

FLEXICURITY:  
THE EMERGENCE OF  
A EUROPEAN CONCEPT

Sonja BEKKER



intersentia

Cambridge – Antwerp – Portland

Intersentia Ltd  
Trinity House | Cambridge Business Park | Cowley Road  
Cambridge | CB4 0WZ | United Kingdom  
mail@intersentia.co.uk

*Distribution for the UK:*  
Hart Publishing Ltd.  
16C Worcester Place  
Oxford OX1 2JW  
UK  
Tel.: +44 1865 51 75 30  
Email: mail@hartpub.co.uk

*Distribution for the USA and Canada:*  
International Specialized Book Services  
920 NE 58th Ave. Suite 300  
Portland, OR 97213  
USA  
Tel.: +1 800 944 6190 (toll free)  
Email: info@isbs.com

*Distribution for Austria:*  
Neuer Wissenschaftlicher Verlag  
Argentinerstraße 42/6  
1040 Wien  
Austria  
Tel.: +43 1 535 61 03 24  
Email: office@nwv.at

*Distribution for other countries:*  
Intersentia Publishers  
Groenstraat 31  
2640 Mortsel  
Belgium  
Tel.: +32 3 680 15 50  
Email: mail@intersentia.be

Flexicurity: The Emergence of a European Concept  
Sonja Bekker

© 2012 Intersentia  
Cambridge – Antwerp – Portland  
www.intersentia.com | www.intersentia.co.uk

ISBN 978-1-78068-091-0  
D/2012/7849/115  
NUR 825

British Library Cataloguing in Publication Data. A catalogue record for this book is available from the British Library.

No part of this book may be reproduced in any form, by print, photoprint, microfilm or any other means, without written permission from the publisher.

# CONTENTS

<i>List of Abbreviations</i> .....	xi
Chapter 1.	
Introduction .....	1
1.1 Subject of the study.....	1
1.2 History and context: uniting social and economic goals at the EU level .....	2
1.3 Flexicurity: reaching a double goal .....	3
1.4 Goal of the research and research question .....	5
1.5 Research methodology.....	6
1.6 Relevance of the study .....	7
1.7 Outline of the book .....	9
Chapter 2.	
Towards a Theoretical Perspective on Flexicurity.	
Establishing Preconditions.....	11
2.1 Introduction .....	11
2.2 New forms of governance: a theoretical framework for policy-making.....	12
2.3 Characteristics of new governance in a European context .....	13
2.4 Setting flexicurity in a European context.....	16
2.4.1 Preconditions concerning the process of flexicurity-making....	17
2.4.2 Preconditions concerning the content of flexicurity .....	20
2.4.3 Preconditions concerning the context of flexicurity .....	22
2.5 Discussions on new governance: legitimacy, power and the role of law .	23
2.5.1 New governance may threaten legitimacy.....	23
2.5.2 The disappearance of power .....	28
2.5.3 The role of law in policy-making.....	31
2.6 Conclusion.....	32

## Chapter 3.

## Research Methodology to Analyse the Preconditions for Flexicurity. . . . . 35

3.1	Introduction . . . . .	35
3.2	The choice of qualitative research: the case study . . . . .	35
3.3	Possible contribution of a case study to theory development . . . . .	36
3.4	Case study techniques: the congruence and process-tracing methods . . . . .	38
	3.4.1 The congruence method . . . . .	39
	3.4.2 The process-tracing method . . . . .	40
	3.4.3 A mix of methods? . . . . .	43
3.5	Requirements of the case study . . . . .	45
3.6	Sources of data collection . . . . .	45
	3.6.1 Document analysis . . . . .	46
	3.6.2 Interviews . . . . .	47
	3.6.3 Selection of the interviewees . . . . .	49
3.7	Operationalisation . . . . .	53
	3.7.1 Assessing the content of flexicurity . . . . .	54
	3.7.2 Assessing the design of the policy-making process . . . . .	54
	3.7.3 Measuring the level, codification and context of flexicurity . . . . .	57
3.8	Conclusion . . . . .	58

## Chapter 4.

## The Institutional Context of Developing Flexicurity . . . . . 61

4.1	Introduction . . . . .	61
4.2	Treaty provisions on actor involvement . . . . .	61
	4.2.1 Treaty provisions addressing employment issues . . . . .	62
	4.2.2 Treaty provisions on social policy issues . . . . .	63
4.3	Policy documents on actor involvement . . . . .	65
	4.3.1 Actor involvement in the context of the EES . . . . .	66
	4.3.2 Documents calling for broad actor involvement . . . . .	68
	4.3.3 Documents addressing the involvement of particular actors . . . . .	69
4.4	Evaluating actor involvement: the impact assessment . . . . .	70
4.5	Practices: dialogue with social partners and civil society . . . . .	72
	4.5.1 Tripartite Social Summits . . . . .	72
	4.5.2 Bipartite social dialogue: Social Dialogue Committee . . . . .	75
	4.5.3 Participation of civil society in employment issues . . . . .	76
4.6	Actors on the role of the EU: law versus OMC . . . . .	77
	4.6.1 The role of (EU-level) law . . . . .	78
4.7	Soft law approaches at the EU level . . . . .	81
4.8	Conclusion . . . . .	84

Chapter 5.	
Tracing the Origins of Flexicurity. A Brief History . . . . .	87
5.1 Introduction . . . . .	87
5.2 Traces of flexicurity in discussions on social and economic goals. . . . .	87
5.3 Traces of flexicurity in discussions on European employment policies . . . . .	91
5.3.1 The Lisbon Strategy: start and relaunch. . . . .	94
5.3.2 Lisbon and the Kok reports . . . . .	97
5.4 Flexibility and security in discussions on the modernisation of labour law . . . . .	100
5.5 Flexicurity traces at the national level and in academic discussions . . . . .	102
5.6 Flexicurity in discussions and publications of European actors. . . . .	106
5.6.1 Gathering flexicurity ideas at the EU level. . . . .	107
5.7 Conclusion. . . . .	111
Chapter 6.	
Flexicurity on the European Agenda . . . . .	113
6.1 Introduction . . . . .	113
6.2 The Austrian Presidency: in search of a new social and economic impetus for the EU . . . . .	113
6.3 Flexicurity in the context of the EES. . . . .	115
6.3.1 Contextual influences: the political and economic climate and the availability of resources . . . . .	116
6.3.2 The first European flexicurity ideas: the European Commission . . . . .	118
6.4 The Austrian Presidency's views on flexicurity . . . . .	121
6.5 First meetings to exchange views on flexicurity . . . . .	122
6.6 Further discussion of flexicurity: EMCO and the Commission. . . . .	125
6.7 Early thoughts on flexicurity by European institutions. . . . .	128
6.8 Other European Institutions: EP, EESC and CoR. . . . .	131
6.9 The involvement of the European Social Partners . . . . .	135
6.10 The involvement of civil society. . . . .	142
6.11 Calls for involvement in the flexicurity policy-making process. . . . .	144
6.12 Conclusion. . . . .	146
Chapter 7.	
Developing Flexicurity and Struggling with Labour Law. . . . .	149
7.1 Introduction . . . . .	149
7.2 Troika and informal meeting of employment ministers . . . . .	151
7.3 European Parliament and the EESC . . . . .	153
7.4 Involvement by the European Social Partners. . . . .	157

7.5	Involvement by civil society organisations. . . . .	159
7.6	Preparations for the Tripartite Social Summit in Lahti . . . . .	162
	7.6.1 Input for the tripartite discussions . . . . .	165
	7.6.2 Reactions of the participant prior to, during and after the Tripartite Summit . . . . .	166
	7.6.3 Reactions of civil society. . . . .	169
7.7	Other meetings and opinions . . . . .	171
7.8	November 2006: the Green Paper on labour law . . . . .	172
	7.8.1 Trying to organise an open consultation on labour law . . . . .	172
	7.8.2 Changing contents. . . . .	176
	7.8.3 The Green Paper on labour law . . . . .	177
	7.8.4 Purpose and content of the Green Paper on labour law . . . . .	178
	7.8.5 Differences between the draft and final versions of the Green Paper on labour law. . . . .	180
	7.8.6 Reactions to the altered Green Paper . . . . .	184
7.9	Measuring flexicurity: stocktaking note and Employment in Europe . . . . .	189
7.10	Conclusion. . . . .	193
Chapter 8.		
Emphasising Social Europe . . . . . 195		
8.1	Introduction . . . . .	195
8.2	Informal EPSCO Meeting. . . . .	196
8.3	Welcoming the Presidency's emphasis on social Europe. . . . .	200
8.4	The first flexicurity agreement at the European level: Eurociett and Uni-Europa . . . . .	202
	8.4.1 Founding the sectoral social dialogue committee . . . . .	202
	8.4.2 Setting the flexicurity agenda. . . . .	203
	8.4.3 Aims of the parties. . . . .	205
	8.4.4 Negotiations . . . . .	206
	8.4.5 Final text . . . . .	208
8.5	Moving towards the Spring Council. . . . .	210
8.6	The Tripartite Social Summit . . . . .	211
8.7	Reactions on the Green Paper on labour law . . . . .	213
8.8	The impact of the Green Paper debate on the flexicurity discussion and vice versa . . . . .	217
8.9	(Un)official reactions to the publication of the Green Paper. . . . .	219
8.10	The Green Paper debate in the EP . . . . .	221
	8.10.1 Wider debate in the EP . . . . .	224
8.11	Talking about trust. . . . .	227

8.12	External experts: the flexicurity expert group .....	231
8.12.1	The aim of the flexicurity expert group .....	231
8.12.2	Members of the flexicurity expert group .....	233
8.12.3	Discussions within the flexicurity expert group .....	235
8.13	Stakeholder conference .....	238
8.13.1	Content of the Commission’s background document and the interim report of the expert group .....	239
8.13.2	Discussions at the stakeholder conference .....	240
8.14	Content of the final report of the flexicurity expert group .....	242
8.15	The flexicurity Communication .....	243
8.16	Reactions to the flexicurity Communication .....	247
8.17	The European Social Partners and businesses on flexicurity .....	251
8.18	Conclusion and remarks .....	253

Chapter 9.

Reaching Common Principles of Flexicurity .....	255
---	-----

9.1	Introduction .....	255
9.2	Informal Troika Meeting .....	256
9.2.1	Conference on flexicurity’s key challenges .....	259
9.3	Measuring flexicurity .....	261
9.4	Demonstrations against flexicurity .....	263
9.5	Informal Tripartite Social Summit: presenting a joint analysis .....	264
9.5.1	Content of the joint analysis .....	267
9.6	The EESC and the CoR .....	270
9.6.1	The Committee of the Regions .....	272
9.7	EMCO and SPC .....	274
9.8	EP’s reaction to the flexicurity Communication .....	276
9.9	Content of the EP opinion on the common principles of flexicurity .....	278
9.10	Civil society .....	280
9.11	The Council’s common principles of flexicurity .....	286
9.12	Reactions to the common principles of flexicurity .....	288
9.13	Comparing the Commission’s and the Council’s common principles of flexicurity .....	289
9.14	Conclusion and discussion .....	290

Chapter 10.

Explaining the Emergence of the EU’s Flexicurity Concept .....	293
--	-----

10.1	Introduction .....	293
10.2	The context in which flexicurity emerged .....	294
10.3	The involvement of actors .....	295

10.3.1	Commission, Member States and other European institutions .....	296
10.3.2	European social partners .....	297
10.3.3	Civil society .....	298
10.4	The integration of policy fields .....	301
10.5	On the content of flexicurity .....	302
10.6	The encounter of actors .....	305
10.6.1	Negotiations, attitudes and goals during negotiations .....	306
10.6.2	Platform for debates, social partnership and bargaining agenda .....	309
10.6.3	Central coordination of decentralisation .....	312
10.7	On transparency and time .....	313
10.8	The role of law .....	316
10.9	Conclusion and discussion .....	318
10.10	Limitations and suggestions further research .....	322
	<i>References</i> .....	323
	<i>Curriculum vitae</i> .....	333



## LIST OF ABBREVIATIONS

AGE	European Older People's Platform
ALDE	European Liberal Democrats in the European Parliament
ALMP	Active Labour Market Policies
BEPA	Bureau of European Policy Advisers
BusinessEurope	Confederation of European Business
CEC	Conference of European Churches
CEEP	European Centre of Employers and Enterprises providing Public services
CESI	European Confederation of Independent Trade Unions
CGTP	General Confederation of Portuguese Workers
CLA	Collective (labour) agreement
CoR	Committee of the Regions
DG	Directorate General
DG EMPL	European Commission's Directorate General for Employment, Social Affairs and Equal Opportunities
DG EAC	The Directorate General responsible for Education and Culture of the European Commission
DG ECFIN	The Directorate General for Economic and Financial Affairs of the European Commission
DG ENTR	Directorate General Enterprise and Industry of the European Commission
DG MARKT	The Internal Market and Services Directorate General of the European Commission
EAPN	European Anti-Poverty Network
EBB	European Environmental Bureau
ECOFIN	Ecofin Council composed of the Economics and Finance Ministers of the Member States
ECO	Section Employment, Social Affairs and Citizenship of the EESC
EES	European Employment Strategy
EESC	European Economic and Social Committee
ELDR	The party for liberal democrat values in Europe in the European Parliament

EMCO	Employment Committee
EP	European Parliament
EPC	Economic Policy Committee
EPL	Employment Protection Legislation
EPP-ED	European People's Party (Christian Democrats) and European Democrats in the European Parliament
EPSCO	Council of European Employment and Social Affairs Ministers
Euractiv	News Network which delivers localised EU policy information in 12 languages
Eurocadres	Council of European Professional and Managerial Staff
Eurochambres	Association of European Chambers of Commerce and Industry
Eurociett	European Confederation of Private Employment Agencies
Eurocommerce	Retail, wholesale and international trade representation
Eurodiaconia	Platform of diaconal actors in Europe
European Foundation	European Foundation for the Improvement of Living and Working Conditions
ESF	European Social Fund
ESM	European Social Model
ETUC	European Trade Union Confederation
EU	European Union
Green Paper	Here: Green Paper Modernising labour law to meet the challenges of the 21st century
Group Verts/ALE	The Greens/European Free Alliance; European parliamentary group
GUE/NGL	The European United Left / Nordic Green Left European Parliamentary Group
HRM	Human Resource Management
ILO	International Labour Organization
IMF	International Monetary Fund
IND/DEM	Independence/Democracy Group in the European Parliament
MEP	Member of European Parliament
MISEP	Mutual Information System on Employment Policies, network of national correspondents
NGO	Non-governmental organisation
NRP	National Reform Programme

OECD	Organisation for Economic Co-Operation and Development
OMC	Open Method of Coordination
PES	Public Employment Service
PPE/DE	Group of the European People's Party (Christian Democrats) and European Democrats in the European Parliament
PROGRESS	EU's employment and social solidarity programme
PSE	The Socialist Group in the European Parliament
SDC	Social Dialogue Committee
SMEs	Small and medium sized enterprises
SOC	Employment, Social Affairs and Citizenship Committee of the EESC
Social Platform	Platform of European Social NGOs
SPC	Social Protection Committee
TAW	Temporary Agency Worker
TFEU	Treaty on the Functioning of the European Union
UEAPME	European Association of Craft, Small and Medium-sized Enterprises
UEN	Union for Europe of the Nations, group in the European Parliament
UNICE	Union des Industries de la Communauté européenne (as of 2007 BusinessEurope)
Uni-Europa	European trade union federation for services and communication
WTD	Working Time Directive
YFJ	European Youth Forum