre-crisis levels.

The different social security schemes have been hit by these recent cutbacks to varying extents. According to the survey the most frequent reductions have concerned social assistance schemes which have been restricted in fourteen countries, whether as reduced benefit amounts, reduced duration periods, stricter access rules, or more limited coverage. These are followed by cutbacks in unemployment and maternity-related schemes which have each been reduced in ten countries. Reductions in benefits in kind (enacted in eight countries), as well as cutbacks in the health system (seven countries), in paternity benefits and parental leave schemes (each in six countries) have also been relatively frequent. The pension system seems so far to be less touched (cutbacks in four countries), although in several EU countries debates about further pension reform and particularly the increase in pension age have also been reinforced as a crisis response. In contrast, according to the survey, extensions in welfare subsidies can be found in fewer countries: maternity protection, paternity benefits and parental leave schemes have been increased in five countries, unemployment benefits and benefits in kind in three countries, and pension schemes in two countries, while social assistance and health systems have been extended in any of the countries under observation.

A further level of deregulation which emerges from the literature review is the decentralisation of bargaining systems. (Eurofound 2009a) In a situation of relative union weakness, this risks resulting in a further weakening and fragmentation of regulatory initiatives and establishing an entrance door for derogations from higher-level standards and agreements. Moreover labour market crisis responses have most often entailed an enforcement of active labour market policies. (ETUI 2010) Besides insisting on training needs, they usually have also resulted in a tightening of access and compliance rules for social benefit receivers, and thus in a de facto further contraction of social security schemes.

Summing up the survey results on both labour market and welfare policies, the following countries emerge as having been touched by particularly strong new flexibilisation measures and social security cutbacks during the crisis:34 Lithuania, Latvia, Czech Republic (above all welfare cutbacks, flexibilisation only at the level of collective bargaining), Romania, Bulgaria, Greece (no flexibilisation indicated at the level of legislative reform, but rather of social dialogue and collective bargaining), Italy, Spain, Portugal, Ireland and the UK (only social security cutbacks). That is, the countries most concerned by further flexibilisation or welfare retrenchments appear to be the Baltic and some other newer, central-eastern

---

34 As indicated above, strong levels of new flexibilisation are attributed to countries in which respective measures since the outbreak of the crisis have touched on at least three aspects of contractual, temporal or wage flexibilisation, while strong welfare cutbacks affect countries in which more than four levels of social security systems are affected by newly-introduced restrictions.
Member States, as well as the old southern Member States and the Anglo-Saxon countries. All but three of these countries are among those most hit by the crisis in terms of labour market developments, with unemployment levels above 10% in 2010 (besides Romania, Czech Republic and the UK). This means that, particularly in those countries with critical labour market situations due to the crisis, the emergency is addressed by further deregulation, flexibilisation and retrenchment, and in consequence a reduction in labour and social rights. That is, in the long run a further, generalised trend of precarisation appears as one central effect of the crisis, despite the equally focused, but also limited and partly only temporary, initiatives to extend existing social security schemes undertaken by many countries as an early crisis response. Under special pressure in this respect can be expected to be those countries under financial assistance from or observation by the IMF or EU (Latvia, Romania, Poland, Ireland, Portugal, Greece and Italy), which the survey suggests are all heavily involved in further flexibilisation or welfare cutbacks.

These findings are largely in line with a study undertaken by Becker and Jaeger (2010) which points to the fact that crisis responses have been largely focused on bank rescue packages and restrictive fiscal policies while anti-cyclical expansive fiscal policies have remained limited in their extent in Western Europe (Germany, Austria, Scandinavian countries, UK) and an exception in the Eastern countries (Slovakia, Czech Republic). Bank rescue packages have been introduced mainly in the Western European countries. With 44% of GDP these have been highest for the UK, followed by the Benelux and Ireland, but they have also been significant in Germany and Austria. In contrast, the amounts of these packages have remained much more limited in the few cases where they were enacted in Eastern European countries. In Eastern Europe the focus of crisis responses has instead been on restrictive fiscal policies (especially in the Baltic and South-Eastern countries such as Romania and Hungary; in Poland the focus has been on more privatization). But they have also affected older, western Member States (especially Ireland and Greece, and increasingly in Italy). Such restrictive fiscal policies have necessitated reductions in social spending and have entailed nominal and real cuts in incomes for public employees and pensioners (especially in the Eastern European countries, but also in Greece and Italy for example). In turn the limited existing anti-cyclical stimulus packages have mainly focused on tax reductions whereas unemployment benefits and social assistance have not been increased substantially, as is well reflected in the survey outcomes presented here. Comparing crisis effects and policies responses, Becker and Jaeger also come to the conclusion that the most restrictive fiscal policies have been put into place particularly in those countries most hit by the crisis, which are those with the most liberalised, financialised or export-oriented economies. In other words, de-regulation as a central crisis trigger has been enforced as a crisis response.

35 Cunniah sustains that “governments, following the crisis, have usually adopted an opposite set of policies further encouraging precarious work through labour law reform in an effort to bolster, among other things, export competitiveness.” (Cunniah 2010: 6) Moreover, Tangian demonstrates in a regression analysis such a link between greater labour market flexibility and greater damage caused by the crisis, as well as between more extensive social security systems and more contained crisis effects. (Tangian 2010)
3.2. Decent work for precarious workers

3.2.1 Restricting precarious employment

The first part of this report has examined the development and growth of potentially precarious forms of employment throughout the crisis until today, and the previous chapter has exposed the ongoing trend of labour market flexibilisation and welfare retrenchment. Relying on the survey data, the following two subchapters in contrast discuss policy measures to limit the expansion of precarious work which have been put in place by governments or social partners during the same period. Promoting decent work for workers in precarious employment positions would presuppose at least two conditions: first, establishing or enhancing clear limitations for the use of such forms of employment; and second, increasing rights and protection for these workers.36

According to the survey responses, since the outbreak of the crisis restrictions on potentially precarious forms of employment have been introduced in only eleven of the twenty EU Member States in the sample. In eight countries legislative measures have been taken, in seven the issue has been addressed by collective bargaining, and in six there has been a re-regulation by means of social dialogue. However, in those countries for which there are responses from more than one union (Italy, Portugal, Spain and Luxembourg), the appraisals given are not unanimous. A given regulatory measure is thus interpreted either as a step towards more protection or as a side-effect of further overall flexibilisation. This is also the case as regards enhancement of rights and protection for precarious workers. Indeed the collected responses on these issues should not be regarded as simple declarations of fact, but always also entail political judgements and positioning.

Taking together the three regulatory levels of legislation, social dialogue and collective bargaining, the most extensive new limitations on precarious employment, according to the survey responses, have been introduced in Lithuania, Greece and Italy. Responses for these three countries indicate new regulations at all three levels of legislation, social dialogue and collective bargaining and, for each of these levels, touch upon at least three of the following aspects: restrictions on the grounds for which potentially precarious forms of work might be used; limits on the maximum duration of temporary contracts; obligations to transform precarious into open-ended employment; obligations to give priority to internal staff in precarious positions in the event of new hires; or restrictions on working time flexibility. Some, although less numerous, new limitations have also been introduced in Portugal, Slovenia, Ireland and the UK. Single initiatives have been taken only in Poland, Luxembourg, Belgium and the Netherlands. Interestingly, the most active countries in terms of new limitations on precarious employment have also introduced strong flexibilisation policies, with the exception of Slovenia. On the

---

36 A third essential level of intervention, which is however only marginally considered in the survey, is the re-regulation of bargaining systems, namely the defence of centralised, national or sectoral bargaining levels as well as the reestablishment of clear bargaining partners and responsibilities. The latter is an issue especially when it comes to triangular, ambiguous or disguised employment relationships. (ACTRAV 2011)
one hand, this correspondence might reflect the two phased development of crisis reactions described above. On the other it suggests in these cases that the introduction of new limitations might represent only a side-effect of the overall increasing flexibility. In fact, through the legal introduction and definition of new forms of flexibility, some new limits are also necessarily established with respect to a previously unregulated situation. That is, flexibilisation comes about as re-regulation rather than simple de-regulation; but a re-regulation which above all increases the degree of flexibility.

Among this limited overall number of initiatives enacted in the context of the crisis, there seems to be a dominance of permanent over temporary measures: thirteen permanent against five temporary initiatives at legislative level, ten against four for social dialogue, and eleven against one for collective bargaining. However, given the extent and rapid development of current austerity policies throughout Europe, even new regulations introduced without an explicit time limit might equally rapidly be abandoned. The issues most addressed according to the survey have been restrictions on the maximum duration of temporary contracts, on the accepted grounds for their use, and on the transformation of temporary into permanent employment. Slightly less frequently, newly-introduced limitations have addressed the issue of working time flexibility. Only in a limited number of cases have new obligations been imposed on firms to give priority to their part-time or temporary staff in the event of new hirings. This pattern of regulation can be found at the levels both of legislative reforms and social dialogue. Indeed, as in cases of further flexibilisation, legislative measures are often preceded by social dialogue initiatives addressing the same issues. This demonstrates the close involvement of social partners in the legislative re-regulation of potentially precarious forms of employment.

Matters are only slightly different in respect of collective bargaining. At this level, the most frequently regulated aspect is the transformation of temporary into permanent employment, followed by prioritisation of existing staff in precarious work in the event of new hirings, and restriction of the grounds on which potentially precarious forms of employment may be used. In contrast, limitations on working time flexibility do not feature at this level, even though working times are a genuine issue of collective bargaining, and even though (or because) temporal flexibilisation is crucially negotiated and enforced also at this level (e.g. short-time work schemes).

To give some concrete country examples, in the UK and Slovenia policies restricting the use of precarious forms of employment have focused on stronger regulation of temporary agency work. In Portugal and Ireland, reducing the maximum duration of temporary contracts has been a key issue. In Portugal it has been reduced from six to three years and this limit now applies to all kinds of temporary employment. In Ireland the scope of the new regulation is more limited. It concerns only internships in the public sector for which the maximum length has been fixed at nine months.37 However with respect

---

37 In Italy, Greece and Lithuania, as the countries with the most numerous legislative policy interventions to restrict the use of precarious forms of employment, such restrictions have addressed all the following aspects: the excepted grounds on which temporary employment might be used, its maximum duration, its transformation into open-ended contracts, the prioritisation
to advancement of working conditions and employment stability such restrictions on the possible duration of temporary or other precarious forms of employment offer only partial solutions. On the one hand the existence of such limits can be a crucial tool in obtaining open-ended employment positions through legal action, especially where they are in reality not respected and where such non-respect entails legal rights to a permanent contract. Yet on the other hand, rather than reducing the use of temporary contracts, such restrictions might in practice increase the turnover of workers on precarious contracts. At least in situations where workers’ skills are less important than flexibility gains (be it in real terms or only with regard to financial benchmarking ratios), related cost reductions and blackmailing powers, the worker concerned will simply be replaced by another once the limit of consecutive temporary contracts is reached. Rather than merely restricting the length of precarious employment contracts for individual workers, such time limits would have also to apply to specific functions within the labour process, as well as to the overall number of precarious work contracts a company is allowed to use.

### 3.2.2 Enhancing rights and protection for workers in precarious employment

According to a recent, although pre-crisis, study on social security coverage rates for temporary, part-time and self-employed workers in the 27 EU Member States, on average more than two-thirds of temporary and part-time workers are fully covered by primary unemployment, sickness and maternity or paternity benefits (data from 2007), as regards both eligibility and value of distributed benefits. In contrast, less than one-third of self-employed workers enjoy such full protection in respect of these three aspects of social security. (Alphametrics 2009) At least for temporary and part-time workers, this might seem a relatively positive outcome, indicating exclusion from such social rights only for a minority. However, even according to this data nearly one-third of these two groups of workers has to manage without access to sickness, unemployment and maternity or paternity benefits. In this, compared to other precarious employment situations, temporary work and part-time work still represent the most protected and regulated contractual categories - as the lower coverage rates for self-employed workers demonstrate. The situation can reasonably be expected to be worse for bogus and economically dependent self-employment, as well as for undeclared work in particular. The most frequent forms of exclusion or disadvantage for workers on all such “non-standard” contracts result from the requirements to fulfil a minimum period of contribution payments, the application of earnings or hours thresholds, the measurement of qualification periods in hours or days rather than months, and the dependence of benefit duration and amounts in previous contribution periods. As regards self-employed workers, they are most often excluded from the outset from unemployment insurance, or are confined of existing precarious staff in case of new hirings, and the scope of working time flexibility (the latter only in Greece and Lithuania). Yet, no concrete examples of these measures and their precise content have been given.
to secondary schemes (unemployment assistance) which are usually based on more restrictive and earlier means-testing as the primary criteria (unemployment insurance). (Leschke 2011: 13, 14)

Moreover, there are important country differences as described in the Alphametrics report. In the countries with the highest coverage rates, sickness and maternity schemes reach 100% of temporary, part-time and self-employed workers and more than 90% are still covered by unemployment benefits. In contrast, in the three countries with the lowest coverage rates 30% or less receive unemployment benefits, 40%-50% sickness benefits and 38%-64% maternity benefits. Luxembourg is the only country reaching such high coverage rates for all three considered schemes, while Greece ranks lowest on all three levels, mainly because of a high rate of scarcely protected self-employment.38 Such high values of 100% or 90% for “non-standard” employment are rather surprising outcomes given the fact that even for the overall workforce such high coverage rates are far from being standard across the EU Member States. Instead, coverage rates vary substantially between different age groups, between men and women, between nationals and migrants, as well as with regard to the length of unemployment periods. (OECD 2011: 52-55) However, only limited comparative data is available which makes it difficult to draw any sound conclusions on these issues. In the light of such data shortages, the methodology used for the Alphametrics study, and thus also the average coverage results of 66% for temporary and part-time work, and of 33% for self-employed workers, may be called into question.

Most importantly, even where temporary and part-time workers are in theory covered by social security schemes, the central problem of precarisation remains the difficult enforcement of these rights. In a situation in which workers are vulnerable to intimidation because they risk prolonging a fixed-term contract or because their wage is too low to sustain a living and they are thus dependent on future increases in part-time hours or daily use of overtime, they risk lacking the power to enact any of their social and labour rights. To take as examples the social security schemes touched on in the Alphametrics study, a temporary worker who takes maternity or paternity leave risks not having her or his contract renewed. A part-time worker taking more frequent sick leave might get excluded from the distribution of overtime hours. As regards unemployment benefits, even in the case of full access rights entitlements will most often be more limited in terms of duration or benefit amounts. This is due to the limited length of previous employment periods for employees on temporary contracts, or to the reduced number of weekly hours worked by part-time workers. This problem of more difficult acquisition of benefit rights in situations of interrupted, fragmented employment history is even greater when it comes to pension entitlements, an issue not covered by the quoted study.

38 Besides Luxembourg, the countries with such high coverage rates are the Czech Republic as concerns unemployment benefits; Finland, Sweden, Hungary, Malta and Romania in the case of sickness benefits; and Finland, Hungary, Malta, Romania, Italy, Spain, Portugal, and Poland with respect to maternity benefits. Besides Greece, the lowest rates of coverage by unemployment benefits are registered in Portugal and Lithuania; by sickness benefits in Portugal, Italy and Cyprus; and by maternity benefits in Lithuania and the UK.
Given these shortcomings, the question raised here is what has been done by governments and social partners since the beginning of the crisis to increase rights and protection for workers in precarious employment positions. Measures in this field were mentioned in the survey responses for only ten countries, which is one country less than for newly-introduced limitations on the use of precarious labour. Legislation and collective bargaining have each been used for this purpose in seven countries, and social dialogue in five countries. The overall number of initiatives taken is similar to that for new limitations on precarious work: 42 for new rights and protection and 43 for new restrictions. But a little more often newly established rights and protection only come about as temporary measures rather than in the case of new restrictions (13 temporary and 29 permanent initiatives against 10 and 33).

Taking together all three regulatory levels, most active in enhancing rights and protection for precarious workers according to the survey were Greece, Portugal and Italy. For these countries initiatives have been indicated by respondents on at least two of the three regulatory levels considered, and these have touched on at least three of the following issues: equal treatment; coverage by minimum wages; inclusion into short-time work schemes; access to unemployment benefits; public health systems; maternity or paternity protection and parental leave schemes; pensions; legal rights; or collective representation. However the scope of these regulations has not always been indicated clearly and might vary from limited sector specific agreements to overall national regulations. Some relevant efforts to enhance the rights and protection of precarious workers have also been undertaken in Germany, Cyprus, the UK and Slovenia, while single measures have been enacted in Poland, Belgium and the Netherlands. The group of most active countries, but also the ranking of the other less active countries, are similar to those imposing new restrictions on precarious labour, with the important difference that Lithuania as an Eastern Member State is missing among the three most active countries when it comes to introduction of new rights and protection. Also missing here, vis-à-vis the introduction of new restrictions, are Ireland and Luxembourg, whereas Cyprus and Germany appear as active only in this field of rights and protection. These latter countries, in contrast to the most active ones, have experienced relatively more limited new flexibilisation and welfare cuts since the crisis.

As for new limitations, initiatives addressing rights and protection on the legislative and social dialogue level overlap. Most frequently treated at these two regulatory levels is inclusion of precarious workers in short-time work, in line with the focus of anti-crisis labour market policies on this issue. Moreover, in differing degrees equal treatment, better access to unemployment benefits, legal rights, maternity or paternity protection or parental leave schemes, as well as increased coverage by minimum wage, are all indicated in the survey responses as re-regulation issues. As regards collective bargaining, equal treatment emerges as the clearly prioritised issue. In addition, the range of rights and protection considered seems slightly more extensive. These include also - albeit only in single cases - access to health systems, pensions and collective representation. At all levels of regulation the issue of equal treatment mostly relates to temporary agency workers. The extension of coverage by unemployment
benefits particularly relates to temporary or at least fixed-term contracts, and in single countries also self-employed workers.

Examples of countries that have included precarious forms of employment in short-time work and partial unemployment schemes are Germany, Greece and Cyprus. In all three cases this policy is combined with initiatives to enhance coverage of potentially precarious forms of employment by minimum wages. These have for example been achieved for temporary agency workers in the German metal industry through collective bargaining. Beyond such equal pay issues in Germany, Greece and Cyprus, equal treatment is mentioned as a policy priority also in the UK and Slovenia. Examples of enhancing social security scheme coverage for potentially precarious forms of employment are given for Austria, Slovenia, Spain, Portugal, Italy and Greece. In Austria unemployment benefits have been extended to the so-called “freie Dienstnehmer” (a specific form of own-account labour characterized by a continuous service relation between the two parties) and severance payments have been introduced for temporary workers; while in Slovenia and Spain the extension of unemployment benefits has related to temporary workers. In Italy fixed term workers have been given access to unemployment schemes and some special lump-sum payments have been introduced for so-called para-subordinated workers (project-based, factually dependent or bogus self-employed own-account workers) who have remained without new contracts during the crisis. But these have been only temporary measures, as in Spain. The self-employed have also been addressed in Portugal, in the form of an obligation on employers to pay their part of social security contributions for self-employed workers depending only on a single firm.

Beyond the issue of unemployment benefits, coverage by health and pension systems as well as by maternity protection has been enhanced in Italy. Access to health systems has been increased also in Greece and Spain, and in Portugal parental leave schemes have been enforced. But these mostly remain single, fragmented measures; in Italy they are achieved only at the level of sector or even company specific collective bargaining and in Greece through both collective bargaining and social dialogue. In Spain extension of coverage has been achieved through legislation, but it only affects students with scholarships who can now pay social security contributions and have access to the health system. Moreover, domestic work has been re-regulated in Spain. Finally, access to legal rights has been improved in Greece, Italy and Portugal. In the latter case a legal presumption of an existing employment relationship has been introduced, which makes access to legal action easier for bogus self-employed or workers without a written contract.

If data is added to this picture from other analyses and studies regarding the early crisis years 2008 and 2009 (Eurofound 2009, OECD 2009, Glassner/Galoczi 2009, Leschke 2011), the number of countries that have effected some extension of rights and protection for precarious workers rises to 17 (with Estonia, Latvia, France, Belgium, Luxembourg, Sweden and Finland) and the number of enacted

---

39 This has been a particularly important step, but only because in contrast to most other countries Germany does not have a national minimum wage that would have covered this group in the first place.
measures to 53 (with additional initiatives also in Poland, Portugal, UK, Germany and Luxembourg). Among these additional countries, France is the only one implementing more than a single measure. These additional interventions are all legislative measures. Again they have mainly focused on incorporation of workers in potentially precarious employment positions, and especially those in temporary agency work, into short-time work schemes. In Germany, France and Belgium this is the only measure that has been taken. In Latvia, Sweden, Finland and France, coverage by unemployment benefits has also been extended. In most cases this has been achieved through a reduction in the required previous employment period. Further additional measures comprise the explicit consideration of potentially precarious employment in active labour market policies. The studies mentioned particularly cite improvement of employment services in Luxembourg, introduction of specific re-employment and training schemes for temporary agency workers in Austria, and the introduction of start-up subsidies for self-employed workers in Estonia, Poland, Portugal, UK and France. The latter subsidies particularly address unemployed workers through extended eligibility criteria. However, these studies equally indicate some adverse developments, for in Ireland, Hungary and Czech Republic eligibility criteria for unemployment subsidies have been tightened.

Returning to the survey results, in some of the countries without any new regulatory measures unions explicitly deplore this absence of interventions and call for better rights and protection for workers in precarious positions. They criticise the on-going flexibilisation as increasing precarisation and blame employers who circumvent already existing regulations. This is particularly the case in Ireland where unions criticise the overall context of deregulation as well as the lack of application of the temporary-agency-work directive. In Poland the absence of regulation of temporary employment is critically compared with its high share of overall employment (highest in the European comparison). In the Netherlands unions criticise the frequent circumvention of existing limits on the duration of temporary contracts as well as the evident conversion of permanent into temporary employment. As in Poland, Slovenian unions criticise the high amount of fixed-term employment among newly-hired workers in comparison with which the enacted limitations on precarious employment are seen as insufficient.

Respondents’ expectations for the future also reflect this parallel trend in ongoing flexibilisation and precarisation. The clear majority of respondents expects the coming austerity policies to have negative effects on poverty and income inequalities and an increase in the number of workers in precarious employment positions. Of 22 valid responses to this question from 18 different countries, increases in poverty levels are expected in 19 cases (13 major, 6 minor), in income inequalities in 18 cases (10 major,

---

40 In France this takes the form of an only temporary relaxation of entitlement rules: the minimum contribution payment is reduced to 4 months within the previous 28 months, but benefit duration is proportional to the affiliation period (one day of benefit for every day worked). That means that there is (temporary) higher coverage for workers in precarious positions, but as regards the duration of benefit payments these workers risk remaining disadvantaged due to their more discontinuous employment biographies.

41 While this was true at the time of survey compilation, this process of transposition is now at least under way and should be voted by December 5th of this year.
8 minor), and in the number of precarious workers in 17 cases (11 major, 5 minor). In contrast, austerity policies are expected to have no effects on poverty levels or income inequalities in two cases each (Spain and Greece for poverty and Spain and Hungary for income inequality), and on the amount of precarious employment in five cases (Poland, Hungary, Greece, Italy and Germany). In one single case poverty levels and income inequalities are expected to decrease (Hungary for poverty and Greece for income inequality).

Less pronounced is the degree of expected change in social security coverage for precarious workers. Decreases in coverage are expected by only four respondents (two major and two minor decreases), whereas six respondents think that there will be no effects at all. On the contrary, 11 respondents expect increases in coverage (six major, five minor). However, somehow contradicting these positive expectations of rising social security coverage for precarious workers, several respondents are concerned that the crisis is being used by governments and employers as a pretext for reducing labour costs and standards or for avoiding and circumventing existing legal standards (Slovenia, Portugal). In the UK a central, explicitly cited problem regarding the government’s austerity policies is the outsourcing of public employment which equally produces a reduction in labour standards. In Ireland unions indicate how such a reduction in standards entails denial of an employment relationship, defining workers as self-employed, apprentices or interns, and so forth.

Finally, in the respondents’ general evaluations of bargaining outcomes during the crisis, this trend in de-regulation and derogation is visible. Taking also into account further literature on this issue, the main trend in bargaining appears to be a defensive strategy of job preservation through concessional bargaining. This defensive strategy has sometimes produced gains in the form of (temporary) crisis buffers for workers, although mostly by shifting crisis costs on to the State and society. (ETUI 2010, Glassner/Keune 2010)

In sum, the newly-introduced limitations on precarious employment, on the one hand, and the enhancement of rights and protection for workers in precarious positions, on the other, remain extremely limited in their extent. This holds all the more true if compared with the above-mentioned major trends in reinforced labour market flexibilisation and parallel welfare cutbacks linked to recent austerity policies. Although retrenchment and flexibilisation do not appear as linear, monolithic processes, both the fragmented, fragile increases in rights and protection achieved for some groups of workers in precarious positions in some countries, and the general enhancements in social and unemployment protection introduced in a significant number of countries as initial crisis responses, all risk being invalidated by these dominant trends. Moreover, as argued above, to some extent at least the limited new restrictions on the use of precarious employment have to be considered as mere side-effects of further flexibilisation and respective re-regulation. In this light, the crisis responses can overall be said to have led to a further deterioration of labour and social rights, as well as workers’ collective power positions. In other words, crisis responses have fostered a further and generalised precarisation
which affects the whole workforce, and not just some supposedly "atypical" employment situations. While the threat of future precarisation and cheap labour competition also has effects on the still stable workforce and the cutback in social and labour rights affects all workers, the fragmentation into different contractual categories of more or less precarious status gives rise to a deterioration in collective bargaining powers and thus opens the door to further, generalised precarisation.

This generalised trend notwithstanding, current precarisation has different effects on different groups of workers. Especially affected by precarisation are female, young and migrant workers. Therefore, the next section will consider specific initiatives for these most vulnerable groups.

### 3.2.3 Decent work for young, migrant and female workers in precarious employment positions

Measures to try and help young precarious workers during the crisis have clearly focused on active labour market policies and flexibilisation. Public grants for youth (self-)employment have been the most frequently-used measure. According to the survey responses they have been introduced or increased in nine countries (Lithuania, Romania, Cyprus, Greece, Italy, Spain, Portugal, Luxembourg and Austria). Offers of specific employment services and training programmes have been nearly as important, as they have each been newly introduced or extended in seven countries (specific employment services in Cyprus, Greece, Italy, Ireland, UK, Germany and Austria, and specific training programmes in Slovenia, Cyprus, Ireland, Greece, Portugal, Germany and Austria). These training programmes increasingly include measures targeted on highly qualified youth, and often entail further public youth employment grants, as for example in a Slovenian programme for university graduates which facilitates internships and training contracts. The flexibility of youth employment has been increased, particularly with regard to initial labour market access, through the introduction or re-regulation of specific training or other temporary employment contracts. Training contracts have been introduced or re-regulated in six countries (Greece, Italy, Spain, Portugal, UK and Luxembourg), and other forms of temporary youth employment in five countries (Cyprus, Greece, Italy, Portugal and Ireland). As the examples of Ireland and Spain show, these specific youth-related contracts tend to run in parallel with reduced rights or protection. Thus in Ireland a new category of unpaid jobs has been introduced for unemployed young workers. In Spain the government has announced re-regulation of specific contracts for trainees and interns so as to provide for easier use and higher flexibility. Beyond employment flexibility, these types of contract are basically defined by their reduced pay. According to the announced reforms, training contracts can be used up to the age of 30 instead of 21 years as is the rule today. This means that it would become possible to maintain people's status as labour market entrants with reduced rights and pay at a more advanced age. For young workers these re-regulations mean increased employment instability and slowed professional growth. Another example in the same direction is the extended range of possibilities for using so-called "work-bonuses" (a kind of a stipend given by the State to young workers), as put in place in Italy.
Less frequent, in contrast, are initiatives aimed at a reduction in the precarious state of much youth employment. According to the survey responses, better social security coverage for young people in precarious jobs has been introduced only in four countries (Slovenia, Greece, Italy and Spain), and better transition opportunities from precarious to stable employment have been promoted only in two countries (Greece and Portugal). Similarly limited importance appears also to be given to enhancing young precarious workers’ access to legal protection and collective representation. Initiatives in these two areas have been reported only in Greece and Spain respectively. However, apart from Slovenia, all of these countries have also implemented strong crisis-related policies of flexibilisation or austerity. In contrast with these contextual conditions, these few enhancements of protection for young workers in precarious positions appear all the more limited. In the Slovenian case, the increase in social protection coverage for young workers relates to the general reduction of conditions to be met for gaining access to unemployment benefits. A labour market reform reduced the necessary period of prior contribution payment from 12 to 9 months, now to be included within the last 24 rather than 18 months. Yet this is not a specific youth-related measure but affects all workers with temporary contracts, even though the proportion of young workers within this category is especially high.42

In quantitative terms, in about two-thirds of the twenty countries in the sample some measures have been taken to help young (precariously-employed) workers affected by the crisis. The total number of interventions accounted for in the survey is 55, taking into account the introduction or extension of training contracts or of specific flexible employment arrangements for young workers; measures aimed at facilitating transition from temporary to open-ended employment; offer of specific employment services; public grants for youth (self-)employment; and improvements in social security coverage, access to legal protection and collective representation. A large majority of these interventions have been at legislative level (32 interventions). A still significant number of measures have been agreed upon in the context of social dialogue (18 measures, in part overlapping with the legislative measures), while collective bargaining seems to have played a limited role (only five initiatives mentioned). As regards the type and content of initiatives at these different levels of regulation, the legislative initiatives most of all concern public grants for youth (self-)employment, training programmes, use of specific training contracts and specific employment services. These issues are equally addressed by social dialogue which concentrates on public grants for youth (self-)employment and the use of specific flexible contracts. Collective bargaining also addresses public grants and training contracts, but also access to legal rights and collective representation.

Looking at the country patterns that emerge with respect to these youth-related labour market policies during the crisis, the most active countries appear to be the older southern EU Member States, Greece (10 measures), Portugal (9), Italy (8), and Spain (7). Their activities have focused on active labour market

42 As mentioned above, coverage of unemployment benefits has been extended either on a general basis or to specific groups of mostly temporary workers, additionally in Austria, Spain, Portugal, Italy and Greece, as well as Latvia, Sweden, Finland and France.
policies and especially the flexibilisation of youth employment, but also have covered some enhancements of rights and protection for young precariously-employed workers. A second group of countries with a limited amount of youth-related labour market policies includes Cyprus (4 measures), Slovenia (2), Ireland (3), Austria (3), Germany and Luxembourg (2 each). That is, a limited number of measures have been enacted especially in the old central-western Member States and a few new Member States. Moreover, in some newer Member States, namely Lithuania, Romania and Hungary, as well as in the UK, a single measure has been enacted. No specific youth-related measures are mentioned by our respondents for Latvia, Poland, Czech Republic, Bulgaria or Denmark, that is most of the remaining newer Member States.

Again linking these country patterns to the effects of the crisis, some of the countries most strongly hit by the financial and especially the subsequent public debt crisis, namely the older southern European member countries, have developed at least some initiatives to help young workers most affected by the crisis as well as by precarisation. In fact, some of the most active countries just mentioned in terms of youth-focused initiatives are among those with the highest youth unemployment rates or the highest crisis-related increases in these rates. This holds particularly true for Spain, Greece, Italy and, although for a more limited number of initiatives, Ireland. But other equally or even more strongly hit countries, according to the survey responses, largely lack such policies. Again in the context of high youth unemployment rates or growth rates, this especially applies to the Baltic States (the only mentioned youth-related initiative is the introduction of youth employment subsidies in Lithuania), but also to the Czech Republic and Hungary. Finally, the more limited involvement in favour of young precarious workers in the central-western European countries is in line with the comparatively less dramatic changes in youth unemployment in most of these countries. These differences notwithstanding, as described above, young workers in precarious employment positions have been particularly hard hit by the crisis all over Europe, and given the generally severe crisis situation the policy measures equally appear rather limited in these cases.

A study undertaken by Eurofound in 2009 confirms these outcomes (Eurofound 2009). According to this study the main focus of youth-related labour market policies in the crisis lies in active labour market policies, particularly on employment creation and training programmes (and to a lesser extent on employment and job matching services). Employment creation mostly entails public subsidies and job placement schemes, but it is also partly achieved through collective bargaining. It especially involves apprenticeships and to a lesser extent specific subsidies for employing unemployed young workers. A further central field of intervention is education, where policies focus on keeping young people as long as possible in education (or facilitating their return to it). An older, continuing activity in the field of

---

43 For the UK it has however to be specified that there has been a pronounced change in youth-related labour market policies: although during the immediate crisis the previous Labour government created a specific job creation scheme for young workers, including public employment grants, this was abolished by the new Coalition government which now focuses more exclusively on promotion of training contracts.
education is the reform of educational systems in order to enhance young people’s employability and job matching (or at least discussion of such reform). The range of EU countries applying active labour market policies according to the Eurofound study is large. All but Latvia, Lithuania, Italy and Spain practise some form of employment creation. However, our survey still adds to that list some countries which probably started their crisis-related involvement in this field only after 2009. This particularly concerns introduction of new employment subsidies in Lithuania, Italy and Spain. Beyond the countries mentioned above, according to the Eurofound paper training programmes are run also in Czech Republic, efforts are being undertaken to retain young people in education in Hungary, Spain, the Netherlands and France, and specific employment services for young workers are also available in the Netherlands and France. In sum, this leaves only Latvia without any youth-related active labour market policies.

The Eurofound study equally indicates increased coverage of young people by unemployment schemes in a few countries as well as efforts to transform fixed-term employment (above all apprenticeships) into permanent employment. But in contrast with these positive developments there have been significant reductions in young workers’ pay, rights and protection in several other countries. Wider coverage by unemployment benefits or increases in benefit amounts have been secured for young people in Italy, UK, Austria and France although partly only on a temporary basis or in the form of one-off payments. In Poland there are public subsidies to facilitate transformation of temporary to permanent employment, but these are limited to about a hundred young workers. At the level of collective bargaining, guarantees of permanent employment following the apprenticeship period could be obtained in two firms in Germany (Telekom and Volkswagen) as well as in the Dutch painting sector, while in Denmark slightly higher pay rises have been negotiated for young workers in the metal industry. However, in the German metal industry a collective bargaining agreement managed to prevent redundancies of apprenticeships only at the cost of making them re-employed in the same firms via temporary work agencies. In fact, while the afore-mentioned measures to reduce the precarious character of much youth labour so far appear limited also according to the Eurofound report, there is a simultaneous, contrasting trend of further flexibilisation of youth employment, entailing a reduction of rights and protection for young workers. Examples are reduced pay obligations to young workers in Sweden and Greece⁴⁴, as well as reduced legal protection linked to easier use of flexible contracts, again in Sweden and also in Spain and the Netherlands⁴⁵. As to social security, in Finland access for young workers to unemployment benefits has been restricted as the minimum age for receiving additional unemployment benefits has been increased. And in Ireland the amount of unemployment benefits for new claimants has been reduced.

⁴⁴ In Greece workers with less than 25 years obtain only 84% of the minimum wage.
⁴⁵ In the Netherlands, for workers below 27 years four instead of three consecutive contracts can be stipulated.
Taking into account this information from the Eurofound survey regarding the early crisis years, this adds Sweden, Finland, the Netherlands and Greece (and thus especially some north and central-western European countries) to the list of countries in which young workers’ rights and protection have been explicitly put under pressure by crisis policies of flexibilisation and deregulation (so far considered as such according to this survey are Ireland and Spain). At the same time it increases the number of instances of "good performance" aimed at enhancement of rights and protection for young precariously-employed workers. While so far such positive measures have emerged from the survey only for Spain and Italy, a mix of old and new Member States can be added on the above basis: Poland, Spain, UK, Denmark, Germany, Austria, the Netherlands and France. The fact that some countries appear as applying both good and bad practice shows that the respective policies are far from being coherent or monolithic.

In conclusion, also according to the Eurofound report, the focus of policies clearly lies on activation of young workers and on “getting young people to work, no matter the quality of the jobs available” (Eurofound 2009: 30). The main problems according to the report are the parallel flexibilisation of youth labour markets which undermine young workers’ labour rights and protection and the difficult transition from training to regular employment. Against this backdrop, the outcome of the limited evaluation of the effects of active labour market policies is a cause for even greater concern as further challenges result from insufficient funding resources as well as from contradictions between the goal of employment creation for young workers and the current trend in pension policies focusing on increases in retirement age. Finally, the Eurofound paper also points to the fact that so far few collective bargaining agreements have addressed the specific challenges for young workers during the crisis. In part this is due to the fact that young workers in precarious employment positions are often located in sectors with low collective bargaining coverage. In addition, in some of the countries most hit by the crisis, social dialogue mechanisms which otherwise could have addressed the issue of youth employment have collapsed. But even in countries and sectors with high collective bargaining coverage little attention appears generally to be paid to the specific situation of young workers in the crisis. The few existing examples of youth-related bargaining indicated above mostly come from countries where youth employment has been a long-term challenge and where collective bargaining is deeply embedded in the employment relations system (such as France, Germany, Denmark and Sweden).

Much less frequently than for young workers, initiatives have been taken since the crisis by governments and social partners to increase rights and protection for migrant workers in precarious employment positions. Exceptions are mentioned in the survey for Greece, Spain, Portugal and Slovenia, while no such measures are reported from any of the other 16 countries in the sample. In Greece legal reforms have been enacted which make access to work and residence permits easier. Social dialogue has been used to enhance access to social security schemes and collective representation, and to introduce anti-discrimination clauses as well as minimum wage regulations for foreign contractors. In
Spain, legislative reform has equally eased access to residence permits, while collective representation for migrant workers has been facilitated by means of social dialogue and access to legal rights at the level of collective bargaining. In Portugal, legislative initiatives have focused on easier access to public services as well as anti-discrimination measures which have also been addressed by social dialogue. In Slovenia easier access to public services has equally been a focus of legislative reform, as also for access to work permits and legal rights. Contrasting with these developments, in Italy, Austria and Spain restrictions on rights and protection for migrant workers in precarious positions have been enacted from the outset of the crisis, *inter alia* in Spain where old transition measures have been reintroduced in 2011 limiting cross-border mobility for Romanian workers. In Austria restrictive measures have taken a more indirect form as new anti-wage dumping legislation increases control at the workplace.

Measures addressing female workers in precarious employment positions rarely emerge from the survey. Only in three countries have any such initiatives been taken, and all merely address the role of female workers as mothers. Thus in Italy access to childcare facilities has been an issue at all three levels of legislative reform, social dialogue and collective bargaining. In Portugal parental leave has been reformed through social dialogue and legislation; the new scheme seeks to stimulate sharing of childcare responsibilities between mothers and fathers by offering additional leave periods if they are taken by both parents. Yet in both cases the initiatives mentioned concern childcare responsibilities in general, but do not specifically address female workers in precarious employment positions. The situation is different in the UK where new temporary agency work legislation has introduced pre-natal leave periods and gives pregnant women in temporary agency employment the right to specific health care, such as assignment of adequate work tasks. But, this regulation applies only if the concerned female agency worker has worked in the respective firm for more than 12 weeks - a fact strongly contested by the British Trade Union Congress. Meanwhile, still relating to the role of female workers as mothers, some further new measures have been introduced in Italy and Spain to allow mothers to stay at home. Such measures are highly ambiguous as regards women’s labour market positions, as they can be also interpreted as a means of discouraging labour market participation by mothers.
4. Unions’ Activities in the field of precarious work

This last chapter takes a look at trade union activities addressing the issue of precarious work and workers in precarious positions. It takes account of political priorities; existing support structures and possibilities of access to collective representation for workers in precarious positions; reference to precarisation in policy papers; organising activities; and campaigning. In addition, specific initiatives targeted on young, migrant or female workers in precarious employment, as well evaluations of good and bad practice, are considered. 46

As the three most important political priorities among European trade unions regarding precarious work, respondents cited transformation into standard employment (12 votes out of 23 responses from trade unions in 19 countries), restrictions on the use of precarious forms of employment, and enhancement of rights and protection for precariously-employed workers (both 10 votes).47 The next most indicated priority is promotion of active labour market policies (8 votes). Organizing precariously-employed workers (4 votes), promoting basic income schemes (3 votes), and reducing the number of different employment categories (2 votes) are much less evident as priorities. Safeguarding still-protected workers from precarisation, increasing membership among precarious workers, and enhancing solidarity among different employment categories, were each only once cited as priorities. Only one trade union representative affirms that precarisation would have no political priority at all. These priorities show that there is a mixed approach to precarious work among national trade union confederations in the EU-27: one idea is to resolve the problem by restricting the use, and reducing the categories, of precarious employment. The second approach, in contrast, departs from accepting the existence of various flexible forms of employment, but aims at reducing their precariousness through better rights and protection. Despite their distinct orientations, both these strategies do not appear as in conflict. In many cases they can be found as simultaneous priorities. In this, however, as the low relevance given to basic income schemes shows, strategies are not much developed when it comes to welfare state renewal which could address the question of income discontinuity as one of the central aspects of work-related precariousness. As regards the mobilisation of workers in precarious employment positions as agents of change, more stress is put in policy priorities on active labour market policies (and thus, consequently, on activation as competitive labour market actors) than on enhancing precarious workers’ direct participation in union activities (through organizing and increasing membership).

46 Also on this issue it should be remembered that the presented results are not to be understood as an exhaustive list of union activities in the field of precarious work. Instead, they have rather to be seen as examples emerging from the survey answers from a limited sample of national confederations. For a more encompassing picture it would be necessary to do more detailed country studies, including assessment of additional materials on these activities, and extending the sample scope beyond single national confederations to branch unions.

47 Although answers on this issue might strongly reflect subjective and not necessarily organisational positions, they offer some first, tentative insight into unionists’ perceptions of the main problems and challenges associated with precarious work.
Precarious work is taken up as an issue in recent congress resolutions, activity programmes or policy recommendations by more than two-thirds of the responding confederations (17 out of 23). For all these unions this relates at least to national level (16), while some also do so at the sector (9) and regional (6) levels. Only in one case are company-related statements reported. These results show that there is a relatively wide recognition of precarious work as a relevant policy issue, but rather at general national level than at sector or company-specific levels. But the drawback here is that national resolutions might constitute rather abstract declaration of intent if not translated into concrete daily struggle and respective strategy development. In fact, the problem of lack of coherence between voted activity programmes and effectively taken action is one of the problems addressed by respondents when it comes to evaluating the strong and weak points of current union practices. In contrast in the case of the Association of free trade unions of Slovenia, beyond the generic inclusion of the topic in resolutions, programmes and recommendations, the existence of a strategic document on how to fight precariousness is explicitly mentioned.48

Having briefly examined trade unions’ policy priorities with regard to precarious work as well as the recognition of precariousness as a policy issue in resolutions and recommendations, attention will now be drawn to union activities directly addressing workers in such precarious employment positions.

As regards the disadvantaged position of workers in precarious employment in gaining effective access to collective representation, the extent of this disadvantage depends strongly on the specific contract. Access to union membership in a majority of cases does not appear to be a formal problem for fixed-term and temporary agency workers, although this might prove highly problematic in practice due to managements' anti-union pressures and temporary workers' vulnerability to intimidation. Self-employed workers and undocumented migrants, in contrast, most often find themselves already excluded at the formal level of membership rights. Consequently, membership is possible for self-employed workers only in ten - and for undocumented migrant workers only in seven - of the 23 sample cases. A similar difference also exists with regard to collective representation at workplace level: whereas 15 respondents indicate that this is granted to temporary agency workers at their actual workplaces, only four do so for self-employed workers. But despite the frequent legal obstacles, several respondents underline the informal attempts by their unions also to cater for both these categories of worker.

As regards specific services or support structures for workers in precarious employment positions within the responding trade unions, these appear to be relatively little developed. Separate union sections for precarious workers exist in four cases, specific legal support structures in three, and specific contact persons are available in two cases. The unions with specific sections are CGIL and UIL in Italy, ÖGB in Austria, and ACV-CSC in Belgium. Specific legal support is offered by the Lithuanian LPSK, the Danish LO

48 It should however be underlined that these tentative evaluations only rely on the answers given by union representatives to the respective survey questions, but not on an independent assessment and review of these various resolutions, programmes and recommendations.
and again by the Italian CGIL while specific contact persons exist in the case of the German DGB and the Slovenian ZSSS. In some cases, even where no such specific structures exist, ad hoc legal representation is offered to precarious-employed workers as an explicit part of union activities on the issue of precarisation, such as by the Dutch FNV in the sector of agriculture, horticulture and forestry. Moreover, some efforts to create a specific body for (bogus) self-employed workers are mentioned by the Portuguese UGT, while this already exists in the case of the Spanish CCOO. The British TUC, in turn, tries to adapt the timing of trade union activities to make them more easily accessible to workers with flexible work patterns. All in all this relatively limited development of specific support structures could indicate two different things: on the one hand, it might result from a strategic decision to treat precariousness as a transversal and generalised problem which concerns all sectors and types of employment (albeit in specific forms) and which thus has to be addressed within the existing sectoral union structure rather than by attaching it to new separate sections and services; such a position is explicitly claimed by the Portuguese CGTP, the Luxembourg LCGB, the Irish ICTU and the Cypriot SEK. On the other hand, especially in the absence of such an explicit declaration, the wide absence of specific structures and services might point to a lack of attention or of instruments to address effectively the specific problems and interests of precariously-employed workers.

Integrating and mobilising workers in precarious positions is also the aim of targeted organising activities. 18 of the 23 responding trade unions declare that they are engaged in such activities, citing in particular precarious groups of workers – although only four indicated this as a policy priority. Most of these organizing campaigns seem to be articulated at least at two levels, national (11 initiatives) and sectoral (9 initiatives), and a little less frequently also at company level (7 initiatives). Substantially fewer activities are realised at regional level. As to the sectors of intervention, a clear focus is placed on service work, often in low-skilled or low-paid professions such as cleaning, security, hotels and tourism, hairdressing, call centres, trade, transport and public services; but also construction, the food industry and agriculture. Categories of precarious employment explicitly named as target groups are temporary agency work and bogus self-employment, while a second focus is on young and (less frequently) migrant workers. These relatively high numbers of organizing activities can be seen as another sign that the precarisation is by now considered a key intervention issue by a majority of European unions. Only the Latvian LBAS, the Hungarian MOSZ, the Cypriot SEK and the LCGB and OGBL in Luxembourg declare they are not involved in any such activities. Yet it is difficult to assess the scope and content of these campaigns from the survey responses alone as only a much lower number of respondents give concrete examples by naming sectors of intervention or even specific campaigns. Such examples of concerned sectors are given by the Irish ICTU, the Italian CGIL, the Slovenian ZSSS, the British TUC, the Belgium

---

49 Such creation of specific bodies for self-employed workers, in the form either of specific union sections or separate unions, can be seen as a wider trend encountered (e.g.) in the Netherlands, Germany and Italy. See Vandaele/Leschke 2010.
50 It should be remembered that only national confederations were invited to respond to the survey. This might explain to some extent the dominance of national level initiatives, not only with regard to organizing but also all other activities considered here.
ACV-CSC, the Czech-Moravian ČMKOS, the Dutch FNV and the Spanish CCOO. However, it is not clear from the data whether these are above all membership campaigns or rather aimed at mobilising workers for workplace-bound struggles and active participation within the unions.51 Beyond these general or sector-specific organising campaigns, unions have developed targeted activities to address specific groups of workers particularly affected by precarisation. This study considers initiatives targeting in particular young, migrant and female workers. More than two-thirds of the responding unions (17 out of 23) declared themselves to be engaged in specific activities to increase membership among young people in precarious employment. What is more, all but two also try to enhance these young workers’ active participation in union activities and workplace struggles. Yet specific attention is paid to representing the interests of this group in collective bargaining and social dialogue, or to including them in policy recommendation and lobbying, by little more than one-third of the responding unions (8 and 9 positive responses respectively). Only three unions declared themselves not to be undertaking any specific action concerning young precarious workers, while in two cases no answers were provided.52

Focal points of unions’ youth and precarisation-oriented activities are communication and awareness-raising campaigns for which the internet and social media are often used. The most active organisations in this field appear to be the Slovenian ZSSS, the Italian CGIL, the British TUC and the Irish ICTU, who have indicated the existence of such specific campaigns. Two specific topics are internships (UK, IE) and the link between precarious working and living conditions, especially the problem of affordable housing (Slovenia). Beyond communication and awareness-raising campaigns, the Portuguese CGTP reports an action week against precarisation of young workers which culminated in a central demonstration in Lisbon in March 2011. In other cases, however, the affirmative responses only relate to general youth-related activities such as the existence or establishment of youth committees, without making any explicit reference to the issue of precarisation (Romania/Cartel-Alfa, Latvia/LBAS, Italy/UIL, Netherlands/FNV); or no examples are given at all.53

Union attention to the specific situation of migrant workers in precarious employment is less pronounced than that paid to precarious youth employment.54 But still more than half of the responding unions cite specific activities aimed at increasing membership or active participation among this group (both 14 positive answers out of 23). Again, roughly one-third explicitly consider the specific interests of

51 For a more in-depth analysis of organising activities addressing “non-standard” workers see also Vandaele/Leschke 2010. This paper presents examples from German, UK and Dutch unions.
52 For more information specifically on organising activities targeted on young workers, as well as youth delegates’ opinions on their unions’ activities in this field, see Vandaele 2012 (forthcoming).
53 Although obviously the issues of youth and precarious labour are strongly interrelated, as the overrepresentation of young workers among those in precarious employment demonstrates. But, as much as precarisation cannot be automatically expected to be addressed in youth-related union bodies and activities, it can neither be treated as an only or predominantly youth-related problem, as it demonstrates itself to be a generalised problem affecting large groups of the workforce and well beyond the phase of initial labour market access.
54 For more information of the crisis effects on migrant labour in the EU see Galgoczi/Leschke/Watt 2011: 28-36.
precarious migrant workers in collective bargaining and social dialogue procedures, or policy recommendations and lobbying (eight responses in each case). In five cases no measures were taken and answers were missing on this question for two unions.

As for young workers, a first step in union activities addressing this specific group of workers in often extremely precarious working and living conditions is communication. Efforts are made to translate information and campaigning material into different languages and recruit organisers with the same nationality or language background. A central topic again is the link between work and life, particularly regarding issues of work and residence permits, living conditions and freedom of movement. To give some examples of particular activities in this field, the Slovenian ZSSS participated in an open day on international migration, took part in a field action to reveal the very bad working and living conditions of migrant workers, and campaigned to put the issue of migrant workers' rights and protection on the public policy agenda in order to obtain a legislative change. The British TUC has also campaigned for improved rights for migrant workers, addressing particularly the situation of posted workers. Moreover the TUC tries to attract migrant workers as members by offering specific training opportunities. While the Portuguese UGT-P has created a specific organisational structure for migrant workers, the Irish ICTU makes efforts to include migrant workers in bargaining commissions in sectors with a high percentage of migrant labour. But these are the only four unions to give concrete examples of their involvement with migrant workers. Unions without any respective initiatives are all from Central-Eastern Member States, and thus basically from the sending countries as far as intra-EU migration is concerned: the Latvian LBAS, the Lithuanian LPSK, the Polish Solidarność, the Czech-Moravian ČMKOS and the Hungarian MOSZ.

The picture with respect to union activities addressing female workers in precarious employment is similar to that for migrant workers. 12 responding unions declared that they are engaged in specific activities to increase their membership among this group, and 14 to try to enhance active participation. Nine responding unions pay specific attention to women's interests in collective bargaining and social dialogue, and eight to policy recommendations and lobbying. Again, in five cases there are no specific measures and for three unions answers are missing altogether.

As with youth-related activities - and indeed those addressing migrant workers - there remains some doubt as to whether part of these activities are not merely general measures addressing female workers, rather than especially targeted on women in precarious working positions. Yet, as all three groups have particularly high shares among workers in precarious employment, there is an equally high probability that even such general activities will at least to some extent have to confront the issue of precarisation as soon as they touch on the working and living conditions of these groups of workers. However, as to activities involving women, all given specific examples only relate to general gender issues (such as the existence of specific organisational bodies for women's affairs and equal opportunities), without explicitly mentioning the issue of precarisation. Such specific structures of representation or equal opportunity bodies are mentioned by the Slovenian ZSSS, the British TUC, and
the two Portuguese federations UGT-P and CGTP. Among central treated topics - which necessarily reflect the traditionally more precarious position of women in the labour market as well as the still higher family and care responsibilities ascribed to them - are gender inequalities (the lack of equal opportunities in general and equal pay in specific); family friendly flexible working patterns; improvement in maternity benefits and leave conditions; effects of welfare cutbacks on female workers; and, last but not least, gender (in)equalities within union structures (addressed for example through equal opportunity training courses for union representatives). The British TUC reports the most extensive activities on these issues. Besides the four mentioned cases, again, no other respondents indicated any specific examples of activities in this field. The countries without any respective initiatives again are the Polish Solidarnoć and the Czech-Moldavian ČMKOS, but also the Irish ICTU and the Danish LO.

About half of the responding trade unions indicate that they would pursue further additional activities in the field of precarious labour (10 out of 23). Where concrete examples are given, they mainly concern political or public awareness raising campaigns. Beyond the already mentioned youth-related communication campaigns in Slovenia, Italy, Portugal, Ireland and the UK, and the migration action day in Slovenia, such activities are undertaken by the German DGB, the Austrian OEGB, the Dutch FNV and the Belgium ACV-CSC. In the German case, a particular working group on precarious labour exists which produces information materials and organises conferences, while lobbying is done at the level of the different member organisations. The Austrian confederation has established a web platform for people in all sorts of precarious, "a-typical" work, while a similar tool is used in the Dutch case with specific reference to temporary agency work in agriculture, horticulture and forestry; the respective Dutch branch union also produces information materials and runs a public opinion campaign on this issue. Still regarding a specific category of precarious employment, campaigning by the ACV-CSC in Belgium has been focused on a struggle against the abuse of daily contracts. Sometimes, in contrast, campaigns regarding precarious labour are integrated in broader activities such as the 1st of May, as is the case for the Portuguese UGT. In Latvia the LBAS is engaged in a campaign called "Know your rights! Be safe" which is aimed at raising awareness on labour law and standards among all categories of workers. Finally, going beyond information and awareness-raising, the Slovenian ZSSS has successfully run a campaign and struggle against the introduction of minor part-time employment (so-called mini-jobs) by government legislation which culminated in a national referendum.

Asked to evaluate their own union’s activities in the field of precarious work, relatively few respondents indicate any good or bad practices. 11 respondents name positive, successful actions, and only six describe problematic aspects of these activities. There are three groups of activities which are most frequently cited by respondents as good practice: first, positive achievements obtained by social dialogue on the regulation of precarious labour or labour market flexibility (general reform of the labour code, maximum duration for temporary contracts); second, campaigning for better rights and protection
for precarious workers is presented as good practice. This particularly concerns awareness-raising campaigns, oriented either towards specific groups of precarious workers or towards general public opinion in an attempt to raise the issue on the public policy agenda. In some of these cases it is explicitly the fact of having started to name and address the issue of precariousness which is already seen as a good practice and important starting point, although as yet the success of such campaigning is unclear. This shows how much work and capacity-building still remains to be achieved in this field, and how much conflict capacities gained. Third, closely linked to the awareness-raising campaigns, activities organizing precarious workers at the workplace are mentioned. But such organizing is referred to as a good practice in only one case, and then rather as a need for future engagement than by way of citing existing successful examples.55

Correspondingly, the main problems mentioned regarding current union activities are the following: first, still an insufficient degree of attention is given to the rights and protection of precarious workers. Second, once such inner-union awareness is established, difficulties in translating positions and decisions into concrete action arise; third, union action is seen as not yet sufficiently effective and successful in increasing rights and protection for precarious workers. Finally, a more specific problem exists concerning internet and social-network-based forms of awareness raising campaigns, as these would risk fading away if they were not well enough planned and linked to “real world” activities and interactions.

In sum, taking together all the different levels of activity, precarisation seems to be widely recognised by national trade union confederations in the EU-27 as a relevant policy issue, as can be seen from the inclusion of this topic in congress resolutions, activity programmes and policy recommendations. And at least for workers on temporary contracts, formal membership rights and representation in collective bargaining seem to be recognised. But, as regards specific activities directly addressing workers in precarious positions, be it in the form of targeted services, specific organisational bodies, or organising events and campaigning, these appear much less developed. Most advanced in this respect appear to be the Slovenian ZSSS, the Irish ICTU, the British TUC, the Italian CGIL, the Portuguese CGTP, the Belgium ACV-CSC and the Dutch FNV, as they all run targeted organising activities, specific awareness-raising campaigns or protest actions and struggles against precarious work. Among these bodies, the Slovenian confederation seems to have the most militant and encompassing approach, touching on precarious youth and migrant work as well as on specific categories of precarious employment. Some awareness-raising as well as organising activities are undertaken also by the German DGB and the Austrian OEGB, although no concrete examples of the organising initiatives are given in these cases. In the case of the Czech-Moravian ČMKOS and the Spanish CCOO, organising for workers in specific categories of precarious employment takes place, but no additional campaigning initiatives are mentioned. Among

55 Beyond the Cypriot case, such a need and desire for a stronger engagement of trade unions’ in organising activities is voiced particularly by youth delegates. According to a forthcoming research paper by Vandaele, youth representatives across Europe judge their confederations’ commitment to organising to be inadequate. (Vandaele 2012/forthcoming)
these more active unions, ZSSS, CGIL, CCOO, OEGB and DGB equally have put into place specific support structures for workers in precarious employment, be it in the form of specific sections, legal advice offers or contact persons. Moreover such structures exist in the Italian UIL and the Lithuanian LPSK. While UIL and LPSK are also engaged in organising precarious workers at a national level, in these cases no concrete examples are given. Finally some, not further specified, organising activities are mentioned also by the Romanian CARTEL-ALFA, the Polish Solidarność, the Portuguese and the Spanish UGT and the Danish LO.

Beyond these single country cases, some confederations have also developed specific campaigns and actions at European level. For example, the European Metalworkers’ Federation (EMF) has in recent years organised various seminars and meetings and accorded the issue a prominent place in its bargaining policy by voting the “second common demand for more secure employment, against precarious work” at its 2009 Collective Bargaining Policy Conference. EMF also supports the International Metalworkers’ Federation’s global campaign “Precarious work affects us all”. Activities of EFBWW, the European Federation of Building and Woodworkers, have focused on bogus self-employment and flexicurity and these topics have been addressed in seminars, strategy papers and studies. Also EFFAT, the European Federation of Food, Agriculture and Tourism Trade Unions, has been involved in a survey among members and has developed a charter on precarious work. Well before the crisis, European cross-sector social dialogue, with the involvement of the European trade Union Confederation (ETUC), was decisive in the transcription and adoption of the European directives on part-time (Council Directive 1997/81/EC) and fixed-term work (Council Directive 1999/70/EC). Since the crisis, the ETUC has organised several demonstrations on the issue of decent work for all, against austerity, and for solidarity and employment, such as in Budapest and Wroclaw in 2011.

Moreover, there have been important activities by the International Labour Organisation in this field. The most recent initiative of the Bureau of Workers’ Activities (ACTRAV) has been the ACTRAV-Symposium on Precarious Work held in Geneva, 4-7 October 2011. In its conclusion, the participating unions from all continents stressed the need for fundamental changes in social and economic policies to combat precarious work. Particular importance was given to promotion of collective bargaining (against the threat of current fragmentation processes which reduce bargaining coverage); promotion of existing international labour standards; introduction of new regulations to ensure equal treatment for all workers and limit the use of precarious forms of employment; and increased involvement by trade unions in organising activities, campaigning and capacity building.

---

56 http://precariouswork.eu
58 http://www.effat.eu/files/1088_cae10256b082e1c7a8d1c12b76019846.pdf
Turning back to the country examples, the majority of the mentioned countries with more active confederations are also among those experiencing the more pronounced re-regulations that attempt to limit the use of precarious employment or any enhancement of the rights and protection for these workers (besides Austria, the Czech Republic, Romania and Denmark). A relevant number have equally experienced strong post-crisis flexibilisation policies and welfare cutbacks (besides Slovenia, Belgium and the Netherlands, Germany, Austria, Denmark and Poland); among these, all but the UK, Czech Republic and Romania belong to the most crisis-hit countries in terms of unemployment (with rates above 10%). Moreover, most of these advanced union activities occur in countries with high levels or rates of growth in potentially precarious forms of employment during the crisis. This is particularly the case in Slovenia (high growth of temporary and own-account labour, especially among youth), Ireland (strong growth of temporary employment, again especially among youth), Portugal (high level of temporary employment), Italy (high level of own-account labour and strong growth of temporary youth employment) and the Netherlands (high levels of part-time and growing share of own-account labour).

In fact, trade union responses to precarisation might inter alia also depend on the degree as well as the rate of growth of potentially precarious forms of employment in the respective countries. There is some evidence from the survey results that the current crisis has increased unions sensitivity to the issue of precarisation. Nine out of 23 respondents affirm such a positive change in their organisation’s position and activities. This is the case for CARTEL-ALFA in Romania, ICTU in Ireland, CGIL in Italy, LPSK in Lithuania, ZSSS in Slovenia, CGTP in Portugal, TUC in the UK, UGT and CCOO in Spain. As can be seen, nearly all of these unions are among those most active, as just mentioned. This leads to the suggestion that their more advanced practices relate to rather new, still to be confirmed, settled and expanded experiences and developments. All those respondents that specify the reasons for this growing crisis-related attention to precarious work insist on the increasing evidence of precarisation and segmentation trends and the increasingly difficult position of precariously-employed workers in the crisis. They see a consequently equally increasing need to obtain better rights and protection for precariously-employed workers and thus to try to contain the negative effects of governments’ current crisis responses. Meanwhile, no reference is made to growing (political) difficulties in obtaining such rights and protection in times of crisis, given current policies of austerity and further flexibilisation. Nor is there mentioned possible competition between the two crisis-related goals and interest of unions in saving (still protected) jobs and reducing precarisation. In other words, while some important initiatives have been taken in several countries and while attention to this issue seems to grow, there is still a long way to go to reconstruct and build the forces necessary to counter precarisation and the attack on workers’ rights and protection provoked by the current dominant forms of labour market flexibilisation.
5. Conclusion

The analysis of quantitative labour market data from the Labour Force Survey has shown how the crisis has accelerated the development of temporary and part-time work and self-employment, that is of so-called non-standard, potentially precarious forms of employment that in one way or another risk guaranteeing reduced workers’ rights, protection and incomes compared with those associated with the Fordist type of open-ended full-time employment. The short-lived decrease especially in the rates of temporary employment in 2008 and 2009 demonstrates how some of this precarious character results from the particular strong crisis exposure. Meanwhile, the growth of potentially precarious forms of employment has been driven by current labour market policies which, in reaction to the crisis, have produced further flexibilisation and welfare cutbacks. Compared to these dominant trends, the highlighted attempts undertaken in some countries through legislation, social dialogue or collective bargaining to increase rights and protection for workers in precarious employment positions and to limit the use of such forms of employment appear to be very limited. What is more, such new limitations appear at least partly as side-effects of further flexibilisation policies, rather than as a break with the latter.

Examples encountered of such regulatory initiatives focus on reducing the use of precarious forms of employment by limiting the maximum duration of precarious contracts, redefining the legally valid reasons for their use, and securing obligations to transform temporary into open-ended employment. Less frequently, limits on working time flexibility are also put into place. Another strategy during the crisis has been to include precarious workers in short-time work schemes and to enhance their legal rights and access to some social security benefits such as unemployment and maternity or paternity protection and leave schemes. Yet, while these still appear as very fragmented and in part only temporary measures, two central aspects of precariousness remain largely untouched: the problematic enforcement of legal rights and the fragmented character of work records, giving rise to reduced factual bases for social security assessments and above all income instability.

This limit is evident not only with respect to regulations in favour of more decent working conditions for precarious workers, but also as regards trade union activities and strategies in this field. However, in general growing attention seems to be paid by unions throughout Europe to the issue of precarisation, not least due to the acceleration and generalisation of this process in the crisis which more and more clearly calls into question the rights, protection and bargaining powers of the whole workforce. Beyond recognising the relevance of precarisation as a relevant field of intervention in the confederations’ congress resolutions, activity programmes and policy recommendations, the more active union practices consist above all in various targeted organising and campaigning initiatives, mostly addressing specific categories or sectors of precarious employment (especially in the service sector or targeted on young workers and temporary agency workers, and to a lesser extent self-employed and sometimes migrant
workers). While these campaigns in most cases are at the stage of awareness-raising and public opinion initiatives, far fewer examples are given of concrete struggles at workplaces.

While the scope of unions’ efforts and their results is still regarded critically by some respondents, such an approach to organising and campaigning that tries directly to involve workers in precarious positions in struggles for better conditions can be considered as one of the preconditions for rebuilding the power positions necessary for establishing and enforcing new labour market regulations capable of opposing current precarisation and related cutbacks in labour and social rights, protection and collective bargaining systems. But this also presupposes the development of new forms of participation and struggle which give space to changed cultural patterns and collective imaginaries, and which enable workers in precarious employment to overcome their vulnerability and participate in collective representation and conflicts. Besides the crucial development of specific, innovative organizing approaches, a clear welcome sign given to precarious workers as union members, and determined involvement in promoting decent work for all, further possible steps in this direction could be enforced transnational cooperation, including mutual recognition of members across countries (in case of migrant workers), and also the building of alliances with non-trade-union actors from social movements and civil society. 62

---

62 These are some of central claims expressed by trade unionists from all over Europe as ideas for action at the closing conference of the ITCILO and ETUC pilot project “Decent work for precarious workers in the EU-27” in Budapest, 2011-11-22/23.
Bibliography


Leschke (2011): Has the economic crisis contributed to more segmentation in labour market and welfare outcomes?, ETUI, forthcoming.


Annex: Survey charts

Number of countries with legislative reforms undertaken since 2008 to increase labour market flexibilisation
Number of countries in which legislative reforms have been introduced since 2008 to enhance the rights and protections for workers in precarious positions

Number of countries in which social dialogue has been used since 2008 to enhance rights and protections for workers in precarious positions
Number of countries in which specific measures have been taken since 2008 with regard to precarious migrant workers

Number of countries in which specific initiatives have been taken since 2008 to reduce gender inequalities related to precarious working and living conditions.