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Trade union responses to precarious work in seven European countries*

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Precarious employment is a major concern today in Europe's labour markets. In recent years, the percentage of employees working under precarious conditions has increased across the continent, accompanied by processes of segmentation and exclusion. Precarious employment refers to employment that combines some of the following characteristics: low levels of income and income security, low job and employment security, bad working conditions, limited access to training, limited social security rights and/or limited voice. Precarious employment affects not only the working situation of the person in such employment but also his or her household through, for example, deficient and volatile income, problems in accessing loans or high levels of insecurity.

In very general terms, the growth of precarious employment is associated with several broad developments, including the rise of the service sector and the decline of industrial employment, changes in technology and work organization, changes in corporate governance and employers' strategies, declining trade union power, ongoing drives towards privatization and marketization and individualization.

More specifically, a number of labour market developments have led to increased precarious employment. Recent studies indicate a polarization trend in the labour market of many European countries, following the growth in employment in both the highest-skilled and higher-quality (professional and managerial) and lowest-skilled and lowest-quality (personal services) occupations, and with declining employment in the middle of the distribution (manufacturing and routine office jobs) (Goos, Manning and Salomons, 2009; Fernandez-Macias and Hurley, 2008). Most recently, as a result of the crisis this polarization trend has increased with a growing number of European Union (EU) countries experiencing a downgrading of the employment structure through job destruction in the higher sections of the labour market, no growth in the middle, and a growth or relatively minor decline of jobs in the lower sections (European Commission, 2011).

There is also a marked rise in various types of atypical, often flexible jobs, including fixed-term contracts, temporary agency work, (dependent) self-employment, project work, and (marginal) part-time contracts (Eichhorst, Feil and Marx, 2010). Such jobs, which first appeared in an expanding service sector, come with lower levels of job security, frequently provide only limited access to social security, may suffer from low rates of pay and worse working conditions, and generally offer only limited training opportunities (*ibid.*). As a result, work is no longer a guarantee against poverty, considering that in 2009, in-work poverty amounted to 8.5 per cent of the employed in the European Union (Frazer, Gutiérrez and Peña-Casas, 2011).

Finally, the quality of standard jobs is also under pressure in certain sectors, in particular in the service sectors that require little education and in the lower end of manufacturing, resulting in low wages and/or very high levels of flexibility. As a result of these developments, even though more people are in employment today than 20 or 30 years ago, for many workers the chances of

getting a good quality job are bleaker today than they were then. Studies based on the European Working Conditions Survey indicate that job quality has, at best, stagnated since the mid-1990s, that job precariousness is rising and that access to training and lifelong learning are worryingly limited (Peña-Casas and Pochet, 2009; Greenan, Kalugina and Walkowiak, 2010). Certain social groups (e.g. the young, women, the low-skilled and elderly workers) are over-represented and often trapped in the lower segments of the labour market.

The rise of precarious employment is not simply the outcome of inevitable economic and technological developments; it is also the result of conflicts and choices both in the political sphere and in labour relations. National and European political actors determine to an important extent in what institutional context (labour legislation, labour market policies, economic and social policy, etc.) employment is situated. Employers and managers make choices on their competitive strategies and the types of jobs they offer. And individual employees and trade unions negotiate with these employers on the terms of employment, types of contract, working conditions and other issues. The preferences of employers and employees and their unions, as well as the balance of power between them, have an important effect on precariousness. It is no coincidence that the growth of precarious employment coincides with the declining power of trade unions.

Reducing precariousness and segmentation and improving the social rights of workers in precarious employment has become a salient political issue across Europe. At the EU level, this is manifested by the prominent role of the EU Charter of Fundamental Rights, including a series of social rights. Also, a number of Directives (for example, concerning those on part-time and fixed-term employment) aim to improve the social rights of the employed, while the European Employment Strategy urges Member States to complement the increased flexibility in the labour market with decent social security and stable employment relationships.

At the same time, an important factor driving the growth of precarious employment is the dominant economic character of the European integration process, with its emphasis on marketization, privatization and internationalization (Scharpf, 2002; Keune, 2012). Although the EU argues (in very general terms) for the compensation of flexibilization and rising insecurity in the labour market with new types of security, it fails to effectively propose and promote such new security (Burroni and Keune, 2011). At national level, the drive towards flexible employment relationships has been ongoing for decades but has not led to the provision of new types of security for workers in flexible employment. Not surprisingly, concerns over precarious work have not yet translated into a decline of such employment.

Much of the prior research on precarious work has been concentrated on the analysis of labour market structures, vulnerable groups, the different dimensions of precariousness and state policies that affect the level of precariousness. The present paper rather focuses on the attempts by trade unions to

reduce precarious employment, the strategies they follow and the obstacles they face. It provides an overview of the results of seven country studies conducted under the “Bargaining for Social Rights” (BARSORI) project on trade union experiences with precarious employment in Denmark (Mailand and Larsen, 2011), Germany (Bispinck and Schulten, 2011), Italy (Burrone and Carrieri, 2011), the Netherlands (Boonstra, Keune and Verhulp, 2011), Slovakia (Kahancová and Martišková, 2011), Spain (Ramos Martin, 2012) and the United Kingdom (Simms, 2011).¹ In this paper, we will present the most important findings of this research initiative.

In the next section, we will set the context by briefly discussing labour market developments related to precariousness. We will then discuss trade union strategies towards precarious employment in each of the seven countries.

Labour market developments

Before entering into the discussion of trade union strategies, it is important to provide some illustrations of the important differences in the state of the labour markets in the seven countries (for a more elaborate comparative analysis, see European Commission, 2011). First, there are major differences with regard to the employment rate (table 1). In the period 2002–11, the EU-27 employment rate moved between 62 and 66 per cent. Of the seven countries, Denmark, the Netherlands and the United Kingdom have been consistently above this average, and in more recent years Germany has clearly been an above-average performer. In fact, Germany is the only country that has consistently improved its employment rate in this period, not suffering from the crisis-induced setbacks we can observe in the other countries. In Italy and Slovakia, the employment rate has been consistently below the EU average, whereas in Spain it had caught up with this average in 2007 but then the effects of the crisis caused the Spanish employment rate to plummet in the subsequent years. The employment rate can be considered an indicator of employment security (i.e. of the likelihood of finding a new job once one has lost one), in part because it correlates negatively with the unemployment rate. Hence, it can be expected that precariousness caused by employment insecurity is lower in countries with a high employment rate.

A second indicator is the percentage of employees on a fixed-term contract, i.e. a temporary contract (table 2). Because of their fixed expiry date, fixed-term jobs are generally more prone to be precarious than jobs that come with an open-ended contract. They are also disadvantageous because, as the country studies show, persons on a fixed-term contract often have less access to training and face greater difficulties in accruing rights to social benefits, unemployment benefits, occupational pension schemes or paid leave. The

1. For information on the BARSORI project, see <http://www.uva-aias.net/355>.

same is often true for temporary agency workers and for persons who work only a few hours per week.

In 2006 fixed-term employment was particularly high in Spain, at 34.4 per cent, although it declined to 25.6 per cent in 2011 following the crisis. This clearly shows that the declining employment rate in Spain is largely a result of the termination or non-renewal of temporary contracts and underlines the vulnerability of these types of contract. In the Netherlands, the rate of fixed-term contracts has consistently been above the EU average and the difference is widening, demonstrating both the rapid increase in the use of such contracts and the more limited impact of the crisis on the Dutch labour market. In Germany and Italy, in 2011 the percentage of fixed-term contracts was close to the average, but in both countries the percentage has been increasing over time, suggesting that they may find themselves above the average in a few years' time. Denmark, Slovakia and the United Kingdom have the lowest rates of temporary work, clearly below the EU average. However, they are also the three countries in the group that have the lowest employment protection levels as set by law, i.e. they are the countries where it is easiest for employers to dismiss workers that are on an open-ended contract. Hence, while they have fewer workers on temporary contracts, jobs are in general less secure because of lower dismissal protection.

A third indicator is the in-work at-risk-of-poverty rate (table 3), that is, the share of employed adults with an "equivalized" disposable income below

Table 1. Employment rate, 2002–11

| | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
|----------------|------|------|------|------|------|------|------|------|------|------|
| EU-27 | 62.4 | 62.6 | 63.0 | 63.4 | 64.4 | 65.3 | 65.8 | 64.5 | 64.1 | 64.3 |
| Denmark | 75.9 | 75.1 | 75.7 | 75.9 | 77.4 | 77.0 | 77.9 | 75.3 | 73.3 | 73.1 |
| Germany | 65.4 | 65.0 | 65.0 | 65.5 | 67.2 | 69.0 | 70.1 | 70.3 | 71.1 | 72.5 |
| Italy | 55.5 | 56.1 | 57.6 | 57.6 | 58.4 | 58.7 | 58.7 | 57.5 | 56.9 | 56.9 |
| Netherlands | 74.4 | 73.6 | 73.1 | 73.2 | 74.3 | 76.0 | 77.2 | 77.0 | 74.7 | 74.9 |
| Slovakia | 56.8 | 57.7 | 57.0 | 57.7 | 59.4 | 60.7 | 62.3 | 60.2 | 58.8 | 59.5 |
| Spain | 58.5 | 59.8 | 61.1 | 63.3 | 64.8 | 65.6 | 64.3 | 59.8 | 58.6 | 57.7 |
| United Kingdom | 71.4 | 71.5 | 71.7 | 71.7 | 71.6 | 71.5 | 71.5 | 69.9 | 69.5 | 69.5 |

Source: Eurostat.

Table 2. Employees on fixed-term contracts as a percentage of total number of employees, 2002–11

| | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
|----------------|------|------|------|------|------|------|------|------|------|------|
| EU-27 | 12.4 | 12.6 | 13.2 | 13.9 | 14.5 | 14.6 | 14.2 | 13.5 | 14.0 | 14.2 |
| Denmark | 8.9 | 9.5 | 9.8 | 9.9 | 9.6 | 9.5 | 8.8 | 9.0 | 8.5 | 9.2 |
| Germany | 12.0 | 12.2 | 12.5 | 13.9 | 14.2 | 14.3 | 14.7 | 14.3 | 14.6 | 14.7 |
| Italy | 9.9 | 9.5 | 11.9 | 12.4 | 13.0 | 13.4 | 13.9 | 12.8 | 12.9 | 13.7 |
| Netherlands | 14.2 | 14.4 | 14.4 | 15.1 | 16.1 | 17.9 | 18.0 | 17.9 | 18.5 | 18.0 |
| Slovakia | 4.6 | 4.7 | 5.3 | 4.9 | 5.0 | 5.3 | 4.0 | 4.1 | 5.7 | 6.6 |
| Spain | 32.1 | 31.8 | 32.1 | 33.3 | 34.4 | 31.9 | 29.4 | 25.3 | 24.9 | 25.6 |
| United Kingdom | 6.0 | 5.7 | 5.6 | 5.4 | 5.5 | 5.7 | 5.2 | 5.4 | 6.1 | 6.1 |

Source: Eurostat.

Table 3. In-work at-risk-of-poverty rate, 2005–10

| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|----------------|------|------|------|------|------|------|
| EU-27 | 8,2 | 8,2 | 8,5 | 8,6 | 8,4 | 8,5 |
| Denmark | 4,9 | 4,5 | 4,2 | 5,1 | 5,9 | 6,6 |
| Germany | 4,8 | 5,5 | 7,5 | 7,1 | 6,8 | 7,2 |
| Italy | 8,8 | 9,6 | 9,8 | 8,9 | 10,3 | 9,4 |
| Netherlands | 5,8 | 4,4 | 4,6 | 4,8 | 5,0 | 5,1 |
| Slovakia | 8,9 | 6,3 | 4,9 | 5,8 | 5,2 | 5,7 |
| Spain | 10,4 | 9,9 | 10,7 | 10,7 | 11,4 | 12,7 |
| United Kingdom | 8,3 | 7,8 | 8,0 | 8,5 | 6,7 | 6,8 |

Source: Eurostat.

the risk-of-poverty threshold, which is set at 60 per cent of the national median equivalized disposable income (after social transfers), or working adults who live in poor households. For these workers, having a job is no guarantee against poverty. This is often the case for single parents on low wages and/or with part-time jobs, whose wage is not sufficient to keep the family out of poverty and who have no additional income.

In-work poverty is highest in Spain and Italy, both scoring above the EU average, following from the relatively high incidence of marginal jobs and low wages. A remarkable feature is the increase of in-work poverty in Germany from 4.8 per cent in 2005 to 7.2 per cent in 2010, resulting from the growth of very small and low-paid jobs as well as the absence of a decent minimum wage for large numbers of the employed, as discussed in the German study. In Denmark working poverty is also on the rise, although not as rapidly as in Germany.

The account presented above shows that there are major differences between countries in terms of their labour market situations and how they perform in relation to various dimensions of precarious employment. Spain scores badly on all three indicators presented here: it has a low employment rate, a very high incidence of fixed-term contracts and a relatively high prevalence of in-work poverty. Italy is not far behind Spain, although it has a much lower rate of fixed-term contracts. Germany has improved its employment rate substantially but also sees the share of temporary contracts and especially in-work poverty rising, indicating that the new jobs created are, to a significant extent, precarious jobs. In the Netherlands, growing precarization is suggested by the high and increasing level of fixed-term contracts. In Denmark, Slovakia and the United Kingdom, general employment protection is low. In Denmark working poverty has been increasing substantially but still remains below the average. In the United Kingdom, working poverty fell below the average only with the onset of the crisis, suggesting that the working poor may now be unemployed. Slovakia suffers from a low employment rate but does well on the other two indicators. It should be noted, however, that the absolute level of wages and income in Slovakia is substantially below that of the other countries.

Trade union strategies towards precarious employment

The country studies help us to understand what lies behind trade union approaches towards precarious employment and workers in such employment, not only from an empirical perspective but also from a more conceptual one. Kahancová and Martišková (2011) draw on Heery and Abbot (2000) to distinguish a number of basic trade union strategies towards workers in precarious employment. They summarize these strategies in the following way:

- *Inclusion*: union strategy to include/integrate employees in precarious situations into their constituency and serve as broad interest representation organizations without making specific differences between precarious and regular workers.
- *Exclusion*: union strategy to serve as interest representation organizations for “insiders” (regular employees) only and exclude workers in precarious employment from their constituency and from union interests.
- *Separation*: union strategy to separate workers in precarious employment from the rest of their constituency and to treat them as a particular group requiring special attention and instruments in interest representation.
- *Reduction*: union strategy that aims to bridge the divide between precarious and regular employees by reducing precariousness (e.g. through regulations that decrease the incentives to resort to precarious work). Unions strive to influence/implement changes in the employment conditions of workers in precarious employment in order to bring these closer and comparable to employment conditions of regular employees.
- *Elimination*: trade union strategy aiming at eliminating all forms of precarious work in the economy. This may encompass inclusion as well as separation, but these strategies are perceived to be temporary on the way towards a full elimination of precarious employment.

Complementary to this, Boonstra, Keune and Verhulp (2011) distinguish five main instruments at the disposal of unions to deal with precarious work:

- addressing precarious work in collective agreements to improve the terms and conditions of precarious workers;
- litigation, taking precarious employment cases to court;
- influencing the legislative process at the central level through social dialogue or industrial action to improve the legal rights of precarious workers;
- mobilizing and organizing precarious workers in trade unions; and
- media campaigns to influence public opinion.

The country studies show that in all cases unions use all these strategies and instruments to some extent and at some point in time, often combining two

or more of them. The emphasis varies strongly, however, depending on the combination of a number of factors. One is that of the scale of the problem: the number of workers affected by precarious employment and the extent to which unions see such employment as an important issue. A second factor is whether the problem at hand concerns a specific company, a sector or the labour market in general. A problem with a temporary work agency which does not respect the law requires different actions from a problem with the rights of temporary agency workers in general. A third factor is that of the source of the problem: does it emerge because of deficiencies in the law, because of employer strategies, or because of a lack of collective voice? And a fourth factor is that of the resources unions have available in terms of coverage of collective agreements, membership and bargaining power, mobilization power, institutional positions (e.g. seats on national bi- or tripartite councils), and financial resources.

We will review below the approaches of trade unions in the seven countries under study. But first a general observation is in order. The position of trade unions in relation to precarious employment and precarious workers is not without controversy. Often, trade unions are accused of representing only the so-called “insiders” in the labour market, i.e. workers with open-ended, secure, decently paid jobs, and not the so-called “outsiders”, those with the insecure, precarious, low-paid jobs. Considering that trade unions are to a significant extent interest-representation organizations and that the lion’s share of their membership consists of “insiders”, this is not an unreasonable view.

However, trade unions do not represent only their members; to some extent they also aim to represent the entire labour force as well as society at large (Hyman, 2001). They pursue social justice in general and have their own vision of what work should and should not be. In addition, they cannot ignore their often declining membership among the “insiders” and the rising number of “outsiders” in the labour market, which constitutes a growing potential source of membership. In fact, the growing importance of precarious jobs in the labour market also puts the labour standards of the “core” workforce under pressure, especially considering that standard jobs are often replaced by non-standard jobs. In line with this, the country studies show that the position of unions towards precarious employment has considerably evolved. Two or three decades ago unions would have largely rejected the then relatively new and infrequent non-standard and precarious types of employment as unacceptable and argued that they should be abolished, without showing much interest in the workers occupying these jobs. Over time, with the growth of “outsider” jobs, this position has changed substantially; unions have begun serious efforts to represent “outsiders”, recruit them as members and improve their employment conditions. This has proven to be a difficult task, however, and there have been both successes and failures in the endeavour. If the union discourse has indeed shifted towards a

representation of “outsiders”, this has not always translated into sufficient resources being dedicated to these activities.

Finally, it should be noted, as Simms (2011) shows for the United Kingdom, that a number of professions have been characterized by a high incidence of precarious jobs for many decades, such as performance artists, nurses and others. Unions have a long tradition of organizing and representing these workers and often have well-established agreements with the respective employers, regulating the terms and conditions of employment and reducing the levels of precariousness.

Country cases

Denmark

Until recently, the largest Danish union confederation, LO, had no overall strategy regarding precarious employment and its member organizations did not give it a high priority. As discussed by Mailand and Larsen (2011), over the past couple of decades the approach towards precarious work has changed from one of reducing these types of employment to one of trying to improve them, but this does not apply equally to all forms of precarious employment. For example, all Danish unions are actively trying to cover temporary agency workers through their collective agreements, while only a few of them show interest in organizing and covering freelancers and the self-employed. The limited attention to precarious employment in Denmark seems to be the result of the relatively low incidence of such types of employment, even though they have been on the rise in recent years. Indeed, of late, the issue has become more salient for Danish unions and they have been developing new strategies and activities.

One important instance of success has been the attempt to ensure that temporary agency workers receive the same hourly wage as regular workers of the hiring companies. Together with the employers, who share this objective, the position of temporary agency workers has been substantially improved. Another successful example has been that of the “Job Patrol”, dedicated to guaranteeing the compliance of employers with the rules regarding young workers; the conditions of thousands of young workers were improved through this campaign. Other attempts have been less successful, including efforts to organize Polish migrant workers in the construction industry and to improve the social rights of part-time workers at universities. The preferred instrument to address precarious employment seems to be collective bargaining, which is in line with the fact that collective agreements are the main form of labour market regulation in Denmark and that Danish unions have a high membership and strong bargaining power. But instruments such as organizing and public campaigning have also been used in conjunction with collective bargaining.

Germany

German trade unions see precarious employment as inconsistent with the traditional German model of a social market economy and as leading to increased inequality and injustice (Bispinck and Schulten, 2011). They consequently call for a fundamental U-turn in labour market regulation in order to stem the rapid increase of precarious employment and return to open-ended jobs with full access to social and labour rights as the standard form of employment. In recent years, campaigns against different forms and dimensions of precarious employment have moved progressively to the centre of trade union activities, following four strategic approaches.

The first is collective bargaining, the traditional instrument of German unions which is used extensively to bargain for the limitation of low pay and marginal part-time jobs, to enforce equal pay for equal work for temporary agency workers and to improve access of disadvantaged groups to training. However, the coverage of collective agreements in Germany is declining; with its present coverage of some 60 per cent, many fall outside its protection, and many of these are workers in precarious employment.

A second strategy has been for German unions to campaign for changes in the legislation in order to limit, prevent or even forbid certain forms of precarious employment, including the abolition of mini-jobs, stricter limits on fixed-term jobs and temporary agency work and full access for the dependent self-employed to social security. In this respect, the most salient campaign of recent years has been on the minimum wage, which aims to get a statutory minimum wage accepted in Germany.

A third strategy concerns the organizing of workers in precarious employment. This has become one of the main challenges for trade unions since it now concerns about one-third of the workforce; because trade union membership is declining; and because improvement of the conditions of precarious workers requires not only better regulations but also the organizational power to enforce these regulations. Organizing precarious workers has proven a daunting task and traditional recruitment channels largely fail. Therefore, the unions have now developed special campaigns for specific groups of precarious workers whom they provide with practical help and assistance on an individual basis.

Fourth, the unions have been elaborating their own vision and discourse on the humanization of work under the heading "Good Work". This serves as a counter to the dominant view that precarious employment is necessary to make the labour market more flexible and thus increase competitiveness and employment. This new vision has been widely proposed and debated, and has been translated into a broad range of more specific activities, including the drawing up of a good work index, minimum wage initiatives, health promotion, the strengthening of training and knowledge transfer, and the better balancing of work and private life.

Bispinck and Schulten (2011) show that all these activities have had some noteworthy successes and have resulted in a set of best practices. Still, to this day, they argue, the reach of the union initiatives has been rather limited overall. For the German unions, the increase of precariousness in Germany is mainly the result of its deliberate political promotion through the deregulation of workers' protection. In their view it is, therefore, first and foremost the responsibility of the State to reintroduce much stricter labour regulation.

Italy

The labour market in Italy is characterized by high uncertainty and precariousness (Burrioni and Carrieri, 2011). Over the past 15 years, the labour market has been thoroughly flexibilized through a rapidly expanding use of a variety of flexible contracts which have not been matched by new and adequate forms of (social) security. One reason for this is that at the national level, where social security is concerned the debate has long concentrated on the issue of pensions, obscuring the need for a strengthening of other types of social benefits. Another reason is that austerity has been playing an increasingly important role in government policy.

The Italian unions have followed three basic strategies to address precarious work. The first has been the participation in national and local tripartite negotiations, to influence the political agenda and directly have an impact on labour market reforms and the setting up of new social security tools. These types of negotiations have had ups and downs over time, depending on the issues at hand and on the political colour of the Government. In the 1990s, unions participated in a number of important national and local social pacts that had major implications for precarious workers, but in the 2000s this became more complicated as stronger differences emerged between the Government and employers on the one hand and unions on the other. In parallel, differences between the three major union confederations became more apparent, leading to a situation in which the Italian Federation of Workers' Trade Unions (CISL) and the Italian Labour Union (UIL) signed several agreements with the Government and employers, which were rejected by the largest union confederation, the Italian General Confederation of Labour (CGIL). An important exception was the 2007 social pact on the regulation of pensions and the labour market, which was signed by all unions. It was not a coincidence that this took place under the centre-left Prodi government, whereas under the various centre-right governments it had proven much more complicated. The 2007 agreement included, among other things, new forms of security for young workers, improved unemployment benefits, the abolition of on-call jobs and stricter rules for the use of fixed-term contracts. If unions have had some success

with tripartite agreements, they have not been able to stop the further flexibilization of the labour market or to get new comprehensive forms of social security in place.

Second, starting in the late 1990s Italian unions established new organizations specifically aimed at representing workers in flexible and often precarious employment (such as temporary agency workers or the dependent self-employed). These unions try to encourage the shift from flexible to standard jobs as well as improving the rights and conditions of flexible workers. To this effect, they represent the interests of non-standard workers in the political arena through dialogue, campaigns and collective mobilization. They work inside the confederations to which they belong, in order to coordinate their actions with other sectoral federations and to promote a more general agenda that gives more space to the needs of atypical workers. They also engage in collective bargaining at company and national levels, and they offer services to non-standard workers, particularly with respect to the dissemination of information on the protections, rights and legal framework adapted to the requirements of these groups. These new unions have seen their membership grow over time, with the largest reaching over 50,000 members in 2010. They remain very small, however, compared to the regular unions and to their potential membership. They have also started to play an important role in the negotiation of a number of collective agreements, especially at company level. However, it has not been easy to play a large role in the industry-wide agreements, where the regular unions also cover the conditions of workers in flexible employment and inter-union coordination is complicated. Still, the growing membership and influence of these new unions point towards a strong potential for the future.

Third, unions in cooperation with employers have created a specific bilateral welfare system for temporary agency workers, financed by the social partners themselves. Under this system they have improved health and safety practices, introduced new guarantees for temporary agency workers, promoted forms of stabilization of careers and income, delivered additional benefits and welfare measures and set up training activities, among others. In this way, the workers in this growing segment of the labour market have seen their work become less precarious.

Netherlands

Trade unions in the Netherlands have been dealing with precarious work actively since the 1990s, following the growing incidence of fixed-term contracts, part-time work, temporary agency work and low pay (Boonstra, Keune and Verhulp, 2011). Flexible types of employment were initially rejected as unacceptable. However, as a consequence of actual labour market developments,

the trade unions soon started to follow a strategy directed at the inclusion of this atypical workforce. The idea was for all work to be uplifted to the standards of the law and the collective labour agreements, improving the legal position as well as the working conditions of flexible workers. In the second half of the 1990s, unions concluded an agreement with employers in which they traded their interests following a model that has become known as “flexicurity”, codified in the Law on Flexibility and Security which came into force in 1999. Trade unions accepted more flexibility to accommodate employers, but demanded in exchange the guarantee of workers’ rights and the extension of social security rights to atypical jobs. Moreover, part of this flexibility was restricted in the sense that it could be achieved only through collective agreements.

A decade later, however, trade unions have begun to recognize that this strategy was to some extent a miscalculation. There are sectors and groups on the labour market where flexibility is now the standard, instead of the exception that trade unions foresaw when they concluded the agreement. In the same way, forms of bogus self-employment have developed that are very difficult to address, marginal part-time employment has expanded, and most recently new forms of flexible types of employment have also emerged. Although the coverage rate of collective agreements remains high at around 85 per cent, it is becoming increasingly difficult for unions to prevent collective agreements from being turned into instruments of flexibilization instead of reduction of flexibility.

As a result, the line of attack towards precarious work has recently been adapted and diversified. Dutch unions have joined the ILO in the campaign for “decent work”, and the Confederation of Dutch Trade Unions (FNV) has set the following objectives:

- Limit flexible contracts to “sick and peak”, i.e. to the replacement of permanent workers who are ill and to peaks in economic activity. If a person works for nine months a year it should be on a normal (permanent) contract.
- Equal pay for equal work. For example, temporary agency workers should be paid according to the normal collective agreement valid at the company where they work from the very first day.
- Work should lead to economic independence and not to low pay and working poverty.

The FNV has identified a number of sectors which it deems specifically problematic in terms of the Decent Work Agenda, including the postal sector, the cleaning sector, meat processing, supermarkets, domestic aid, the construction sector, education, the taxi sector and the temporary agency work sector. Trade unions have started media campaigns to inform the general public about the characteristics and consequences of precarious work. They

are involved in court cases to try and get a ban on “payrolling” practices.² They are working to improve the collective agreement for the temporary work agency sector and are debating whether they should stop making such agreements altogether and start treating temporary agency workers exclusively under the regular collective agreement of the sector or company in which they are employed. Also, considering that the bargaining position of the trade unions in quite a few sectors is simply not strong enough, and that collective agreements have been used on a number of occasions to further flexibilize the regulations concerning fixed-term contracts, they are pushing for changes in the legislation to make it tighter and thus reduce the risk of flexibilization through collective agreements. They have also put the employer practice of dismissing workers on open-ended contracts and replacing them by fixed-term contracts of (bogus) self-employed on the agenda of the key institutions of the Dutch “Poldermodel”, the tripartite Social Economical Council and the bipartite Foundation of Labour, with a view to placing it on the political agenda and to change regulations and practice.

Slovakia

Unions in Slovakia are critical of the recent growth in precarious employment and most of them share a long-term vision of reducing such employment (Kahancová and Martišková, 2011). Their approach is largely a general and inclusive one, without many explicit actions to address specific groups of workers in precarious employment. This is to an important degree the result of limited membership as well as a lack of organizational power. Indeed, in the post-socialist context the unions have to spend a lot of their time and energy in simply maintaining their legitimacy as a socio-economic and political actor.

Kahancová and Martišková claim that the main strategy of unions towards precarious employment is their engagement in national-level social dialogue so as to influence the shaping of labour legislation. They are part of the national tripartite council which acts as an advisory body to the Government. They also interact with parliamentary factions, ministries and other political actors to play a part in the political process. The effectiveness of this involvement varies, depending both on the issue at stake and on the political support the unions have in parliament and government. In the 2007

2. Under these practices, construction companies hire workers but have an external bureau taking responsibility for the administrative and legal aspects of the employment relationship. Payrolling is characterized by a split in the role of the employer into a “formal” and a “material” employer, much like the contract of temporary work agencies. The difference, however, is that in practice these contracts very closely resemble normal employment contracts because, other than the temporary agency contracts, the employer in who is undertaking the work takes place (the “material employer”) hires the worker himself and merely transfers responsibilities to an agency (the “formal employer”).

reform of the labour code, the unions saw several of their proposals accepted by the social-democratic Government. The reform strengthened the rights of workers in precarious employment in several ways. Conversely, in 2010, the new conservative Government launched new reforms that are to increase flexibility and precariousness despite union protests, demonstrations and political manoeuvres. Indeed, the union's capacity for independent political action is limited.

Slovak unions also ascribe a central role to collective bargaining in improving precarious employment. However, according to an estimate of the Confederation of Trade Unions of the Slovak Republic (KOZ SR), only some 20 per cent of employees are covered by collective agreements, leaving the vast majority out of the reach of such agreements. Also, Kahancová and Martišková did not find extensive evidence on collective bargaining specifically targeting and regulating precarious employment. Rather, this is largely left to the general bargaining procedures and within general stipulations of the collective agreements. This fits with the general inclusive strategy of unions and their long-term goal of reducing precarious employment. At the same time, it seems only marginally effective as an instrument to address present problems related to precariousness. In two sectors – metallurgy and agriculture – collective bargaining does indeed target precarious employment; however, the collective agreements in the metallurgy sector do so in a way that increases rather than decreases the differences between “insiders” and “outsiders”. In general, the authors conclude, collective bargaining is less effective in addressing precarious employment than union influence on political and legislative processes.

Spain

Among the seven countries discussed here, Spain is probably the country with the highest incidence of precarious work, in particular because of its extraordinarily high share of fixed-term contracts, but also because of its high in-work poverty rate. It therefore comes as no surprise that reducing precariousness is a priority issue for Spanish trade unions (Ramos Martin, 2012). In recent years the Spanish unions have campaigned extensively against precarious work, making use of their relatively strong mobilization power. In particular, they have focused on the excessive flexibility of fixed-term contracts, the difficulty faced by temporary and part-time workers in accruing rights to social security and maternity leave, and the level of wages. Through their actions the unions address the Government first and foremost: often such campaigns, including general strikes, have been triggered in response to government proposals for labour market reforms regarding temporary contracts, the collective bargaining system, the regulation of temporary work agencies and wage setting. During the present crisis, both government reforms aimed at flexibilizing and decentralizing the labour market on the one

hand, and union protests on the other, have intensified. On these same issues, unions have also been active in social dialogue; in the past decade a number of bi- and tripartite agreements have been negotiated with the employers' organizations and the Government. A major issue in such agreements has been the attempt to reduce the use of temporary contracts. Whether through dialogue or protest, unions have had some successes. At the same time, particularly since the beginning of the crisis, the various governments have been focusing on austerity, flexibilization and decentralization of employment relations. The crisis has also reduced the influence of unions on government policy.

Considering that collective agreements cover almost the entire labour market in Spain, they are potentially powerful instruments for trade unions to address precarious work. However, in practice, as Ramos Martin (2012) shows, collective agreements can often become instruments of flexibilization by further extending, for example, the possibilities for employers to use fixed-term contracts. Indeed, at the sectoral/regional levels where most agreements are negotiated the bargaining position of unions is not strong, in part because of their low membership levels, among the lowest in the European Union. This is why Spanish unions typically address the Government and the legal framework when trying to improve the situation for precarious workers.

Ramos Martin provides successful examples of such actions. One concerns their campaigning for equal treatment of temporary compared to permanent civil servants, making sure that their years in temporary positions count equally in the accrual of internal promotion rights. After years of campaigning, this issue was taken to the Court of Justice of the European Union which ruled in favour of the temporary civil servants. Another action relates to domestic workers, who used to be subject to special regulations that allowed their employers to dismiss them at any time without any sort of compensation. In addition, they had in practice no access to social protection and did not manage to accumulate sufficient pension contributions. After years of trade union agitation and after the issue was incorporated in two tripartite agreements, the Government adopted in 2011 the necessary legislation to remedy the situation, thus improving the working conditions of over 700,000 mostly female workers.

United Kingdom

In the United Kingdom, trade unions have been developing a series of initiatives aimed at workers in precarious employment – or “vulnerable workers” in their terminology. The main trade union confederation, the Trades Union Congress (TUC), in 2007 established a commission to examine the challenges of these workers, indicating increased interest in and awareness of their disadvantaged conditions, and representing an attempt to put the issue on the political agenda.

Simms (2011) presents a number of trade union actions dealing with precarious work. One major area concerns collective bargaining, which has proven a challenging enterprise since collective agreements cover only about a third of employees, and the sectors where high levels of precarious employment have emerged are often not unionized and no extension mechanisms of other agreements exist. The future coverage of such workers by collective agreements hence depends largely on their becoming organized.

At the same time, there are some sectors which traditionally have had large numbers of precarious workers and which have long-established bargaining practices. They include performing artists and nurses, and show that organizing and regulating precarious work is indeed possible and can be effective. There are also examples of new forms of precarious work that unions have tried to cover in their bargaining processes, such as workers involved in the contracting out of public services to private employers or in transfers of undertakings. Here some notable successes have been observed, although they remain complex situations in which bargaining addresses the two employers involved in such processes.

A good example of a union expanding its bargaining coverage to new groups of precarious workers beyond its core group of members is the transport unions, which have begun to organize and to extend collective bargaining to more groups of workers in precarious work in transport, for example cleaners on the London Underground.

The other major area in which many union initiatives have been developed is that of organizing. The UK report provides a detailed analysis of the organizing of cleaning workers, of Polish migrant workers in an industrial region in the North of England, of fixed-term and hourly paid workers in higher education and of performance artists. These examples show that successes can be achieved with targeted campaigns, motivated union organizers and sufficient resources. They also show, however, that organizing workers in precarious employment remains a difficult and time-consuming task which requires much human and financial investment and a lot of personal contact. Also, they demonstrate that it is difficult to keep organization campaigns going for a long time because of declining enthusiasm or dwindling financial support. Indeed, such campaigns require a strong commitment from the unions involved, both from their leadership and staff.

Conclusions and policy implications

These seven country cases have provided a number of important insights and lessons concerning trade union activities aimed at the reduction of precarious employment. First, the importance of precarious employment as an object of union strategies has increased substantially with the rise of such employment in recent decades across Europe. Despite the fact that unions

are often accused of being representatives of “insiders” rather than “outsiders” on the labour market, they have developed a range of initiatives to attempt to curb the trend and to improve the conditions of precarious work.

They have done so out of various motives. One is their orientation as societal actors interested in raising workers’ status in society in general and advancing social justice. Indeed, trade unions in Europe often see themselves to an important extent as representatives of the entire workforce, not only of their members, in particular where the weaker groups on the labour market are concerned. Another motive is of course the fact that the growth of precarious employment constitutes a threat to the very people they represent. Reducing precarious employment and improving the quality of precarious jobs are seen as a way to uphold labour market standards in general.

The studies show that unions use a variety of strategies and instruments to address problems of precarious work, including collective bargaining, influencing national policies and legislation through social dialogue or campaigning, litigation in court, organizing precarious workers and providing them with services, mobilization and campaigns to influence public opinion. Most unions have engaged in one way or another in all of these types of activities, but the emphasis differs strongly between countries, depending on the specific national circumstances as well as the resources the unions can draw upon.

From a union perspective, each strategy has its strengths but also its weaknesses. For example, collective bargaining is the traditional regulatory instrument for unions and may provide them with direct leverage over the conditions of precarious work. At the same time, in many countries only a fraction of workers in precarious employment are covered by such agreements, while in several cases the bargaining power of unions has proven insufficient to substantially improve the position of these workers.

Legislation has the advantage of having a comprehensive coverage, at least in principle. At the same time, the law does not react rapidly to the emergence of new types of precarious employment, as employers continue to creatively explore the boundaries of legislation. Improvements in legislation also depend very much on the colour of the governments in power; while for legislation to be effective, union monitoring and litigation is sometimes indispensable.

Organizing workers in precarious jobs is a notoriously difficult task, but in a number of cases it has worked quite well, especially where ample resources have been dedicated to it, union leadership has provided support and public opinion has been mobilized. But even in these cases, maintaining success can be complicated when resources dry up and support dwindles; in addition, organizing often results in conflicts with employers and managers.

Despite the considerable interest in reducing precarious work, the steady rise of such types of employment clearly shows that these union initiatives have not been sufficient to curb the trend. This can to some extent

be explained by the strategic choices of unions themselves: even though they are giving increasing importance to activities aimed at reducing precarious work and in some cases even consider it a priority issue, the discourse remains to some degree symbolic as actual resources dedicated are often meagre, instruments are not used to the full extent to reduce precariousness, and organizing campaigns remain temporary. Without making precarious jobs an unquestionable priority, results will remain limited. At the same time, the resources available to unions are often limited compared to the fast growth of precarious employment, in particular in countries where union membership is low and institutional positions are weak. In most EU countries, it seems doubtful that unions can achieve a substantial decline in precarious employment on their own. Indeed, an effective and structural reduction of precarious work requires much more effort and resources from both trade unions and other actors such as employers and their organizations, parliaments and non-governmental organizations. Consequently, unions will no doubt have to strengthen their cooperation, alliances and dialogue with these other actors if they are to achieve the results they want.

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