

# Trade union responses to precarious work in seven European countries

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*Draft, no quotations*

## 1. Introduction<sup>1</sup>

Non-standard employment, including fixed-term contracts, temporary agency work, (dependent) self-employment and (marginal) part-time contracts, has been on the rise in Europe in recent decades, in particular in the service sector (Eichhorst et al. 2010; European Commission 2011a). One of the corollaries of this development is that job quality is under pressure and that job precariousness is on the rise (Peña-Casas and Pochet 2009; Greenan et al. 2010).<sup>2</sup> Non-standard employment is not necessarily precarious, however, most precarious jobs are indeed non-standard jobs. It is the precarious nature of many non-standard jobs that makes them a major concern in today's labour market in Europe. Certain social groups (e.g. the young, women, the low skilled and elderly workers) are overrepresented among precarious jobs and are often trapped in the lower segments of the labour market.

The rise of precarious employment is not simply an outcome of inevitable economic and technological developments. It is also an outcome of conflicts and choices both in the political sphere and in labour relations (Crouch and Keune 2012). 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 concerning their competitive strategies and the types of jobs they offer. And individual employees and trade unions negotiate with employers on the terms of employment, types of contract, working conditions, etc.

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<sup>2</sup> Precarious employment refers to employment that combines some of the following characteristics: low levels of income and/or income security, low job and employment security, bad working conditions, limited access to training, limited social security rights and/or limited voice. There is no one single indicator of precariousness, which can be the result of different combinations of the here mentioned characteristics.

In this paper we analyze trade union strategies towards precarious employment, building on a seven country comparative study. We will discuss the extent to which trade unions are interested in the fate of precarious workers, what strategies they follow and what instruments they employ. The relationship between unions and precarious work is not a straightforward one. A major factor here is that trade union membership among precarious workers is generally very low and much lower than among standard workers (European Commission 2011b). If we consider, as economists often do, trade unions simply as organizations that defend the interest of their members, precarious workers and their interests will not figure high on their agendas. Often, this argument is couched in terms of insiders and outsiders, where insiders are permanent, well-paid employees with good working conditions and high job security, whose dismissal is costly, and outsiders have low wages, low protection against dismissal, flexible contracts and/or bad working conditions or are unemployed (for an overview see Lindbeck and Snower 2002). The interests of these two groups are then claimed to differ (ibid.; Rueda 2007): insiders want to defend their insider status and privileges, first of all through strong job security which protects them from dismissal and makes entry of outsiders difficult; while outsiders want to reduce job security of insiders and increase flexibility to make their entry into the labour market and into the better jobs easier. Because of the very limited membership among outsiders, trade unions are seen as organizations furthering the interests of the insiders while ignoring or even opposing the interests of the outsiders. Differences between unions in different countries then result from differences in membership: more encompassing unions with high membership care more about outsiders than unions with lower membership (Lindvall and Rueda 2013).

A number of objections can however be raised against this economics-based argumentation. One, often recognized by the proponents themselves, is that the division of the labour market in two groups is simplistic and for analytical purposes only: the differences between insiders and outsiders is more a matter of degree than of kind (Lindbeck and Snower 2002). As a result, also the division between which workers unions would represent and which they would not represent also blurs. A second question is if the interests of insiders and outsiders indeed differ so strongly. Emmenegger (2009), analysing survey data, concludes that this is not the case: outsiders and insiders both favour tight job protection even if the latter do so

more strongly than the former. If this is the case, unions are not simply the expression of insider interests but will further the interests of outsiders as well (even if not necessarily with the objective of representing outsiders).

Thirdly, it can be questioned if unions are indeed simply interest groups defending the interests of their members. Hyman (2001) argues that trade unions have different functions and identities. They can be representatives of their members, but also class actors opposing the capitalist system and societal actors that represent the interests of society at large, including those of the weaker in society, even if they are not members. He claims that all union identities and strategies contain elements of these three functions, and that the emphasis differs according to national and historical circumstances. In particular the latter function points towards the likelihood of unions deliberately and specifically representing not only insiders but (non-member) outsiders as well, and aiming to improve the quality of precarious employment out of considerations of solidarity and social justice.

Fourthly, the standard insider-outsider theory has little attention for the question to what extent insider and outsider jobs are interrelated and affect each other. On the one hand, it can be argued that insiders benefit from the existence of outsiders because the latter provide the labour market with the required flexibility and allow insiders to be secure. On the other hand, a growing segment of outsider jobs may well undermine the bargaining position of insiders as they are more and more compared to and replaced by outsider jobs. Indeed, the growth of precarious jobs may well lead to declining standards in insider jobs in such interrelations exist and insiders may have an interest in the reduction of precarious work to protect themselves.

Following from the above, there are sufficient reasons to assume that trade unions may develop strategies aimed at reducing the incidence of precarious employment and/or to reduce the level of precariousness and improve the quality of such jobs. Conceptually, a number of different union strategies towards precarious work and precarious workers can be distinguished (Penninx and Roosblad 2000; Heery and Abbot 2000). Kahancová and Martišková (2011), drawing on Heery and Abbot (2000), draw up the following 5 types of strategies:

- *exclusion*: serve as interest representation organizations for standard workers only and exclude precarious workers from their constituency and from union interests.
- *inclusion*: include/integrate precarious employees into the union constituency and serve as broad interest representation organizations without making specific differences between precarious and standard workers.
- *separation*: to separate precarious workers from the rest of the constituency and treating them as a distinct group that requires specific policies and instruments.
- *reduction*: bridge the divide between precarious and regular employees by reducing precariousness and bring the employment conditions of precarious employees closer to employment conditions of regular employees.
- *elimination*: trade union strategy aiming at eliminating all forms of precarious work in the economy. Treating precarious employees may encompass inclusion as well as separation, but these are perceived as temporary strategies on the way towards a full elimination of precarious employment.

The strategies trade unions follow can be expected to reflect the state of the labour market, the extent to which unions view precarious work as an issue that concerns them, and the institutional and material resources they can draw upon. Naturally, more than one of these strategies may be followed at the same time and different strategies may be followed for different sectors or groups of precarious workers. Also, they can be pursued by using different instruments. Boonstra, Keune and Verhulp (2011) distinguish five main instruments at the disposal of unions to deal with precarious work:

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

The choice trade unions make where these instruments are concerned can be expected to be determined by the extent and type of precarious work they want to address, the strategy they follow and their resources. Below first the context in which unions in the seven cases operate will be presented (section 2), after which a summarized account of trade union strategies and precarious work in these seven cases will be presented (section 3). Section 4 concludes.

## **2. The labour market and industrial relations**

The seven cases discussed here are Denmark, Germany, Spain, Italy, the Netherlands, Slovakia and the UK. This group of countries constitutes a good sample of the variety of labour markets and industrial relations systems that can be observed across the EU. Table 1 presents labour market data that gives some indication of precariousness in the seven countries. Of the seven countries, Denmark, the Netherlands and the UK have been consistently above the EU average employment rate, and in more recent years also Germany is an above average performer, being the only country that has consistently improved its employment rate during the crisis. 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 crisis caused the Spanish employment rate to plummet. The employment rate can be considered as an indicator of overall employment security, i.e. of the chance to find a new job when losing one's old job, also 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.

Fixed-term jobs are more prone to be precarious jobs than jobs with an open-ended contract, first of all because of their fixed expiry date. They are also at a disadvantage, however, because persons on a fixed-term contract often have less access to training and face greater difficulties to accrue rights to social benefits, unemployment benefits, occupational pension schemes or paid leaves. The same is often true for temporary agency workers and for persons that work only few weekly hours. Fixed-term employment had been particularly high in Spain, although it declined following the impact of the crisis, underlining the vulnerability of these types of contract. Also in the Netherlands the rate of fixed-term

contracts has consistently been above the EU average and the difference is widening. In Italy and Germany, in 2011 the percentage of fixed-term contracts is close to the average, but in both countries the percentage has been increasing over time, suggesting that they may be above the average in a few years' time. The UK, Slovakia and Denmark 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. where it is easiest for employers to dismiss workers. Hence, while they have fewer workers on temporary contracts, jobs are in general less secure because of lower dismissal protection. Only in Denmark is this risk partially offset by relatively high and extensive unemployment benefits

	Employment rate			Employees on fixed-term contracts (%)			In-work at-risk-of-poverty rate (%)	
	2002	2008	2011	2002	2008	2011	2005	2010
EU 27	62.4	65.8	64.3	12.4	14.2	14.2	8.2	8.5
Denmark	75.9	77.9	73.1	8.9	8.8	9.2	4.9	6.6
Germany	65.4	70.1	72.5	12.0	14.7	14.7	4.8	7.2
Spain	58.5	64.3	57.7	32.1	29.4	25.6	10.4	12.7
Italy	55.5	58.7	56.9	9.9	13.9	13.7	8.8	9.4
Netherlands	74.4	77.2	74.9	14.2	18.0	18.0	5.8	5.1
Slovakia	56.8	62.3	59.5	4.6	4.0	6.6	8.9	5.7
UK	71.4	71.5	69.5	6.0	5.2	6.1	8.3	6.8
Source: Eurostat								

A third indicator is the in-work at-risk-of-poverty rate, expressing the share of employed persons of 18 years or over with an equivalised disposable income below 60 % of the national median equivalised disposable income (after social transfers). Or: it concerns working persons who live in poor households. For them, having a job is no guarantee against poverty. Often this is the case for single parents with low wages and/or part-time jobs, whose wage does not suffice to keep the family out of poverty and who have no

additional income. In-work poverty is the highest in Spain and Italy, both scoring above the EU average, following from the relatively high incidence of marginal jobs and low wages. Striking is also the rapid increase of in-work poverty in Germany from 4.8 percent in 2002 to 7.2 percent in 2011, following from the growth of very small and low paid jobs as well as the absence of a legal minimum wage. Also in Denmark working poverty is on the rise, although not as rapidly as in Germany.

The seven countries also differ in terms of the characteristics of trade unions and collective bargaining systems. Net trade union density is lowest in Spain and Slovakia but Germany and the Netherlands are no much higher. It is intermediate in the UK and Italy, and high in Denmark. Bargaining coverage does not correspond to these density figures since it is strongly influenced by the level at which bargaining takes place and by extension procedures. For example, in Spain and the Netherlands sector bargaining and extensions result in a bargaining coverage from over 80%, with union density below 20%. In all countries bargaining coverage is higher in the public than in the private sector, and in the private sector it is (much) lower in private services than in industry. It is no surprise that precarious work can often be found in private services. Finally, in Denmark, Germany and Italy no legal minimum wage exists and minimum wages, if at all, are set in collective agreements, including serious differences between sectors, especially in Germany (Bispinck and Schulten 2011).

	Union density	Bargaining coverage	Bargaining coverage (private sector)	Bargaining coverage (public sector)	Predominant bargaining level	Extensions col. agreements	Legal minimum wage
DK	68.5	85	77	100	sector	no	no
DE	18.6	61.1	57.5	97	sector	some industries only	no
ES	15.6	82.5	72.3	100	central/sector	more or less general	yes
IT	35.5	85	--	--	sector	more or less general	no
NL	19.3	84.3	81.5	100	sector	in many industries	yes
SK	16.9	40	28	52	sector/company	rather exceptional	yes
UK	27.1	30.8	16.8	64.5	company	no	yes
Source: ICTWSS database							

### 3. Trade union strategies towards precarious employment

Within the above context, trade unions in the seven countries have developed their own strategies towards precarious employment. This section will summarise these strategies, discussing the overall views and strategies of the main national confederations as well as at some of the more specific strategies and policies aimed at the more salient themes or precarious groups. This section builds on seven case studies discussing these questions in depth for the period late 1990s-2011.<sup>3</sup>

#### *Denmark*

In Denmark, as Mailand and Larsen 2011 show, until recently the largest union confederation LO had no overall strategy towards precarious employment and the member organizations do not give it a high priority. The limited attention to precarious employment in Denmark is first of all the result of the relatively low incidence of such types of employment, even though they seem on the rise in recent years. Indeed, for many years, the employment rate in Denmark has been high and unemployment low, and the unemployed have had comparatively good unemployment benefits and reintegration support (Madsen 2007). Also, both trade union density and collective bargaining coverage have been very high for EU standards, giving unions a relatively encompassing perspective on the labour market and a relatively strong bargaining position. All in all, this was inductive to low levels of precarious employment. Still, more recently, the issue is becoming more salient for Danish unions, following changes in politics, in the labour market and in industrial relations. Consequently and they have been developing new strategies and activities. As discussed by Mailand and Larsen (2011), in the past 10-20 years the approach towards precarious work has gradually changed from reducing these types of employment as such, towards trying to improve their quality. This does, however, not apply equally to all forms of precarious employment. For example, all Danish unions are actively trying to cover temporary agency workers with their collective agreements, while only few of them show interest in organizing and covering freelancers/self-employed.

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<sup>3</sup> It concerns 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 (Burroni and Carrieri 2011), the Netherlands (Boonstra, Keune and Verhulp 2011), Slovakia (Kahancová and Martišková 2011), Spain (Ramos Martin 2012) and the UK (Simms 2011). For the integral case studies see <http://www.uva-aias.net/355>.

Concerning the temporary agency workers, unions have, successfully, attempted to assure that they get the same hourly wage as the regular workers of hiring companies. Here both solidarity with temp agency workers and unfair competition towards regular workers have played a role. Together with the employers, who share this objective, the position of temporary agency workers has been substantially improved. Another successful example has been the Job Patrol, focused on guaranteeing the compliance of employers with the rules concerning youth workers. Through this campaign the conditions of thousands of youth workers were improved. Other attempts have been less successful, including attempts to organize Polish migrant workers in the construction industry and at improving the social rights of part-time workers at the universities. The preferred instrument to address precarious employment has been first of all collective bargaining, in line with the fact that collective agreements are the main form of labour market regulation in Denmark, with their high coverage and with the high membership and strong bargaining power of Danish unions. But also instruments like organizing and public campaigning have been used in conjunction.

### *The Netherlands*

In the Netherlands, unions 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). Initially flexible types of employment were rejected as unacceptable. However, as a consequence of actual labour market developments, the trade unions soon started to follow a strategy directed at inclusion of this a-typical 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 the unions concluded an agreement with the employers in which they traded off their interests according to a model that has become known as flexicurity, codified in the Law on Flexibility and Security that came into force in 1999. Trade unions accepted more flexibility for employers, but in exchange demanded the guarantee workers' rights and extension of social security rights to a-typical jobs. Also, part of this flexibility could be reduced or increased through collective agreements. After a little over ten years however, the trade unions have started to recognize that this has to some extent been a miscalculation. There are sectors and groups on the labour market where flexible contracts are now standard, instead of the exception that the

trade unions foresaw when they concluded the agreement. Also, forms of bogus self-employment have developed, marginal part-time employment is expanding, and most recently also new forms of flexible types of employment have emerged. And although the coverage rate of collective agreements remains high at around 85 percent, it is getting more and more difficult for unions to prevent collective agreements from turning into instruments of flexibilisation instead of reducing flexibility.

As a result, recently the approach towards precarious work has been adapted and diversified. Dutch unions have joined the International Labour Organisation (ILO) in the campaign for 'decent work'. This is first of all an encompassing approach aimed at limiting the number of precarious jobs and at improving the conditions of precarious jobs. Motives are considerations of social justice, reducing pressure on the terms and conditions of regular workers and attempts to get a better membership base among precarious workers. Within this context, the Confederation of Dutch Trade Unions (FNV) sets the following objectives:

- Limit flexible contracts to 'sick and peak', i.e. to the replacement of permanent workers that are ill and to peaks in economic activity. If a person works for 9 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.

Also, 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, the supermarkets, domestic aid, the construction sector, education, the taxi sector and the temporary agency work sector. The unions have started organizing campaigns to get members in these sectors and put pressure on employers, accompanied by 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. They are trying to improve the collective agreement for the temporary work agency sector and debating if they should stop making such agreements altogether and should start to

treat temporary agency workers again 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 in a number of occasions are used to further flexibilise the regulations concerning fixed-term contracts, they are pushing for changes in the legislation to make it tighter and to reduce possibilities for flexibilisation through collective agreements. They 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 of placing it on the political agenda and changing regulations and practice.

### *Germany*

In Germany, following government reforms, declining collective bargaining coverage and declining union bargaining strength, a rapid increase in precarious jobs occurred in the last 10-15 years, including low paid job, very flexible jobs and very small jobs, in particular in the private services. Trade unions consider precarious employment as being inconsistent with the traditional German model of a social market economy and leading to increased inequality and injustice; they also see that employers use precarious workers as an instrument to discipline the core workforce and to make them accept concessions concerning their employment conditions (Bispinck and Schulten 2011). The unions have therefore been calling for a fundamental u-turn in the German labour market 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 more and more into the centre of trade union activities, following four strategic approaches. The first is collective bargaining, the traditional instrument of German unions. This 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, with the coverage of collective agreements in decline (at present coverage is some 60 percent), many fall outside the protection of collective agreements, many of them precarious workers. Also, in certain sectors, in

particular in the private services, unions do not have sufficient bargaining strength to avoid low wages and increasing flexibility.

As a second strategy, then, German unions 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 dependent self-employed to social security. In this respect, the most salient effort in recent years has been the campaign to get a statutory minimum wage. These efforts represent an encompassing, labour market-wide approach. They follow from the fact that the German unions, the increase of precariousness in Germany mainly the result of its deliberate political promotion through deregulation of workers' protection. In their view it is therefore, first of all, the responsibility of the state to re-introduce a much stricter labour regulation.

A third strategy outlined by Bispinck and Schulten (2011) concerns the organising of workers in precarious employment. This has become one of their main challenges since it concerns by now about one-third of the workforce, because membership is declining and because the improvement of the conditions of precarious workers does not only require better regulations but also organizational power to enforce these regulations. Still, organising precarious workers has proven a daunting task and traditional recruitment channels largely fail. Therefore they now develop special organizing campaigns for specific groups of precarious workers and they provide them with practical help and assistance on an individual basis. Examples have been the security services and supermarkets, but also the metal sector and temporary agency workers.

Fourthly, 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 project against the dominant view that precarious employment is necessary to make the labour market more flexible to increase competitiveness and employment. This view 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, again minimum wage initiatives, health promotion, the strengthening of training and knowledge transfer, and the better balancing of work and private life.

Bispinck and Schulten (ibid.) show that some of the union strategies employed in recent years have been successful. Still, they argue, all in all, the reach of the union initiatives has been rather limited to date and they have had only a limited impact on overall precariousness.

### *Slovakia*

In Slovakia, unions are critical about 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 deal specifically with the group of precarious workers. This is to an important part the result of limited membership and a lack of organizational power. Also, in the post-socialist context, the unions have to spend a lot of their time and energy simply to maintain their legitimacy as a socio-economic and political actor.

Kahancová and Martišková (ibid.) argue that the main strategy of unions towards precarious employment is the 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 fractions, ministries and other political actors to play a part in the political process. The effectiveness of this involvement varies, both depending on the issue at stake and on the political support the unions have in parliament and government. In the 2007 reform of the labour code the unions got several of their points through with the help of the social-democratic government, strengthening the rights of precarious workers in several ways. But on the contrary, in 2010, the new conservative-neoliberal launched new reforms that are to increase flexibility and precariousness, in spite of union protests, demonstrations and political maneuvers. 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, the coverage of collective agreements is limited, leaving the vast majority out of the reach of such agreements. Also, Kahancová and Martišková (ibid.) 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 to reduce precarious employment. At the same time, it seems only marginally effective as an instrument to address present problems related to precariousness. In two sectors collective bargaining does indeed target precarious employment: the metal sector and agriculture. However, the metal collective agreements do so in a way that increases rather than decreases the differences between insiders and outsiders. In general, Kahancová and Martišková (ibid.) conclude, collective bargaining is less effective in addressing precarious employment than the union influence on political and legislative processes.

### *Spain*

Spain is probably the country with the highest incidence of precarious work among the seven countries discussed here, in particular because of its extraordinary high share of fixed-term contracts but also its high in-work poverty. It comes as no surprise then 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 the excessive flexibility of fixed term contracts, the difficulty of temporary and part-time workers to accrue rights to social security and maternity leave, and the level of wages have been flagged by the unions as problematic issues. The unions first of all address the government with their actions: often such campaigns, including general strikes, are triggered by government proposals for labour market reforms concerning temporary contracts, the collective bargaining system, the regulation of temporary work agencies and wage setting. During the present crisis both government reforms aimed at flexibilising and decentralizing the labour market on the one hand and union protests on the other have intensified. On these same issues, the unions have also been active in social dialogue and in the past decade a number of bipartite and tripartite agreements were negotiated with the employers' organizations and the government. A major issue in such agreements was the attempt to reduce the use of temporary contracts. Through dialogue and protest unions have had some successes. At the same time, especially during the crisis the various governments have been focusing on austerity, flexibilisation and decentralization of employment relations. Indeed, the crisis has reduced the influence of unions on government policy.

Considering that collective agreements cover almost the entire labour market in Spain, they are potentially a powerful instrument for trade unions to address precarious work. However, in practice, as Ramos Martin (2012) shows, collective agreements can often become instrument of flexibilisation, for example by further extending 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, also because of their low membership levels, among the lowest in the EU. It is because of this that Spanish unions first of all address the government and the legal framework when trying to improve the situation of precarious workers in general and certain groups in particular. Concerning the latter, one major effort has been their campaigning for equal treatment of temporary civil servants compared to permanent civil servants, making sure that their years in temporary positions count equally in the build-up of internal promotion rights. This issue was after years of campaigning taken to the Court of Justice of the European Union which ruled in favour of the temporary civil servants. Another concerns the case of domestic workers, who used to be subject to special legal regulations that allowed their employers to dismiss them at any time without any type of compensation. Also, in practice they had no access to social protection and did not manage to accumulate sufficient pension contributions. After years of trade union campaigning and after the issue had also been incorporated in two tripartite agreements, the government in 2011 adopted the necessary legislation to remedy this situation, thus improving the working conditions of over 700,000 workers, mainly women.

### *Italy*

Also in Italy, the labour market is characterized by high uncertainty and precariousness (Burroni and Carrieri 2011). In the past 15 years, the labour market has been thoroughly flexibilised through a rapidly expanding use of a variety of flexible contracts. This flexibilisation has however not been matched by new and adequate forms of (social) security for the flexible workers. One reason for this is that at the national level where social security is concerned, the debate for long concentrated on the issue of pensions, obscuring the need for a strengthening of other types of social benefits. Another 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 (ibid.). 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 positive implications for precarious workers. In the 2000s this became more complicated. On the one hand, stronger differences emerged between the government and employers on the one hand and unions on the other hand. Also, differences between the three major union confederations became more apparent, leading to a situation in which the CISL and UIL unions signed several agreements with the government and employers, but which were rejected by the largest union confederation, the CGIL. An important exception in the 2000s 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 was done under the centre-left Prodi government, whereas under the various centre-right governments this proved much more complicated. The 2007 agreement included, among others, 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. Indeed, unions have had some success with tripartite agreements. At the same time, they have not been able to stop further flexibilisation of the labour market nor to get new comprehensive forms of social security in place.

Secondly, Italian unions have established new organisations specifically aimed at representing flexible and often precarious workers (e.g. temporary agency workers, dependent self-employed), starting in the late 1990s. These unions both try to foster the shift from flexible to standard jobs and the improvement of 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 action 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 level and at national level and they offer services to non-standard workers, particularly with respect to the dissemination of information on the protections, rights, legal framework, etc. adapted to the

requirements of these groups. These new unions have seen their membership grow over time, with the largest of the reaching over 50,000 members in 2010. They remain very small however compared to the regular unions and to the potential membership. They have also started to play a role in the negotiation of a number of or collective agreements, especially at company level. It has not always been easy though to play a larger role in the industry-wide agreements, where the regular unions also cover the conditions of flexible workers and inter-union coordination is complicated.

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

#### *United Kingdom*

Finally, in the UK, unions have been developing a series of initiatives aimed at precarious workers – or vulnerable workers in their terminology (Simms 2011). The main trade union confederation, the 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. This has proven a challenging enterprise, since collective agreements cover only about a third of employees and are often company based, the companies or sectors where high levels of precarious employment have emerged in recent decades are often not unionized and no extension mechanisms of other agreements exist. Their future coverage by collective agreements hence depends largely on them 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 the performing artists and nurses. Indeed, they show that organizing and regulating precarious work is indeed possible and can be effective. Also, there are examples of new

forms of precarious work that unions have tried to cover in their bargaining processes, for example workers involved in contracting out of public services to private employers or in transfers of undertakings. A good example of a union expanding its bargaining coverage to new groups of precarious workers beyond the core group of members is the transport unions, which have started to organize and extend collective bargaining to more precarious groups of workers 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 of, among others, cleaning workers, of Polish migrant workers in an industrial region in the North of England, fixed-term and hourly paid workers in higher education and 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 precarious workers remains a difficult and time consuming task which requires a lot of human and financial investment and a lot of personal contact. Also, they demonstrate that it is hard to keep organizing campaigns up for a longer period of time because of declining enthusiasm or dwindling financial support. Indeed, they require a strong commitment from the unions involved, both from their leadership and staff.

## **Conclusions**

The seven country cases have provided a number of important insights and lessons concerning trade union activities towards the reduction of precarious employment. First of all, the importance of precarious employment as an object of trade union strategies has increased substantially with the rise of such employment in recent decades across Europe. In spite of the fact that unions are often considered to be representatives of insiders rather than outsiders on the labour market, they all have developed a range of initiatives to attempt to curb the trend and to improve the conditions of precarious workers. Overall exclusion of outsiders cannot be observed in any of the seven cases as unions in all of them have developed strategies of inclusion, separation, reduction and/or elimination. 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 is that as representatives of the interests of their members they observe that with the growth of precarious employment also the position of so-called insiders or standard workers gets under pressure. Reducing precarious employment and/or improving the quality of precarious jobs is then seen as a way to uphold labour market standards in general. Thirdly, precarious workers are seen as a potential new source of membership, badly needed especially in the countries where trade union density has been declining. Priorities differ though: Spanish unions are decisively more preoccupied with precarious work than Danish unions.

The studies also 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 courts, organizing precarious workers and providing them with services, mobilization and campaigns to influence public opinion. Most unions have been engaged one way or the other in all of these types of activities but the emphasis differs strongly between countries, depending on the specific national labour market situation, national industrial relations institutions and the resources the unions can draw upon. For example, Danish unions have a strong bargaining position following from their high membership and bargaining coverage, whereas Slovak unions have a weak bargaining position. The latter are much more dependent on their attempts to influence government policy and legislative reform. Dutch unions can draw upon their national corporatist institutional position to target government policies, whereas UK unions lack such possibilities altogether (with the slight exception of the low pay committee setting the minimum wage). Spanish unions have a relatively strong mobilization capacity and hence use public protest as a means to influence the government.

From a union perspective all strategies and instruments have their strengths but also their weaknesses or problematic sides. For example, collective bargaining is the traditional regulatory instrument for unions and may provide them with direct leverage over the conditions of precarious workers. At the same time, in many countries only part of precarious workers are covered by such agreements, while in several cases (Spain, certain sectors in Germany) the bargaining power of unions has proven to be insufficient to substantially improve the position of precarious workers that are covered. Legislation has

the advantage of having in principle a comprehensive coverage. At the same time, it does not react rapidly to the emergence of new types of precarious employment, employers continue to explore the boundaries of legislation and improvements in legislation depend very much on the colour of the governments in power. Also, to have effective legislation, it was in some cases shown that union monitoring and litigation is indispensable. Organising can give unions an entry in unorganized sectors and lead to new members. However, organising precarious workers is notoriously difficult and has only been successful but in a number of cases, especially where ample resources were dedicated to it, union leadership provided its support and also public opinion was mobilized. But even in those cases it is complicated to maintain the success when resources dry up and support dwindles, while organizing often results in conflicts with employers and managers.

In spite of the interest of most unions to work on 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 declining strength of unions, especially in countries like Spain, Germany or Slovakia, and their inability to counter government reforms or employers' strategies. It also partially depends however on the strategic choices of unions: even though they do give more and more importance to activities aimed at reducing precarious work and in several cases even consider this a priority issue, the discourse remains to some extent symbolic as actual resources dedicated are often meager and organizing and other campaigns remain temporary. To give an example, the Job Patrol in Denmark that was quite successful in that it helped to improve wage and working conditions as well as health and safety for a large number of youth workers, as well as giving the trade union movement good publicity. However, at some point the LO decided to terminate the programme as part of budget cuts, necessary because of declining membership (Mailand and Larsen 2011). If a resourceful union like the Danish LO takes such a decision it does question the commitment to the outsiders and to reducing precarious work. At the same time, the resources available to most unions are of course limited compared to the fast growth of precarious employment, in particular in countries where membership is low and declining, 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 like employers and their organisations, parliaments and NGOs. Consequently, unions will have to strengthen their cooperation, alliances and dialogue with other actors to get the result they want.

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