



# Flexibility in the labour market

## A stepping stone or a dead end for worker social security?

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### 1. Economic and societal challenges of the Fourth Industrial Revolution

Technological modernisation dates back to the beginning of the human race. Today, on the verge of the fourth industrial revolution, it seems that we are facing greater challenges. As for long-term effects – regarding both the economy and society – we have only been able to formulate assumptions and questions as to what a society without work would be like, and what the role of humans will be in a world where machines do all the work, or whether humankind would succeed in using technological modernisation to address the problems of the growing population – that have been considered fundamental for hundreds of years – or in other words, the five “Giant Evils”: want, disease, idleness, ignorance, and squalor, and thus significantly improve people’s standards of living. Or quite the contrary: whether – through the concentration of the tools of modern technology (i.e. the means of production) and due to the growing number of poor individuals that do not have such means – previously unseen depths of social inequalities and conflicts would emerge (Brynjolfsson – McAfee 2014; Schmidt 2017; Tegmark 2018). The answers are yet unknown, but we can clearly see that the effects of fast-paced technological improvement are inevitable and plenty of the problems to be solved are already noticeable. Furthermore, the economic and societal changes pose fundamental questions with regard to the realm of work as well:

a) After the civil and political liberties that were established in the 18<sup>th</sup> and 19<sup>th</sup> centuries had been hardened, “*social rights*” had also solidified as third-generation human rights by the mid-20<sup>th</sup> century (Marshall 1965). The *social legislation* that had worked as a pillar of the welfare states established after the Second World War

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– and that came to existence last, thus it is considered the weakest system providing liberties – started to **gradually decline** from the second half of the 1970s. The pillar of social protection that concern working conditions – that were claimed by the labour movements of the 19<sup>th</sup> century – have undergone a gradual weakening over the last few decades, and in certain cases, their existence has become endangered as well (i.e. the constant “deregulation” of labour rights, the regulation of the labour market, the transformation of the unemployment benefit system, but also the continuous deterioration of other important fields – accident, sickness, and old age – of social security) (Esping-Andersen 1999; Ferrera et. al 2001; Bonoli 2003, Piketty 2014; Devlin 2017).

b) The main paradigm of the distribution of social goods, *remuneration proportional to the amount of work performed* had been fundamentally *questioned*. The distribution of goods being produced today is no longer proportionate to the work performed, but to the means of production possessed instead (Beck 2009; Piketty 2014; Csoba 2017; Schmidt 2017).

c) “Decommodification” – the foundation of universal social security – is replaced by “recommodification” nowadays – which seems to be supported almost unanimously, and in most European countries, the provision of conditional welfare (that is mainly dependent on some form of work) has become common in the last ten years (Esping-Andersen 1990; 1996; Hemerijck-Eichhorst 2009; Hemerijck 2013);

d) Yet, the boundaries of social security are not to be drawn between «the employed» and «the unemployed». *There is an increasing degree of existential insecurity even among those who are employed*. The groups of the underemployed, people with lower incomes, and those with insecure labour and social conditions are constantly expanding (Standing 2011, Dörre et. al. 2014; Moreira-Lodemel 2014. Hemerijck 2017).

## 2. “Flexicurity” as a potential solution

The long-established and, even today, widely recognised definition of ‘work’ became widespread in the 19<sup>th</sup> century, according to which, work is normally performed by individuals referred to as employees, and such work is carried out over a period of eight hours per day. In addition, or perhaps, as a result, work is a moral responsibility from a societal perspective, it is the path to individual success, since work determines one’s social status as well as defines the meaning of life. The universal moral law of mandatory work applies to the whole of society, including its various layers and all of its members (Csoba 2010; Török 2014).

On the other hand, the presence of the social control aspect of work’s definition is severely weakened if there is not enough work to do, if already existing work is not carried out with the inclusion of human resources, and if members of society are



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not granted access to the most important condition for the distribution of goods that determine one's status: work (Wacquant 2010).

The large-scale unemployment resulting from the economic and labour market changes of the nineties conflicted with the universal rule of mandatory work and severely challenged the welfare states established after the Second World War that had been built upon the principle of full employment, and called for the creation of a new welfare model. One of the important milestones in the reform process leading to the new welfare model was the transformation of the old welfare system that was based on insurance funds and entitlement, and that mainly provided passive benefits; as well as the proliferation of conditional welfare. This last area included, for instance, the widespread application of the highly criticised mandatory, unpaid work (Offe 2003), and the promotion of means-tested benefits (Fiszbein-Schady 2009; Barbier 2010; Dörre et al. 2014; Eleveld 2014).

Another significant element of this reform process was the spread of flexible forms of employment – a grand promise of the nineties. The term “*flexicurity*” – a portmanteau of the words *flexibility* and (social) *security* referred to a model that meant to guarantee – through the extensive use of the instruments of active labour market policies and flexible forms of employment – the growth of employment, as well as – through increasing state responsibility – social security. Around the millennium, – in order to further the realisation of the “*flexicurity*” model – social partners in certain member states of the European Union agreed one after another to make the labour market more flexible, and also expressed their demand that the state should not reduce welfare spending. The underlying assumption of the agreements was that even though the strict employment protection legislation reduces the number of dismissals, at the same time it also hinders the transition from unemployment to employment, and thus prevents the inclusion of those excluded from the labour market as well as the reduction of inactive social groups – e.g. the unemployed or individuals receiving social benefits (OECD 1997). The “*flexicurity*” strategy – announced in 2007 by the European Commission – was a powerful way to thaw the “*frozen landscape*” (Esping-Andersen 1996) of the previous welfare model that was strictly regulated in order to guarantee social rights, promising *flexibility* and social *security* at the same time. The goal of the strategy was to proliferate a number of active labour market policies in order to expand employment as well as to activate inactive groups of society. The idea behind the extensive use of the effective instruments of active labour market policies is to help individuals cope with the rapid changes, to reduce the period of unemployment, and to smoothen the process of re-employment (Eichhorst 2008; Madsen 2002).

Considering the conclusions drawn from the use of the “*flexicurity*” model in Denmark in the 1990s, several potential risks of the model had already been apparent at the time of the millennium, yet, this did not affect the views of those who had become disappointed with the old model and were absolutely determined



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to reform it. The most prominent issues concerning the application of the model were already known back then: the “flexicurity” model has little to offer to the uneducated, those who suffer from medical conditions, and immigrants, and due to pressure of activating programmes having to serve as “indicators”, organisers do not include the before mentioned groups in these programmes, but they accept the more advantaged individuals among the unemployed instead. Essentially, the most advantaged members of the unemployed will receive the best opportunities to be activated. According to the European Expert Group on Flexicurity (Flexicurity Pathways 2007), an essential condition for the implementation and success of the flexicurity policy is the supportive and fruitful conversation between social partners and the state (Viebrock – Clasen 2009). Since the millennium, however, there had been fewer and fewer good examples of effective conversation among European countries, hence the chances of discussing social and economic interests and making mutually beneficial agreements between the parties had become lower and lower through the years.

Following the millennium, it was not entitlement (e.g. an individual had been formerly granted benefits) any more that counted when the welfare benefits of the unemployed were determined, but rather eligibility (e.g. dependent on the participation in work). The reputation of those receiving welfare benefits had changed entirely as well. These individuals were no longer considered victims of the changing economic system or subjects of welfare compensation, nor the subjects of social investment; instead, they became “items of expenditure” that put a burden on the welfare system and that inhibit economic growth. Instead of receiving support from the community, they could now only rely on their individual performance, and in addition, insurance systems based on solidarity saw a shift toward selective discretionary benefits and benefits based on the principle of equivalence. Most “out of work” benefits had become “in work” benefits, and the definitions of work capacity and “suitable work” had completely changed. Accountant mentality started to dominate welfare services: investments (e.g. welfare benefits and services) were initiated only if they were profitable (i.e. receiving some kind of service in exchange for the benefits).

Even though – according to the initial idea – the “flexicurity strategy” would have reinforced the European growth and employment strategy, which intended to reduce unemployment, create more and better jobs, and establish a new form of security for employees that would guarantee them labour instead of a particular job, and that would guarantee more and better jobs by making employment flexible (COM 2007), one of the most important objectives, the improvement of employees’ social security, has not been met in the past 20 years. A study of the OECD (2006) had pointed out said risks prior to the adoption of the EU strategy, however this warning remained ignored. Similarly, the disapproval of trade unions and southern member



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states around the time of the conception of the strategy was futile. They expressed doubt whether dismantling social guarantees and making the labour market flexible was the right direction. They also objected that communication depicted the opposite of the direction of the happenings in reality. Some experts regarded the agreements concerning the flexibility of working conditions as the ultimate failure of trade unions. The trade unions – due to the existence of the unemployment insurance system that was generous to provide allowances and was subventioned by the state, yet primarily belonged to trade unions – accepted the liberal employment protection rules that allowed the relatively easy hiring and dismissal of employees, thus, essentially the suppression of labour rights (Butterwegge 2015).

The framework of flexible employment established as a result of the deregulation process on the one hand created an opportunity to integrate groups of the labour market that had not been able to participate in labour or generate income on their own during previous decades or that had been limited in such endeavours (e.g. women, young entrants to the labour market, people with disabilities). On the other hand, the “flexicurity” strategy guaranteed the possibility of employees breaking away from the limits of the “manufacturing industry” or leaving “conveyor belts” and enabled them to freely shape their working conditions depending on their circumstances and needs (working from home, part-time work, self-employment rather than being employed by someone else, etc.)

According to the agreement that was reached when the “flexicurity” strategy was introduced, the role of labour market participants is to ensure flexibility and to guarantee the best conditions for an increase in the number of jobs. Providing social security, to those who take part in the unregulated or the flexible labour market as well, would be the responsibility of the state (Vierbrock-Clasen 2009).

The model based on the coordination of the market, the state, employment policy, and social policy can only survive in the long term if participants comply with the agreement. The “flexicurity” model can only be functional if social rights (i.e. security) are given at least as much attention as responsibilities regarding flexible employment (i.e. flexibility).

Social protection is a prominent element in the exemplary Danish model to this day. But during the adoption of the model, however, labour rights had been gradually weakened in most countries, so that only the responsibilities had been kept. Thus, the model is now heading toward a dead end, the symptoms of which are already clearly noticeable.

“Flexicurity”, just like every buzzword and term deemed politically useful, has become obsolete. In recent years, it has been gradually replaced by the term “Non-Standard Forms of Employment” (NSFE). According to the ILO’s definition, it is an umbrella term that includes forms of employment different from traditional employment, ranging



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from fixed-term and part-time employment to gig economy. It is worth mentioning that, compared to “flexicurity”, NSFE is a *flexible* form of employment that is missing the (social) *security* element. This is also noteworthy because according to the 2015 analysis of the ILO, NSFE is much more common among poorly educated employees, who can be quickly trained and are easily replaceable, than among employees with higher education, who have stronger leverage, and where the establishment of social security is not as challenging as in the case of peripheral groups (ILO 2015: 4).

The number of employees involved in NSFE is noticeably high. According to an international study completed in 2016, *“throughout the world, more than 60 per cent of employees, mainly women, participate in temporary, part-time, or short-term jobs, for lower and lower remuneration – and this trend further deepens global income inequalities and poverty”* (PRECARIR 2016).

The ILO in 2017 research pointed out the same elements as the critics of “flexicurity” revealed around the millennium. Employees do not have any influence in shaping work conditions e.g. the provision of balance between working time and free time, or work – life balance, and the reduction of security and health risks; furthermore, they hardly have any opportunities to participate in training or the welfare services provided by their workplaces, and their career prospects are undeniably limited (ILO 2017).

### 3. The legal/organisational framework of work has been changed

Most businesses today do not follow the model of the factory – the organisation characteristic of industrial society that employs a great number of individuals. The roles of employers and employees today are nowhere near as clear-cut as they used to be a few decades ago. In the last five years, we have seen the rise of “clients” and “freelancers”, who can use online platforms to hire or offer a variety of services. The two largest websites are *Amazon’s Mechanical Turk* and *Upwork*. The former has more than 500,000 registered freelancers from more than 190 countries, and according to the latest estimates, it employs ten million freelancers in 180 countries. This market is growing so quickly that it is almost impossible to keep track of the exact number of individuals working through these platforms all over the world. According to McKinsey’s estimates, by 2025, more than 540 million individuals will have used such platforms. Also, the contribution of “gig economy” will have created the equivalent of 72 million full-time jobs (McKinsey 2015).

In this virtual labour market, where individual workers – and in many cases, even workers and employers – do not or cannot get to know each other, it is much more difficult to establish organisations that can effectively serve the representation of interests than in the case of workplaces where the same jobs are carried out by large numbers of employees, or in the case of industrial companies that employ workers



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represented by trade unions or other labour associations. Due to this fragmentation, workers are alone against the often well-organised and powerful employers and when it comes to the representation of their interests, social dialogue is often impossible, and there is barely any professional and legal protection guaranteed.

*The timeframes of work have changed as well.* Instead of performing 8 hours of work per day laid down in an indefinite duration employment contract, employees are working in more and more flexible timeframes now. Regarding both contract durations and daily work timeframes, there are substantial changes occurring today. Employment law has seen the rise of flexible work arrangements, there is an increasing number of part-time employees – especially among women –, the range of seasonal jobs is expanding, and most labour market entrants enter the labour market on fixed-term contracts. The laws concerning the protection of rest periods are continuously loosening, and due to the availability required by atypical forms of employment, the boundaries between working time and free time are slowly fading. The protection of the 8-hour work – 8-hour rest system is becoming as uncertain as in the 18<sup>th</sup> century.

There have been *significant changes regarding the place of work as well* in the recent period. One of the characteristics of industrial society – besides the separation of working time and free time – was the separation of the workplace from home. The most typical places of work in the industrial society were the factory and the office. These provided safe and steady working environments to the generations of today's parents and grandparents. In the 21<sup>st</sup> century, among a significant percentage of employees, work is no longer limited to a single physical location on the employer's premises. With the emergence of atypical and temporary work, employees may work at a different location every day; with the expansion of the service sector, clients' homes become places of work; and telework transforms workers' homes into workplaces as well. The barriers built by industrial society between the home and the workplace are now being abolished. Mobile phones and the Internet have made it possible to complete tasks from literally any location, and even the concept of traditionally workplace-related, physical co-workers has started to fade, since 21<sup>st</sup>-century employees – due to the fact that they grew up using computers, as "digital natives" – establish their own, virtual communities with all of their advantages and disadvantages. Personal living space, relationship stability, trust, and mutual responsibility all vanish in the virtual realm. In said virtual realm of our fast-paced world, everything becomes practical, temporary, consumable, and replaceable, concerning human relationships as well. Stability and reciprocity, crucial elements of the *solidarity that guarantees the protection of individual and community interests*, also disappear. Employers become susceptible to the highly personalised manipulation by anonym systems.



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With working conditions becoming flexible – flexible numbers of employees, flexible functions, and a flexible wage system (Szépe 2012) – all security needs are flawed. Individuals employed under fixed-term contracts, seasonal workers, student workers, short-term or temporary workers, those participating in “gig economy”, the black or grey economy, project employees, those living off of temporary jobs, and all individuals that are severely underpaid by the system legitimising flexible and atypical employment do not feel secure at all.

According to Standing – who was the first to perform a comprehensive analysis of the phenomenon of uncertain employment, and who refers to the target group as the “precariat” – the appearance of existential insecurity is not due to individual behavioural issues, but rather a product of neoliberal economy, which greedily exploits the defenceless employees (Standing 2011). The report of PRECARIR, an international research project studying the phenomenon, described the created situation as having “*a lack of proper labour, security, protection, and rights*”, and according to the report, in such conditions, wage dumping becomes inevitable and the exploitation of employees is gradually escalating (PRECARIR 2016).

The deprivation and elimination of the privileges of trade unions that guarantee the protection of employee rights, the constant impairment of the employment protection legislation, *the weakening of welfare states’ social protection systems and the deliberate destruction of their institutions*, the complete deregulation of the labour market, and finally the *termination of the welfare consensus* between employer and employee are all characteristic phenomena of both voluntary and involuntary forms of NSFE-type employment (Csoba 2017, Éber 2017). Even though flexible employment provides a great amount of freedom and it offers undeniable advantages in the case of several groups of employees, through its expansion, the social guarantees (income sufficient for a livelihood, paid sick leave, extensive healthcare services, guaranteed elderly pension) previously connected to steady jobs are disappearing.

With the gradual weakening of the welfare state, the (social) security element was getting less and less attention, and finally, social security ceased to be an important element of the central range of the transformed labour market strategies.

To sum up, we can state that the problem does not lie in flexible or NSFE types of employment, as tailoring working conditions to personal needs, abolishing monotonous jobs and supporting creative jobs that are not limited to physical location instead can in fact have clear advantages. The main issue is that during the expansion of flexible working conditions, social security guarantees were not strengthened. What is left of the mid-nineties’ promise of «flexicurity» is the «flexibility» element only. There are no widely accepted alternatives to the restoration of social rights, and there is no social consensus regarding the replacement of the work paradigm with an





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alternative paradigm guaranteeing social rights. The definition of work continues to denote wage labour, even though the possibility and necessity of voluntary, socially useful activity is being discussed more and more frequently. In such cases, work is not performed to make a living but rather to help the community and to enjoy the moral reward of their work. Thus, the most important question nowadays is how third-generation social rights can be guaranteed – even regarding the future – in the age of accelerated technological improvement, and how the increasing gap between groups of society – the powerful vs. the powerless – could be reduced.

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