

## ABSTRACT

Conducted between January 1999 and December 2000 in selected regions of the five largest countries in the EU, the research project financed within the TSER programme and bearing the acronym LOCLEVCONC (its title in full being 'Local Level Concertation: The Possible Role of Social Partners and Local Level Institutions in Regulating the New Forms of Employment and Work') explored, from various standpoints and using both quantitative and qualitative research techniques, the interest of the social partners and local institutions in seeking new ways to regulate the use of non-standard forms of employment, or new forms of employment and work (NFEW), the development of which is one of the main changes that have taken place in the labour markets of the most developed countries. Contrary to what is widely believed, the project's overall assumption was that there may be an interest not only among workers and their representatives, but also among firms and the institutions, in defining in concerted manner, and especially at the local level, innovative programmes and rules so that the use of NFEW may be both more efficient for firms and socially more acceptable for labour, from the perspective of a search for 'mild flexibility'.

In fact, one of the main and most recurrent findings of the research has been that the use of NFEW, by uncoupling work from (enduring) membership of the organisation, gives rise on the firms' side to problems of workforce commitment and in the organisation of work, as well as greater uncertainty and lower levels of job security for workers. And it is perhaps no coincidence that the exploratory survey on the ways in which non-standard forms of employment are used by managements brought out interesting, and partly unexpected, opinions on the utility of regulating these flexible forms of employment, and on how to do so.

The central part of the research project, based on case studies, revealed a somewhat unexpected broad and shifting scenario of concerted initiatives, highly heterogeneous and not necessarily always successful, within companies and at the local level. These initiatives range from regional/territorial pacts, or concerted tri-multilateral initiatives, to bilateral agreements/contracts between local institutions and agencies providing services; from agreements among employers to territorial collective agreements; from bilateral agreements between public institutions and firms to forms of self-organisation by workers; from collective agreements signed by organisations representing non-standard employees to more traditional company-level agreements.

Besides the form that initiatives may assume, especially diverse are the objectives pursued by concerted regulation. Bearing this in mind, it is possible to identify different logics or models of intervention which differ to the extent that they conform with or distance themselves from the model of protection traditionally associated with standard forms of employment. In the most innovative cases, alternative forms of protection are devised either by redefining the boundaries within which workers are entitled to stability and protection, or by releasing workers from the need to establish permanent relations with a firm in order to enjoy rights and security.

It is these solutions that raise a challenge against consolidated practices of labour regulation. But they are perhaps also the ones best suited to the way in which the world of work and production is changing. The aim from this point of view is to provide more extensive inclusive 'light' protection for everyone rather than more exclusive 'heavy' protection for only a few.

# 1. EXECUTIVE SUMMARY

## 1. Introduction: Research objectives and hypotheses

**1.1.** The development of ‘new’ forms of employment and work (NFEW) is one of the most important and widely-discussed changes to have taken place in external and internal labour markets over the last ten to fifteen years. By ‘new’ or ‘atypical’ or flexible, or also ‘particular’ forms of employment and work, we mean those forms which deviate from one or more of the characteristics that came to be considered standard during the development of Fordist mass production, and the related forms of labour protection: i.e. full-time open-ended wage employment under a single employer, and ways of organising production based on the internalisation and co-ordination of activities within the boundaries of the organisation using them. This means part-time work, fixed terms contracts, agency and other forms of temporary work, self-employment and freelances, outsourcing, home-based work, tele-work.

These NFEW have been much discussed in the countries of the EU, on the one hand because they are possible ways to increase flexibility in firms while at the same time offering job opportunities to unemployed workers; on the other because they carry the price for labour of increasing the precariousness and insecurity of terms of employment.

**1.2.** Also the research whose results are presented here has examined these forms of employment and work. However, the subject of this study is not NFEW as such, nor the reasons for their development, nor their desirability. For the purposes of this study, the fact that NFEW have arisen and spread, and that they are more or less widely used by firms and public organisations, is a matter of fact or an independent variable – to use the language of research – to be taken into account rather than studied. As suggested by the title of the project – *Local Level Concertation: The possible role of social partners and local level institutions in regulating the new forms of employment and work* (LOCLEVCONC) - the overall aim of the research is instead to examine the *regulation* of NFEW, and in particular their possible regulation *in concerted manner* at the *local level*. BY *regulation of NFEW* we mean the various modes by which recourse to NFEW is co-ordinated within the organisations using them, the conditions of the workers involved are established, and the related conflicts, real or potential, are prevented or resolved. Traditionally, the main alternative considered is between market and/or hierarchies on the one hand, and state modes of regulation on the other. The aim of the project was instead to explore the possibilities of *concerted action at the local level*, i.e. among the actors concretely involved in the dynamics of change and adaptation to external challenges, so that the use of NFEW may be both more efficient for firms and socially more acceptable for labour. One may also say that the standpoint adopted is what has been called a “search for ‘mild flexibility’”, or also for flexible security, or “flexicurity”.

Contrary to what is widely believed, it is our general assumption in fact that the organised actors at the local level (firms, employers' associations, trade unions, public institutions, self-employed associations, etc.) may find it convenient to elaborate in a concerted fashion new rules for the use of NFEW. And to do so in order to curb/reduce some of the negative or undesired effects of

## RESULTS OF THE RESEARCH

recourse to such flexible forms of employment when they are subject only to regulation by the market.

**1.3.** In using the qualification *local level* we do not necessarily refer to specific institutions, different from central ones; rather, we refer to processes and interactions taking place both within firms/organisations and in the territory (municipality, province, region) outside/around them and which are not the merely automatic implementation of decisions made at the centre but at least require some specific interpretation/adaptation by the organised actors at the local level.

But why have we concentrated our exploratory survey on the local level? Because we believe that it is at this level especially that new forms of the concerted regulation of NFEW may emerge.

On economic terrain, in fact, the development of a post-Fordist economy, having dismantled the consolidated, linear and predictable model of the occupational structure and the substantial stability and uniformity of the employment relationship which long characterised the labour market, requires the local-level management of a demand for, and also of a supply of, labour which have grown extremely differentiated, specific and complex. This seems especially true as regards those 'particular' forms of employment which differ from the standard model whose development and consolidation had come about in close connection with the development and consolidation at the central level of labour law, of social security programmes, and of multi-employer collective bargaining, within the framework of the central state. Accordingly, during the 1990s, the majority of the European countries underwent processes of administrative reform that devolved functions and responsibilities from central government to local administrations, especially as regards labour policies and social welfare. The European Commission's programmes to support employment and development, which have been mainly addressed to the regions, have worked in the same direction. This means that at levels other than the central one – the region, the province or the municipality – greater space has been created for intervention, and more resources have been made available for that purpose.

Moreover, the expectation that the development of innovative initiatives in the definition of socially accepted rules on the use of NFEW will assume a local or territorial dimension is linked not only to the trends already mentioned (greater possibilities for intervention, the greater resource endowment of local institutions) but also to the potential of the local dimension as a special space: a space that may be accessible to a great number of actors, one suitable for experimentation, co-operation and the wide-ranging exercise of control; an arena that may prove less demanding and therefore more open than the central level of regulation, but above all more suited to the management of changes which differ in features and logic from one case to the next.

**1.4.** The methodological corollary of a research programme intended to explore the potential of local-level initiatives by social partners and institutions in the innovative regulation of NFEW was that of concentrating study and empirical analysis on a selected number of key regions in the five larger European countries involved in the project, i.e. France, Germany, Italy, Spain, United Kingdom.

## **2. Open Problems and Risks to Reduce: Reflections Based on Research in the 1990s**

**2.1.** That there are problems still unresolved and space for the more satisfactory regulation of the use of NFEW is also confirmed by a re-reading of studies on NFEW produced during the 1990s.

**2.2.** In this literature, there is a recurrent, albeit not explicitly stated, point of departure for the origin and spread of the NFEW which can be summed up as follows: although there have always been forms of employment and work different from, and more flexible than, those which arose and became established during the period of standardised mass production, they became much more widespread when that paradigm entered into crisis. Indeed, it was when those flexible forms began to penetrate and invade ambits in which the forms of employment and work 'typical' of the Fordist mode of production (i.e. manufacturing) were most predominant that they became a socially important, visible and controversial issue. However, opinions differ as to the closeness of this connection: from the firms' point of view, are these inevitable trends or effects of strategic choices? In general, albeit implicitly, the predominant idea in the literature seems to be that the increased use of NFEW is an inevitable trend.

Most problematic, however, is the significance to be attributed to the change now in progress: is it the affirmation of the logic of the market over that of the hierarchy and/or over the centrality of the mechanisms fostering workforce loyalty and commitment which were discussed during the 1980s with reference to in-company social relations? Or are these changes of minor importance and only marginally affect the previous model? In other words, and to use the title of an article published in the early 1990s, are the NFEW threats or complements to permanent employment?

Whatever the case may be, it is indubitable that the use of NFEW is primarily viewed as a response to the changing needs of firms. Indeed, in the literature examined, discussion of the reasons for recourse to NFEW tends to concentrate almost exclusively on the goals pursued by firms, while the effects of NFEW are examined predominantly in terms of their consequences – assessed in largely pessimistic terms – for workers. As if labour had no reason to prefer flexible forms of employment, and as if the effects on firms were entirely unproblematic.

**2.3.** As regards the reasons for recourse to the various NFEW, part-time employment is the non standard form whose growth has been most interpreted as stemming from the preferences, or needs, of the labour supply (especially female) rather than from demand by employers. Yet empirical studies suggest that working part-time is not necessarily a matter of personal choice: in many countries large proportions of part-time workers would like a full-time job. Nor can it be considered to be merely a qualitative reduction of working hours: not only are part-time jobs in large part low-skilled (and therefore low-paid), but above all they are characterised by low investments in training, by fewer career opportunities, and by problems of integration into the company system, since these workers tend to be excluded from information flows in the workplace. As a consequence, despite the guarantees and the stability that in the majority of cases distinguish this form of employment, part-time may be a subtle form of social marginalisation within firms. This is obviously even more the case of 'zero hours' contracts. On the firms' side, besides being a way to cater to the personal needs of workers – in particular female ones – part-time (sometimes accompanied by incentives

## RESULTS OF THE RESEARCH

and reductions in social security payments) is used to counter the cycle and to enhance the elasticity of performance.

The various forms of temporary or contingent employment— fixed-term contract and temporary/occasional employees, agency workers – instead enable numerical replacement flexibility on entry and exit. These workers are increasingly used for a variety of purposes: to match staff levels with peaks in demand, for short-term coverage while staff are away on holiday or sick leave, as instruments of reorganisation in traditionally highly structured companies, as the equivalent of a trial period. Most recent studies report a blurring of the distinction between the use of agency workers to meet urgent, unpredictable and temporary needs, and the use of fixed-term contracts to meet foreseen, regular and long-term ones. In effect, recourse to agency work – whose main advantages for businesses are savings on selection and recruitment costs, avoidance of the responsibilities connected with dependent employment relationships, and a reduced potential for collective labour organisation - is growing at the expense of fixed-term contracts, and seems to be more attractive to both employers and workers. More generally, on the labour side research shows that social groups encountering difficulties in finding steady jobs through these flexible forms of employment have a better chance of finding paid employment.

Finally, through recourse to self-employment – and in particular to forms ambiguously located somewhere between dependent employment and self-employment, which are called ‘pseudo self-employment’ in the UK, ‘travail indépendant subordonné’ in France, ‘lavoro parasubordinato’ in Italy - firms save on indirect labour costs and shift their risks onto external workers. On the labour side, for that matter, self-employment has for many come to symbolise ongoing changes in employment relationships, and in particular the transition to a ‘post-wage society’, in which individual preferences for independence are increasing.

**2.4.** However, the effects of the use of NFEW are not invariably positive, not even for firms. More generally, NFEW raise problems which require solution, or risks which must be reduced.

For workers, albeit with numerous differences according to the type of ‘atypicality’, non-standard forms of employment objectively entail a lower level of job security than standard ones, without this necessarily corresponding to a higher level of autonomy or to other indicators of work quality. Of course, this does not rule out that workers may not subjectively find one or other of the NFEW convenient; indeed, it is probable that many of them do so. But it is a matter of fact that non-standard forms of employment raise problems, viz.: uncertainty over continuity of employment, income, of being able to count on regular payments; the uncertainty caused by an absence of protection in the case of sickness, injury, maternity, invalidity, old age; the risk of not being able to develop or update skills, of being unable to use them in different jobs, of being excluded from a career, of not possessing the appropriate expertise and tools (updated software for example); or again, the risk of being discriminated against in employment terms and conditions with respect to permanent, full-time workers, and of not being able to find representation for one’s interests. These risks can be grouped into three main categories:

- (a) the risks of future unemployment and job insecurity;
- (b) the risks of limitations on human capital development;
- (c) the risks of reduced rights and entitlements.

## RESULTS OF THE RESEARCH

On the firm's side, among problems attendant on the use of NFEW one may list: particularly high levels of workforce turnover, which may cause difficulties in increasing productivity by means of functional flexibility practices and technological innovations, which require stable skilled personnel; the difficulty of finding human resources with the requisite skills when needed; high co-ordination costs; an overload of responsibility on permanent workers; the risk of deterioration in the corporate climate; the risk of prejudicing the quality of products or services; the lesser commitment of peripheral workers; the risks of unfair competition. Once again these risks can be grouped into three categories:

- (a) product market risks (including the impact on quality and unfair competition);
- (b) labour market risks (i.e. the unavailability of labour of the type and quantity required);
- (c) productivity risks (lack of commitment, friction among workers on different types of contract doing the same work, co-ordination costs).

Finally, also the local authorities may look with concern at the development of NFEW if it has harmful effects on social cohesion or on fair competition among firms (as in the case of an increase in 'black' work, of the use of labour below contractual standards), or again if it causes higher costs for local administrations

**2.5.** That it is therefore opportune and possible to intervene in or modify the conditions in which NFEW are used, and thus reduce their unwanted outcomes for both firms and labour, is implicitly suggested by studies and empirical research.

Apart from recent initiatives by governments designed to update, also on the basis of EU directives, the legal framework, research cites the following: a certain willingness among firms to extend minimum entitlements to some groups of contingent workers; closer attention by public and private agencies to the organisation of vocational training programmes to improve the employability of temporary workers; the reaching of collective agreements for agency workers; the important recognition deals reached between unions and employment agencies which grant temporary workers full membership rights; the introduction of territorial employment pacts intended also to promote and safeguard NFEW. (For more details, see *LocLevConc, Research Report, vol.1*. December 1999. Ires Lombardia, Milan).

**2.6.** In conclusion, the 1990s literature suggests that at the local level – i.e. both internally to firms and in their surrounding territory - the range of initiatives already undertaken by the social partners and institutions to regulate the labour market and to protect employment in the various forms that it now assumes is rather extensive, probably more so than is often believed. This confirms our initial hypothesis. At the same time it also indicates that there are numerous gaps in our knowledge and that there is still much to be observed and analysed. Which leads us to the discussion of the results of our own empirical investigations.

### **3. Dealing with New Forms of Employment and Work: The Point of View of Firms**

**3.1.** Within the overall research programme, the objective of a first part of the empirical investigation was to explore by means of an establishment survey the use of NFEW by companies and the views of management on their advantages and disadvantages, and on how best use can be made of them. The survey therefore had two main aims. Firstly, it was intended to yield detailed knowledge on the characteristics, reasons and effects of the use of the NFEW from the point of view of firms. Secondly, it was intended to be a preliminary investigation of the ways in which regulation is made of flexible forms of work and employment, both within firms and locally in initiatives directly or indirectly involving public institutions as well.

**3.2.** The survey was carried out in a key region of each of the five large countries involved in the project, and specifically the West Midlands in the UK; Rhône-Alpes in France; Saarland and Southern Upper Rhine in Germany; Lombardy in Italy – where similar investigations were also carried on in the district of Prato (Tuscany) and the province of Padua (Veneto); and Catalunya in Spain. It was conducted between June and September 1999, and it covered companies with at least 20 employees in the manufacturing and service sector (the public sector was excluded), on the basis of random samples of workplaces (WPs) stratified by size and sector (manufacturing and services). The questionnaire was addressed to either a manager responsible for employee relations, where one existed, or to the general manager at the workplace. Usable responses were obtained from about 950 WPs (for all details, see *LocLevConc, Research Report, vol. 2*. October 2000. Ires Lombardia, Milan).

**3.3.** The literature on flexibility has highlighted the existence of a wide range of flexible options in the use and organisation of labour by firms. All of these allow the introduction of variability in the use of resources, but each option does so in different ways and with different effects. Our survey, too, examined various methods with which a management is able to render a firm more flexible to trends in demand, and thereby increase its competitive success. Besides the use of NFEW (part-time, fixed-term contracts, occasional and agency work, self-employment, home work, telework), it also considered recourse to technological and organisational innovation, the sub-contracting of activities, the introduction of adaptable forms of work organisation (internal flexibility).

The results indicate that extremely widespread use is made of these various forms of flexibility. Two-thirds of firms outsource production phases; 90 per cent use at least one of the forms of internal flexibility; and in nine cases out of ten firms resort to non-standard forms of employment. But their utilisation is also extensive: as regards non-standard forms of employment alone, at least two of them are used in seven cases out of ten, and three or more in four out of ten. As to the most widespread kinds of flexibility, outsourcing, functional/task flexibility and part-time stand out on average, each of them being used in around two-third of cases, followed by fixed-term contracts, working hours/calendar flexibility, and temporary agency work. If one considers the various types of temporary work (fixed-term contracts, occasional work, agency work) together, the category of temporary work moves into first place, involving more than three-

quarters of firms. Greatest use is therefore made of two forms of external flexibility: outsourcing and temporary labour. Entirely marginal, by contrast, is tele-work (1 per cent), and home-work is only slightly less infrequent.

**3.4.** Although non-standard forms of employment are very widespread, they are used in erratic patterns with respect to the economic-structural features of firms.

Contrary to expectations, in fact, when one seeks to identify the determinants of recourse to the various forms of flexibility, their use proves to be substantially independent of firms' structural characteristics (size, workforce composition, productive sector) and market features (size, stability, dynamism), and also from their competitive strategies (competition on price, quality, variety, customer service). Structural variables therefore appear not as significant predictors of the reasons for using them and the explanations should be couched more in terms of case-by-case managerial strategies, within diversified institutional contexts, than in those of automatic, so to speak, dependence on market trends. And with respect to the alternative between increased recourse to NFEW as an inevitable trend or as a strategic choice (see paragraph 2 above), the results seem to support the former.

As to the combinations in which NFEW and other flexible forms are used by firms, the data display a certain amount of eclecticism: rarely does recourse to one of them tend systematically to exclude recourse to another; on the other hand, nor does one observe significant positive associations.

It does not seem that the NFEW are used in a particularly intense or profound manner either. Nor does their use appear to be characterised by the marked dynamism that one would expect in the light of the debate on labour-market flexibility.

From the former point of view, the data indicate that where use is made of flexible forms of employment, they are somewhat dispersed within company systems. In particular they are only marginally used for categories more crucial to a firm: technicians, professionals and specialists, commercial and marketing staff.

From the latter point of view, the figures show that recourse to NFEW is generally well-established. Much greater, however, is the growth of the most innovative forms of functional and temporal flexibility.

**3.5.** Turning to the reasons for using the NFEW, the data substantially confirm what has already been pointed out in the literature. More interesting are opinions on the effects of using these NFEW. The effects considered concerned costs (whether they had decreased or increased), the quality of the work process, understood as the co-ordination of work (whether it had improved or become more difficult), and output understood as the quality of production or service delivery (whether it had become more/less reliable).

On average, for all the forms considered, positive assessments tended to be more widespread than negative or critical ones. Secondly, the data show that the highest ratings were given to the reduction of costs. The area in which, by contrast, most problems had arisen was that of organisation: on average, between one-quarter and one-third of respondents – and over one-half in the French region relative to part-time and in the English one relative to temporary employment – reported an increase in problems concerning the co-ordination of work activities, that is, in the costs of labour use. This confirms that 'flexibility' is more than simply advantageous for firms, as stated in our preliminary assumptions. The area in which fewer variations and problems were reported as resulting from recourse to the NFEW was the quality of output.

Finally, if we measure the satisfaction and dissatisfaction of company managements with their use of the flexible forms considered, both the degree of satisfaction and that

## RESULTS OF THE RESEARCH

of dissatisfaction appear to be positively correlated with the extent of recourse to flexible forms. These relations hold if one considers both the extent of recourse to forms of internal flexibility, and to non-standard forms of employment. But whereas in the former case the level of satisfaction is slightly higher, in the latter it is dissatisfaction that is so.

In general, therefore, the greater the use is made of flexible forms, the more their advantages and disadvantages become apparent. But the perception of the problematic aspects tends to be more acute when more use is made of non-standard forms of employment. This is of particular importance with respect to the goals of our research project, and it introduces the theme of the regulation of flexibility.

**3.6.** The data gathered by the survey also enabled us to verify whether the NFEW have become the subject of consultation and negotiation between the social partners within workplaces, and/or of concertation (with the possible involvement of local institutions and governments) beyond the workplace.

From the former point of view, the figures suggest that relations between management and employee representatives – and, to a lesser extent, directly between management and employees – on flexibility issues are rather intense. If we combine cases in which the use is made of either consultation or negotiation (i.e. of joint regulation), according to the managers interviewed, in only 16 per cent on average of WPs with employee representatives have the parties not jointly addressed some aspect of flexibility, with a statistically significant larger amount of joint regulation in industrial WPs compared to service WPs, albeit with considerable differences across local contexts.

However, this widespread interaction is largely centred on aspects of functional or internal flexibility, rather than on NFEs and methods of external flexibility, the use of which is more frequently decided unilaterally by management. Yet the fact that in some cases there is also a significant tendency to consult worker representatives on the use of temporary employees, and that there is no lack of bargaining and consultation on issues like training or welfare/sick pay schemes for contingent workers, may be indicative that the industrial relations agenda is gradually changing.

**3.7.** If we shift the focus outside the boundaries of the firm, the results of the survey yield what is in many respects an unexpected picture of the extent of management involvement in local initiatives. Asked whether, over the past two years, management had participated, either directly or through their representatives, in initiatives promoted by local government agencies and other institutions aimed at vocational training or employment creation, an average 60 per cent of firms declared that they had taken part in initiatives promoted for these purposes by local institutions. The types of initiative in which firms most frequently participated were vocational training and job creation for young people and women. Of particular importance were also initiatives targeted on the labour-market re-entry of the long-term unemployed.

**3.8.** We may conclude the analysis by examining the managements' opinions on the most suitable ways to regulate the new forms of employment. The respondents were asked to express their degree of agreement or disagreement with the following statements: i) 'the legislation and collective agreements currently regulating the new forms of employment are adequate'; ii) 'consulting with trade union/employee representatives facilitates the increased use of the new forms of employment'; iii) 'the new forms of employment should be better regulated to improve worker commitment';

iv) ‘an effective regulation of the new forms of employment is better accomplished by the parties involved at local level rather than by new forms of legislation’; v) ‘the best way to regulate the new forms of employment is to leave it to market competition’.

The third and fourth statements were those with which the interviewees were most in agreement. Fully 70 per cent of respondents believed that better regulation of NFEW was required in order to improve worker commitment: this finding indicates how widespread is the conviction that on the one hand worker commitment is necessary but, on the other, will not be automatically forthcoming unless appropriate rules are put in place. Moreover, two-thirds of the respondents believed that the regulation of NFEW should be decided jointly by the parties involved at the local level, rather than being imposed by new rules established at the centre: behind this resistance to the idea of uniform and centralised legislative regulation once again apparent is the opinion that rules are necessary but that they must be adapted to circumstances, and that this adaptation will be easier if the rules are defined within the context in which they are to be applied. Somewhat surprisingly, perhaps, but consistently with what has just been observed, again at the aggregate level it was not the solution of leaving regulation to the market (the fifth statement) that gained most consensus: slightly more than 40 per cent of the respondents were in favour of this solution, and more than one-quarter rejected it. As regards the importance of involving employee representatives in order to facilitate the use of NFEW, the respondents divided into three substantially similar groups comprising those in favour, against, and unsure. Much more clear-cut was the negative assessment of the adequacy of the current normative framework, which was rejected by around one-half of the respondents.

The figures as a whole suggest finally that, although the managements of enterprises in the European regions considered are largely dissatisfied with the laws and collective agreements that currently regulate the use of NFEW, and although they express substantial uncertainty regarding the part that employee representatives should play in such regulation, it is not the solution of leaving regulation to market competition that prevails. Rather, one finds an implicit demand for new rules established by the actors concerned at the local level, and rules able to foster the worker commitment that might otherwise be difficult to achieve.

## **4. Local Level Concerted Action Aiming at Regulating the NFEW**

**4.1.** The survey of managerial behaviours and attitudes has highlighted that a substantial number of firms declare they have participated either directly or through their representatives in initiatives promoted by local institutions in the field of labour market regulation. This has come about in various ways, ranging from public events, to involvement in the implementation of programmes, to the reaching of local-level collective agreements on employment or vocational training, to agreements among employers at the local level, to pressure on public agencies, and in some cases to social/territorial pacts. As already said, this rather surprising result testifies to the

## RESULTS OF THE RESEARCH

vitality of the activities that are now being developed – often with little visibility and largely ignored by political debate – at the local level.

It was precisely in order to explore the potential of concerted initiatives at the local level to promote employment and especially to regulate the use of NFEW, that the second part of the empirical survey was conducted during 2000 on the basis of the qualitative logic pursued by the case study.

**4.2.** Before proceeding with a selected presentation of the results (for details, see LocLevConc, *Research Report, vol.3*. February 2001. Ires Lombardia, Milan), brief discussion is still required of the logic by which the cases were selected.

Since the area occupied by NFEW is one of uncertain and shifting boundaries, situated within and without the perimeter of the firm, in order to grasp possible forms of intervention in this elusive space an ‘encircling’ strategy was adopted, considering both cases that displayed a “territorial relevance”, which were to be selected on the basis of information gathered through interviews with key informants at the local level, and cases of innovative regulation within firms, preferably chosen by drawing on the replies to the survey. It was also decided to avoid the mere collection of cases of success and best practices, on the ground that the analysis of failures is often much more instructive in shedding light on the constraints to be taken into account and the resources to mobilise when undertaking innovation. It was finally decided to take account in every region of the widest, most diversified and most comparable possible range of experiences.

The result was a broad variety of forms of concerted action, including the following: regional/territorial pacts, or concerted tri-multilateral initiatives; bilateral agreements/contracts between local institutions and agencies providing services (regarding temporary labour, job placement, training, business services); agreements among firms, among employers; territorial (local level) collective agreements; bilateral agreements between public institutions and firms; forms of self-organisation by workers; collective agreements signed by organisations representing non-standard employees; company-level formal/informal agreements.

These types are roughly arranged along a continuum of decreasing complexity, with the territorial/employment pact (or, more generally, a concerted tri-multilateral initiative) at one extreme, and the company-level agreement at the other.

The results of the selection made on the basis of this approximate classification is a highly heterogeneous but extremely interesting range of cases: heterogeneous as regards the maturity, appropriateness and success of the initiatives, as well as their regulatory form; interesting, since the common feature shared by all of them is a search for solutions agreed upon by the main local actors, to problems which require solutions, or to risks which must be reduced (see paragraph 2 above), in the use of NFEW.

**4.3.** Summing up the objectives that the various forms of decentralised concerted action are intended to achieve, five broad categories of initiatives can be identified:

- a) There is a first broad category whose main intention is to promote employment growth/ reduce unemployment, and in particular to foster entry/entry into the labour market by the unemployed categories that find it most difficult. This endeavour is typical of the majority of the concertation initiatives promoted by local institutions – both because of external inducements or incentives (by EU programmes or national

## RESULTS OF THE RESEARCH

legislation) and on their own initiative – which seek to involve the social partners in the pursuit of goals of local development and employment growth, as exemplified by territorial employment pacts and other initiatives like the territorial ones illustrated in the studies on Germany or the West Midlands. This model, more than specifically ‘regulating’ the use of new forms of employment, implicitly promotes the utilisation (especially in the form of temporary work, often combined with training/retraining schemes) of the hard-to-place unemployed on projects aimed at reducing their unemployment and/or work re-entry. The logic in this case is to promote non-standard employment as a solution in any case preferable to unemployment or irregular work (‘in black’).

- b) Also the second type promotes the utilisation of non-standard forms of employment (especially in the form of temporary work), but it does so explicitly and on the basis of specific projects to combine the flexible manpower needs of firms with those of jobless or underemployed workers at the local level. In this case, special mechanisms are created to match demand and supply and specific action is taken to support programmes such as vocational training targeted on firms’ needs, transport services, housing, social services (crèches, care of the elderly) to promote female labour supply, and so on. Specific mechanisms to increase job security may be also introduced, like fixed-term contracts of relatively long duration and/or a guarantee of re-employment within the local labour market.
- c) The purpose of the third type of scheme is to reduce the insecurity and disadvantages involved in non-standard forms of employment by organising (on the basis of collective agreements) transition from more unstable and uncertain types of employment to more stable and certain ones: from irregular or ‘black’ work to temporary agency work; from temporary agency work to fixed-term contracts; from fixed-term contracts to vertical part-time jobs, along a path that eventually, at least ideally, leads to standard employment. Most of the in-company and territorial collective agreements pursue goals of this kind as part of negotiations which concern permanent workers as well.
- d) The fourth type of intervention is intended to offer prospects of stable employment to workers of whom firms have only intermittent need, defining a new space, organised and co-ordinated locally by a centre, within which these human resources can be re-internalised and used in a manner agreed by several firms (the clearest example being provided by the *groupements d’employeurs* analysed in detail in the study on Rhône-Alpes). The overall pattern is the effort to create job security for workers whose exclusive use cannot be afforded by any individual firm, but which many firms want to have available, so that a new perimeter of corporate citizenship may be defined in a co-operative way.
- e) Finally, the fifth type consists of initiatives designed to re-define the rules on use and protection and to overhaul the services and programmes providing support for workers who remain external to firms, without seeking to ‘reinternalise’ them. The clearest examples are the initiatives to lay down the employment conditions of employer-co-ordinated freelance workers discussed in the Italian studies; initiatives involving the recently-created trade unions for ‘atypical’ workers.

**4.4.** If we turn to the impact of the initiatives, matters appear more uncertain. On the one hand, one may get the impression of a certain paucity of results, especially if the effects that explicitly concern NFEW are taken into account.

This depends also on the fact that, in several of the initiatives considered – especially in those that have been in operation longest, and whose effects can therefore be observed - attention was not specifically focused on the theme. Generally, in fact, local authorities and social partners are primarily preoccupied with employment and unemployment in general. As already said, NFEW are often explicitly omitted from discussion, either because it is believed that the problems of job security will be resolved by job creation, or because these forms are regarded as a transitional stage in an individual's working career (and therefore of little social relevance), or because they are deemed to be at any rate better than unemployment (or irregular work).

Vice versa, most of the initiatives more explicitly directed towards the concerted regulation of the use of NFEW have only just begun or are still in the planning stage. In some respects the situation of initiatives to draw up rules for the protection of non-standard workers external to firms, without seeking to 're-internalise' them (see point (e) above) seems to be rather effective: albeit limited in number, some of the agreements promoted by the trade unions of non-standard workers in Italy can be considered a success in this sense. The most significant results have been obtained, however, in the case of bilateral bargaining between social partners (see point (c) above). An important factor here is indubitably the long tradition and consolidation of the collective bargaining method for the solution of many critical issues.

**4.5.** When drawing up our balance-sheet, however, consideration should also be made of the indirect effects of concerted initiatives. Among these one should not underestimate:

- (a) the effect of mobilising, and aggregating, leading local-level actors in the pursuit of goals of management of the labour market in new directions or ways, or at any rate ones less frequently used in the past;
- (b) the experimentation with new forms of action, or the renewed use of pre-existing ones: the development of company agreements is significant in Germany, for instance; while in Italy, and especially in small-firm areas, renewed use is being made of the territorial bargaining method;
- (c) the creation of space for institutional innovation. This comes about as an effect of the mobilisation of local actors, but also as a largely unexpected effect of initiatives which give rise to others, on the model of Chinese boxes, or of multi-level networks.

**4.6.** Overall, the foregoing survey has shown that concerted experimentation in the protection of NFEW is under way, although the process is still in its initial stages, and its prospects of success are by no means clear. We have seen that such process may assume various forms and be driven by various logics: (i) the minimal, so to speak zero-degree, logic of regulation implicit in schemes for employment creation in general; (ii) that of compensated regulation, in which promotion of the use of NFEW (which firms need) is flanked by incentives and benefits for the workers concerned; (iii) the logic based on progression (in general negotiated by the unions) along a continuum which gradually converges on the standard model of employment (the logic of the non-standard internal labour market); (iv) that of the re-internalisation and stabilisation of non-standard work within an organised perimeter which extends beyond the individual

firm; and (v) the logic of providing protection and rights for workers who do not stably belong to any particular organisation.

The first three logics implicitly confirm the substantial central feature of the standard model, on which they seek to converge, or with respect to which they seek to provide compensatory measures. The last two (especially the final one) instead distance themselves from the standard model and seek to modify it, either by redefining the boundaries within which workers are entitled to stability and protection, extending them beyond the individual firm, or by releasing workers from the need to establish permanent relations with a firm in order to enjoy rights and security.

**4.7.** The first three logics are also those which require less revision of the consolidated practices of action and interaction envisaged by the social partners and the local authorities. To be successful in these cases, regulatory solutions need most of all to be based on agreements among all the actors concerned which commit them to the goals to be pursued, avoiding both exclusions and an excessive reliance on voluntarism.

In the other two cases, pressures are instead applied on the traditional practices and logics of action of the representative organisations. In the former, the challenge concerns the allocation of collective goods, and success requires the strong collective mobilisation of local actors. In the latter, the challenge is to redefine the relations between external labour and the firm in a manner which necessarily affects the employment relationships of internal workers. The aim in this case is to provide more extensive inclusive 'light' protection for everyone rather than more exclusive 'heavy' protection for only a few.

The conditions for change to come about are therefore much more demanding. But it is in this area that one discerns forms of work regulation particularly suited to the ways in which the world of production and work is changing.

## **5. Concluding Remarks**

**5.1.** The results of our research have provided support for the idea from which we began, and which gave the project its title: namely that one may expect to see the emergence of forms of NFEW regulation based on bi- and multilateral initiatives agreed between the social partners and the local-level institutions. As we have seen, a broad variety of forms of intervention can be linked to the theme that interests us. The cases discussed in the regional studies are illustrative of this. If anything, they show that the process is still largely in its initial stages, and that its prospects of success are by no means clear, as already said.

**5.2.** Such results have also a number of implications regarding labour market policies.

A first observation is entirely preliminary and concerns the importance of regulating (aspects of) the labour market: as it was widely recognised by large part of the firms interviewed, and highlighted by local authorities in many of our cases, it is opportune and convenient to intervene actively in the labour market, especially with policies targeted on specific beneficiaries, and with programmes aimed at the smooth fruition of the policies.

**5.3.** Secondly, our study has confirmed that particularly appropriate are measures rooted in the local/regional level. Measures at this level are functional to the implementation of

## RESULTS OF THE RESEARCH

labour market policies based on the delivery of quality employment services, targeted on specific and difficult problems, which would be impossible to deal with from the centre and which spring from the new characteristics of highly differentiated and segmented labour markets. From this point of view, the local dimension increases the efficacy of intervention.

**5.4.** In the third place, the cases examined indicate that the more actors search for *ad hoc* solutions to overcome obstacles and/or grasp new opportunities – as happens in the case of NFEW – the more necessary the consensus-based co-ordination of initiatives becomes. The joint definition of bi-trilateral pacts or agreements, or at any rate of shared reference norms, serves to establish shared parameters or to set limits and constraints on the discretion of actors. This is necessary in an area or at a level where parameters and constraints deriving from norms fixed by national laws or agreements do not exist or are inadequate, or where the intention is to modify them experimentally.

**5.5.** Moreover, in terms of merit, our study has shown that possible labour policy interventions may differ according to whether the use of NFEW is (or is seen as being) the erosion and transformation of the standard employment relationship within the general framework of the flexibilisation of the world of work, or whether it is a transitional phase during deferred and gradual entry into the world of standard employment.

In the latter case, intervention takes mainly the form of (temporary) measures to support the (temporary) condition of non-standard employment and/or to accompany and facilitate transition to standard employment. Actions should therefore be targeted on increasing the employability of temporary or self-employed workers, and on enhancing their human capital and/or supporting female workers by means of social policy measures in the case of part-time employment.

In the former case, the priority focus of measures should be on redefining and updating the normative framework so that it covers in a socially sustainable manner the employment terms and conditions of workers who do not stably belong to the organisations for which they work, and whose prospects for employment security must be uncoupled from membership of an organisation as the access route to industrial citizenship.

This opens up potentially extremely broad space for innovation. Among the items to be placed on the agenda should be the following: (i) a recasting of welfare policies (pensions, coverage against illness and disability, maternity support); (ii) a revision of training and retraining policies (in particular of the forms and costs of access, and of the procedures for skills certification); (iii) a rethinking and reform of career advancement systems, of income support and protection, of access to credit and other facilities at the moment tied to dependent employment.

What we have observed on the basis of the cases studied is no more than a pale anticipation, however interesting and unexpected it may be, of a possible much broader and more radical reform of the modes of regulating work.

**5.6.** In addition, although the foregoing analysis has focused on the importance of the local dimension of policies, its results also prompt reflection on the role of higher levels, national and/or European, of intervention in the labour market.

## RESULTS OF THE RESEARCH

This role is indubitably important from two fundamental points of view: that of definition of the general normative framework, and that of promotion of change and innovation also by making resources and incentives available.

Bearing in mind the necessarily very heterogeneous nature of the concerted initiatives examined, it seems that in addition to functions of higher levels of governance there should be those of the 'light' co-ordination of measures and the *ex-post* monitoring of output. This is especially necessary to prevent harmful forms of competition and/or a socially unacceptable diversification of standards.

**5.7.** Finally, the cases observed have also raised the issue of the representation of NFEW.

Sometimes, the concerted initiatives examined have exhibited a substantial lack of labour representation. But even when this has not been the case, the forms of representation chosen have been mainly intended to provide support and protection for non-standard employment viewed as a temporary condition transitional towards stable forms of employment.

There are exceptions, of course. But in general our study suggests that there is a representation gap above all with respect to the devising, proposing and implementing of a reinvented set of rules, if, as said, the aim is to provide more extensive inclusive 'light' protection for everyone rather than more exclusive 'heavy' protection for only a few.

## 2. BACKGROUND AND OBJECTIVES OF THE PROJECT

### 1. Introduction

The development of ‘new’ forms of work and employment is one of the most important and widely-discussed changes to have taken place in external and internal labour markets over the last ten to fifteen years. By ‘new’ or ‘atypical’ or flexible, or again ‘particular’ - as proposed by Olivier Mériaux (2000) following Germe and Michon (1980)<sup>1</sup> - forms of employment and work we mean those forms which deviate from one or more of the characteristics that came to be considered standard during the development of Fordist mass production, and the related forms of labour protection: i.e. full-time open-ended wage employment under a single employer, and ways of organising production based on the internalisation and co-ordination of activities within the boundaries of the organisation using them. This means part-time work, fixed terms contracts, agency and other forms of temporary work, self-employment and freelances, outsourcing, home-based work, tele-work (Delsen, 1991; De Grip et al., 1997; Accornero, 1997; Marsden, 1999).

In general, these new forms of employment and work (NFEW) have been much discussed because, on the one hand, they are possible ways to increase flexibility in firms while at the same time offering job opportunities (though temporary or in any case different from standard employment) to unemployed workers, and on the other, because they have been interpreted as sources of precariousness and insecurity on the labour side.

Also the research whose main results are presented here has examined these forms of employment and work. However, the subject of this study is not NFEW as such, or the reasons for their development, even though a large part of the work carried out by the project’s various teams concerned definition of NFEW (or ‘atypical’ work, etc.), or their significance in relation to the new features of the economy and production in the advanced countries and especially in the European Union, the spread of these NFEW, and the legal frameworks in which they have developed.

As suggested by the title of the project – *Local Level Concertation: The possible role of social partners and local level institutions in regulating the new forms of employment and work* (LOCLEVCONC) - the overall aim of the research was instead to examine the *regulation* of NFEW, and in particular their possible regulation in concerted manner at the local level. As regards the approach adopted, therefore, the fact that NFEW have

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<sup>1</sup> The choice of the label to use is problematic, and also reveals more or less consciously-held assumptions. The term most widely used in the USA is ‘contingent labour’, which emphasises its fluctuating/variable (quantitatively) nature, whereas in Europe, especially continental, where the legal framework of labour regulation is more highly developed, the term ‘atypical’ or ‘non-standard’ employment is mainly used, in order to emphasise its distinctness from forms that have become typical or standard. Here the various terms will be employed in relatively neutral manner as synonyms. In particular, much use will be made of the abbreviation NFEW, which somewhat blandly characterises the forms of employment and work discussed as ‘new’, albeit in the awareness that their ‘newness’ is highly relative, and only with respect to the forms that arose with the Fordist mode of production.

## RESULTS OF THE RESEARCH

arisen and spread, and that they are more or less widely used by firms and public organisations, is a premise or an independent variable – in the language of research – to be taken into account rather than studied.

In our project, *regulation of NFEW* means the various modes by which recourse to NFEW is co-ordinated within the organisations using them, how the conditions of the workers involved are established, and how the related conflicts, real or potential, are prevented or resolved. Traditionally, the main alternative considered in the debate is between market and/or hierarchies (Williamson, 1975), on the one hand, and state modes of regulation on the other. The aim of the project is instead to explore the possibilities of *concerted action at the local level* among the actors concretely involved in the dynamics of change and adaptation to external challenges, so that the use of NFEW may be both more efficient for firms and socially more acceptable for labour. From this point of view, one may also say that the standpoint adopted is what has been called a “search for ‘mild flexibility’” (Caruso 2000, 141).

It is our general assumption in fact that – contrary to a widespread rhetoric – the organised actors at the local level (firms, employers' associations, trade unions, public institutions, self-employed associations, etc.) may find it convenient to elaborate new rules in a concerted fashion in order to curb/reduce some of the most critical unexpected effects of recourse to NFEW when these are subject only to regulation by the market.

Note that in using the qualification *local level* we do not necessarily refer to specific institutions, different from central ones; rather, we refer to processes and interactions taking place both within firms/organisations and in the territory (municipality, province, region) outside/around them and which are not the merely automatic implementation of decisions made at the centre but at least require some specific interpretation/adaptation by the organised actors at the local level.

But why should one set out to investigate the possible ways in which NFEW can be regulated in a concerted manner at the local level? Why not instead examine the regulatory frameworks that in recent years have been redefined and modified at central level in European countries?

The reasons are various, and they depend on considerations related to several factors:

- (a) the ways in which the standard employment relationship has generally been regulated;
- (b) recent trends in the systems for the regulation of labour policies in many European countries, also as an effect of EU policies;
- (c) the characteristics of NFEW and their implications for the actors involved (workers and firms, but also trade unions and employers' associations).

As far as the first point is concerned, it is well known that in the European countries the development and regulation of the standard model of employment and organisation of work (that is, full-time open-ended wage-based work, under a single employer, with modes of production organisation based on the internalisation and co-ordination of activities within the boundaries of the organisation) has come about in close connection with the development and consolidation at the central level of labour law, of social security programmes, and of multi-employer collective bargaining, within the framework of the welfare state (Streeck, 1991; Supiot, 1999). Given the growth of NFEW different from the model of centrally-regulated employment, and in a context where welfare systems are subject to strong pressures on the costs side, is it not

## RESULTS OF THE RESEARCH

reasonable to expect that regulatory initiatives adapted to the new circumstances will emerge at the local level, superseding the previous model of highly centralised public policies?

On the other hand, during the 1990s the majority of the European countries underwent processes of administrative reform that devolved functions and responsibilities from central government to local administrations, especially as regards labour policies and social welfare. The European Commission's programmes to support employment and development, which have been mainly addressed to the regions, have been working in the same direction.

Moreover, the fact that recent years have seen the elimination of the public monopoly of job placement services in those countries where it existed (Germany and Italy, for instance) has opened the way for intervention by other actors, while also stimulating initiatives and experiments by local authorities. This means that at levels other than the central one – the region, the province or the municipality – greater space has been created for intervention, and more resources have been made available for that purpose. One may reasonably suppose that this development, together with the one just described, is a further factor facilitating the development at the local level of innovative initiatives, especially in the definition of socially accepted rules on the use of NFEW still largely to be explored.

The third set of reasons (point c above) depends on the intrinsic characteristics of NFEW, the use of which has critical implications for the various parties involved. From the workers' point of view, in fact, albeit with numerous differences according to the type of 'atypicality', as long as NFEW deviate from the 'standard' form of employment they are objectively characterised by a lower level of security, or lower coverage against the risks of deterioration in earning power.

As said, in the European countries coverage against these risks used to be provided mainly by the welfare state and by the rules laid down in collective agreements – and in both cases, in ways that have been historically structured on the standard model of employment. But this does not apply, or it applies only marginally, to NFEW the more that they differ from that standard model.

Of course, this does not rule out that workers may not subjectively find one or other of the NFEW convenient; indeed, it is probable that many of them do so. But it is a matter of fact that non-standard forms of employment objectively entail a lower level of job security, without this necessarily corresponding to a higher level of autonomy or to other indicators of work quality. In the long term, with the extension and consolidation of NFEW, and if suitable conditions are in place, problems of equity arise, or of consensus on previous models of local-level social integration, so that redefinition of the rules is necessary. Also caught up by the process – albeit at different times and in different ways – are the trade unions, whose history has centred on the representation of standard labour. And one may well expect that pressures for change will arise from them as well.

From the point of view of the firms using the NFEW, the latter are distinctive with respect to standard employment because of their more peripheral or external position, or their lower degree of internalisation. This may well correspond to a corporate preference not to take charge of them, or to do so to only a limited extent and when necessary, thereby partly or wholly externalising the costs of their maintenance and

employability. The other side of the coin, however, is that firms may have less rapid and reliable access to human resources of the type and quality required when they need them. In certain circumstances, this may prove particularly costly or counter-productive. From another point of view, therefore, a process of adjustment and redefinition of the rules may be viewed with favour.

Finally, symmetrically with what was said about the trade unions, also the employers' associations, or other forms of coalitions of employers, may see it in their interest to intervene on this terrain, in order to redefine the rules on competition, or to counteract the risk that social cohesion will deteriorate.

Moreover, the fact that for labour, and even more so for firms, pressures for change assume a clearly local or territorial dimension should be linked not only to the trends already mentioned (greater possibilities for intervention, the greater resource endowment of local institutions) but also to the potential of the local dimension as a special space: a space that may be accessible to a great number of actors, one suitable for experimentation, co-operation and the wide-ranging exercise of control; an arena that may prove less demanding and therefore more open than the central level of regulation, but above all more suited to the management of changes which differ in features and logic from one case to the next (Regalia, 1998).

From all these points of view, therefore, one may expect innovations and experiments intended to establish norms favouring an economically efficient and socially sustainable use of NFEW to develop especially at the local level; understanding by this expression, as said, not a space predefined and/or coincident with a specific territorial or administrative unit but one in which important actors (firms, workers' representatives, local social partners, local authorities, organisations and agencies of various kinds) can seek to reach agreement on new issues and aspects. As we shall see, according to circumstances this space may be a firm, a district, a province, or a region.

The methodological corollary of a research programme intended to explore the potential of local-level initiatives by social partners and institutions was that of concentrating study and empirical analysis on a selected number of key regions in the five larger European countries involved in the project (France, Germany, Italy, Spain, United Kingdom). These regions were the West Midlands in the UK; Rhône-Alpes in France; Saarland and Southern Upper Rhine in Germany; Lombardy as well as two small-firm areas – Prato in Tuscany and the province of Padua in Veneto – in Italy; and Catalunya in Spain.

## **2. Objectives of the LOCLEVCONC project**

In general, the purpose of the project was on the one hand to improve knowledge of a largely unexplored phenomenon; and on the other to assist definition of policies to enhance the flexibility required by companies while at the same time averting the undesirable effects of employment precariousness, worker uncertainty and possible social marginalisation. In other words, the aim was to identify, through observation of ongoing changes, the possible role of social dialogue and local concertation in devising new rules to regulate the new forms of employment and work; rules coherent with the sustainable development goals set out in the 1993 White Paper of the European

## RESULTS OF THE RESEARCH

Commission, and with the objectives of employment support and promotion established by the Treaty of Amsterdam in 1997.

From an operational point of view, the aims of the project were the following (i) to conduct preliminary appraisal of the regulation of NFEW, in particular at the local level, on the basis of the literature and previous studies; (ii) to carry out a preliminary quantitative survey (an 'establishment survey') on the use and regulation of NFEW at the firm level; (iii) and then to extend the observation by means of a qualitative survey (case studies) which explored the potential of the concerted regulation of NFEW in firms and the local setting.

A further purpose of the project was to promote information, communication and debate on the issues addressed with the actors concerned (local-level social partners and institutions) by setting up informal monitoring groups in the regions covered by the survey and at the European level, and by eventually organising a permanent system to monitor the most significant experiences, were there the necessary preconditions.

To dwell briefly now on each of our knowledge objectives, as said, the first and preliminary one was to conduct a critical review of the recent literature on the new forms of work and employment, and on their 'de-regulation' or 're-regulation', especially at the company and/or local level.

In the past, studies of so-called 'atypical' jobs have shown that the new forms of work may reduce not only employment security but also the socialisation and social integration that takes place through work, thus fostering processes of marginalisation and social exclusion. The literature on labour market 'de-regulation', for its part, has evidenced that not only has the level of protection afforded to the unemployed diminished, but the systems guaranteeing the work standards of the employed have weakened as well, and that the categories of workers with little or no protection have increased. Against this background, the literature on industrial relations and the role of the unions – despite numerous variations according to national differences in industrial relations institutions – has often emphasised the propensity of the unions to resist change and innovation, and by doing so to give a free hand to management, or favour a cleavage between protected insiders and weak outsiders at the mercy of the market. In both cases, the prevailing process has allegedly developed according to patterns which did not envisage, or envisaged to only a marginal extent, positive intervention by the institutions, and with unsatisfactory outcomes in terms of social security and social equity. Recent research findings have seemed to suggest instead that the behaviour of social partners at the company or local levels may be much more oriented to dialogue and the concerted solution of problems (occupational and concerning regulation of the new forms of employment) than is generally believed; and that a number of attempts and experiments in the promotion and co-ordination of new forms of regulation were taking place with the involvement, or on the initiative, of public institutions at the local level.

Therefore, by means of analysis of the literature and of studies available in the countries involved in the project (France, Germany, Italy, Spain, United Kingdom) the intention was to see what aspects or examples have already been subject to research and reflection, while at the same time constructing the conceptual framework necessary for execution of the research programme.

## RESULTS OF THE RESEARCH

The second objective was to explore by means of an establishment survey the use of NFEW by companies and the views of management on their advantages and disadvantages, and on how best use can be made of them. The key questions addressed by this part of the study were: (i) what are the NFEW most widely used by the various types of company, and for what reason? (ii) what are their advantages and disadvantages for a company? (iii) have in-company practices of joint regulation with the workers' representatives or of direct communication with employees been established on the use of these NFEW, and/or are there external local-level initiatives in which the company has taken part? (iv) what are the best ways to regulate NFEW?

The third objective was to conduct a wide-ranging investigation, of qualitative type, into the practices and initiatives already adopted, or under discussion, at the local level by the social partners, as well as into the role officially or *de facto* played by local-level institutions (such as municipalities and local/regional governments, decentralised offices of the ministries of Labour or of Social Affairs, educational institutions, etc.) in the regulation and protection of new forms of employment. Such investigation appeared to be all the more necessary because the relevant experiences were expected to be scattered, specific, and not clearly visible. The key questions addressed by this part of the study were: (i) what forms is such regulation most likely to take? (ii) which of the new forms of employment and work are more likely to be covered by new rules? (iii) what is the content of the new regulation and to what extent does it differ from the rules that apply to 'traditional' forms of employment and work? The intention was to shed light for the first time on a crucial aspect of the manner in which industrial relations are changing at the decentralised level and on ongoing transformations in civil society and the workings of local institutions.

The final objective concerned the communication and discussion of the results. Given that the aim of the research programme was to uncover phenomena and trends that tend to remain concealed, discussion of the results with the protagonists was seen as particularly important, and not only on completion of the work. It was therefore decided to promote communication and discussion in two main ways. First, by setting up monitoring groups, at the local and European levels, consisting of representatives from all the parties concerned (unions, employers' associations, self-employed workers' associations if they exist, public administrations) with whom the progress of the work would be discussed. Second, by disseminating the research results among the social partners, policy-makers, and the scientific community at the national and European levels.

In relation to the discussion and communication of the results, it was also proposed, if favourable preconditions were in place, to use the results from previous research stages and from any other relevant experience to create a systematic database on the phenomena studied, and to help establish a permanent qualitative-quantitative survey system (observatory) on industrial relations at the decentralised level and on the local-level concertation of the regulation of new forms of employment and work.

### **3. SCIENTIFIC DESCRIPTION OF THE PROJECT. RESULTS AND METHODOLOGY.**

## **1. Introduction**

This central part of the report presents the main results of the two-year research programme conducted in 1999-2000 by the five research teams involved in the project.

Following the order in which the work proceeded according to the objectives described in the previous section, we shall first dwell briefly on the main themes highlighted by the literature review (section 2) and then present in somewhat more detail the results of the two empirical stages of the research: namely, the survey of patterns of NFEW use and regulation by firms (section 3), and the survey based on local territorial and local company case studies of NFEW regulation in the regions considered (section 4).

## **2. The Development of New Forms of Employment and Work Amid Efficiency and Uncertainty. Suggestions from a Literature Review**

The literature review was conducted in 1999. Each team wrote a study on its own country, so that the survey examines the literature on NFEW (and, where possible, their local-level regulation) in France, Germany, Italy, Spain, and the UK.<sup>2</sup> This operation made it possible not only to plot the general framework within which to locate the specific topic examined by this study (possible spaces for the concerted regulation of non-standard forms of employment at the local level) but also to shed light, albeit indirectly, on an aspect of NFEW which our project did not subject to direct empirical inquiry: the point of view of the workers concerned.

The focus was on studies and empirical research conducted in the past ten years. The decision to concentrate on the literature of the past decade does not require particular justification, given that it is above all in this period that the use of 'new' or 'atypical' or flexible, or 'particular' forms of employment and work has been subject to systematic study and observation, as well as being an issue of debate at the political level and among the social partners. The choice, at least in principle,<sup>3</sup> of concentrating on the empirical literature, which seeks to shed light on the practices actually adopted, rather than on the legal literature (of eminently normative-prescriptive nature) which

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<sup>2</sup> For a detailed presentation, see the first research report (LocLevConc, 1999). The single contributions are also available as separate papers: see McIlroy and Marginson (2000a), Mériaux (2000), Grewer (2000), Piotto and Bertolino (2000), Lope and Gibert (2000), as well as the synthesis report by Regalia (2000a).

<sup>3</sup> This was much more difficult to achieve than expected, however, because most of the literature consists of positions for or against NFEW or descriptions of their spread, rather than analyses of their actual use and regulation.

## RESULTS OF THE RESEARCH

predominates in the majority of the countries considered, instead depended on the aim of the research, which was not to conduct general discussion of the desirability and effects of NFEW for labour and firms, nor to assess the possible need to reform national labour market and employment protection institutions (see OECD, 1999). Instead, its aim was to examine the possibilities for concerted local-level action among the actors directly involved in the dynamics of change (social partners, local-level institutions) so that the use of NFEW may be both more efficient for firms and socially more acceptable for labour.

Accordingly, and certainly taking account of the normative framework of each of the countries considered, the prime necessity was to examine what studies and empirical research have already shown regarding the concrete use of NFEW and its consequences. But before we present the most interesting aspects from our point of view, a number of preliminary remarks are in order.

We have already said that by 'new' forms of employment and work we mean those forms which deviate from one or more of the characteristics that came to be considered standard during the development of Fordist mass production and the related forms of labour protection: i.e. full-time open-ended wage employment under a single employer, and ways of organising production based on the internalisation and co-ordination of activities within the boundaries of the organisation using them. Such NFEW constitute possible ways to increase flexibility in firms. They can be distinguished between forms of external flexibility (in particular the new forms of employment) and forms of internal flexibility (in particular the new forms of work) (Boyer, 1985).

In the literature, there is a recurrent, albeit not explicitly stated, point of departure for the origin and spread of the NFEW which can be summed up as follows: although there have always been forms of employment and work different from, and more flexible than, those which arose and became established during the period of standardised mass production, they became much more widespread when that paradigm entered into crisis. Indeed, we might add, it was when those flexible forms began to penetrate and invade ambits in which the forms of employment and work 'typical' of the Fordist mode of production (i.e. manufacturing) were most predominant that they became a socially important, visible and controversial issue.

Discussion of the literature on the reasons for the crisis of the paradigm of Fordist production – and on the connected, though not coincident, processes of the globalisation of markets, of tertiarisation of the economy, and of the scaling down of welfare systems – was obviously entirely beyond the scope of our work. Suffice it to say that the broad consensus is that the spread of NFEW has been largely due to the consequences of these macro changes on firms' strategies – to which one should add the development of microelectronics and information technologies as factors which have technically facilitated the use of NFEW.

However, opinions differ as to the closeness of this connection: from the firms' point of view, are these inevitable trends or effects of strategic choices? In general, albeit implicitly, the predominant idea in the literature seems to be that the increased use of NFEW is an inevitable trend. It is no coincidence that 'delays' are talked of when the development of NFEW is more limited (as in Italy); delays which must be overcome if the country concerned is not to remain on the margins of the great transformation in progress.

## RESULTS OF THE RESEARCH

Whilst this is perception that predominates within each country, it is also true that recent comparative studies (OECD, 1999) have not depicted a situation characterised by similarly clear and 'inevitable' trends. Not only is the use of NFEW still quantitatively rather different among countries – which may be interpreted as a legacy from the past – but the trends favouring or controlling/restricting their future development tend to differ as well. For example, since the mid-1980s the employment protection regulation relative to temporary workers has been relaxed in Italy, but it has been tightened, after a period of relaxation, in France and Spain (OECD, 1999, pp 50 ff.). And in Germany, too, a prolonged process of relaxing the rules has recently been interrupted by proposals to reverse the trend.

But most problematic is the significance to be attributed to the change now in progress: is it the affirmation of the logic of the market over that of the hierarchy (Williamson, 1975) and/or over the centrality of the mechanisms fostering workforce loyalty and commitment which were discussed during the 1980s with reference to in-company social relations? Or are these changes of minor importance and only marginally affect the previous model? In other words, and to use the title of an article published in the early 1990s (Bronstein, 1990), are the NFEW threats or complements to permanent employment? Or again: should the change be framed within the core/periphery model of the flexible firm described by Atkinson (1984)?

Whatever the case may be, it is indubitable that the use of NFEW is primarily viewed as a response to the changing needs of firms. As emphasised by Marginson and McIlroy (2000a) – but the observation seemingly applies to the other cases as well – in the literature examined discussion of the reasons for recourse to NFEW tends to concentrate almost exclusively on the goals pursued by firms, while the effects of NFEW are examined predominantly in terms of their consequences – assessed in largely pessimistic terms – for workers. As if labour had no reason to prefer flexible forms of employment, and as if the effects on firms were entirely unproblematic.<sup>4</sup>

But let us now go into rather more detail on the aspects that interest us most closely by presenting a summary of the results of studies on each of the forms considered, given that an overall assessment seems unsatisfactory.

### **2.1. Non full-time forms of employment**

Except in Italy and Spain, part-time work is the most widespread of the 'new' forms of employment. It is also the 'new' form of employment that most closely approaches traditional standards: except for its shorter duration, part-time work may be just as secure as that of permanently employed full-time workers, as the survey by Gallie et al. (1998) has shown in the UK. And a similar pattern is found in Germany and France. In other words, this is the least 'atypical' of so-called 'atypical' jobs.

Moreover, among the various NFEW, part-time employment is the one whose growth has been most interpreted as stemming from the preferences, or needs, of the labour supply (especially female) rather than from demand by employers; that is to say, it is seen as more the result of voluntary choice, rather than being imposed. As we shall see later in the third section, this is in

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<sup>4</sup> A different interpretation has been put forward by Schmid (1997), to the effect that the development of the NFEW is the result of two different pressures applied on firms: on the one hand, there is pressure for them to increase their competitiveness in the context of economic globalisation, which compels them to adopt more adaptable and flexible employment regimes; on the other, there are the pressures deriving from greater individualisation and diversification of needs on the supply side, in a context characterised by profound social and demographic changes (greater female labour-market participation, changed family models, increased life expectancy, etc.). This raises the problem of the importance of subjective factors, too, in explanation of the development of non-standard forms of employment.

part confirmed by the results of our survey. In the debate in Germany, part-time employment is often viewed as an additional opportunity for work available to women. It is also emphasised that the growth of part-time employment is linked with the changes in culture and values (greater individualism, less central importance of work in the lives of individuals) distinctive of the current phase of the modernisation of advanced societies. For some time in many of the European countries (France, Germany or Italy, for example) the use of part-time has been encouraged from labour's point of view by legislation which stipulates equal treatment for part-time and full-time workers which cannot be circumvented by individual contracts, while more recently the EU directive on part-time has consolidated and extended this equality of treatment. The French debate has emphasised that the trend towards part-time work is loosely connected with fluctuations in the economic cycle: although its expansion is anti-cyclical in character, it then tends to stabilise in expansionary phases, partly because, for a certain period time, firms utilising part-time labour qualify for relief on contributions and for other benefits. It is therefore possible to view part-time work as the social construction of a specifically female form of employment (Maruani and Reynaud, 1999).

Yet empirical studies suggest that part-time employment – which is said to be more widespread among small businesses, especially in the private tertiary sector – is not necessarily a matter of personal choice. In other words, it is not necessarily voluntary: in France, for example, a large proportion (more than one-third) of part-time workers would like a full-time job.<sup>5</sup> Nor can it be considered to be merely a qualitative reduction of working hours: not only are part-time jobs in large part low-skilled (and therefore low-paid), but above all, as various studies have shown, they are characterised by a lesser propensity among employers to invest in the training of such workers, by fewer career opportunities, and by problems of integration into the company system, since they tend to be excluded from information flows in the workplace.

As a consequence, despite the guarantees and the stability that in the majority of cases distinguish this form of employment, part-time may be a subtle form of social marginalisation within firms. This is obviously even more the case of 'zero hours' contracts, where staff are only called into work, and paid, for the hours required by the employer: in the event that no hours are required, there is no remuneration (McIlroy and Marginson, 2000a).

## **2.2. Non open-ended forms of employment**

The various forms of temporary or contingent employment – i.e. fixed-term contract and temporary/occasional employees as well as agency workers – are at the centre of debate and research on NFEW. Although these contingent employees/workers are usually fewer in numbers than part-time employees, their number grew significantly during the 1990s. From the employer's point of view, these temporary forms of employment enable numerical replacement flexibility on entry and exit.

### ***Short-term temporary and fixed-term contract workers***

To deal first with short-term temporary and fixed-term contract workers, studies in the UK (McIlroy and Marginson, 2000a) show that they are used more frequently by large

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<sup>5</sup> However, the percentage is said to be considerably lower in Germany (5-8%).

## RESULTS OF THE RESEARCH

firms than by small ones (and this confirms the hypothesis that these workers are mainly used as an alternative source of numerical flexibility, given that smaller firms are intrinsically able to manage resources more flexibly). The largest occupational group for which this form of employment is utilised is reported to be clerical and secretarial workers,<sup>6</sup> but it is also increasingly used for professional workers as well. In effect, recourse to temporary workers is by now viewed as a routine device of company management, to be used primarily to match staff levels with peaks in demand, and also for short-term coverage while staff are away on holiday or sick leave. In particular, large-scale use is made of temporary workers as an instrument of reorganisation in traditionally highly structured service sectors (e.g. telephone banking in the banking sector).

According to French studies (Mériaux, 2000), this form of employment – whose underlying logic is specialisation in the use of labour (hired for specific tasks for limited periods of time) – is today utilised for a variety of purposes: it represents an almost systematic means to hire in all sectors, especially services and commerce, and it also provides a specific normative framework for seasonal labour and contracts for the training and work integration of young people. Workers hired on fixed-term contracts may subsequently be hired on open-ended ones. From this point of view, this form of employment is the equivalent of a trial period: the difference lies in the fact that in periods of recession these workers are the first to lose their jobs.

Within a similar interpretative framework, Italian studies (Piotto and Bertolino, 2000) do not bear out this latter finding, however. Although they confirm that periods of expansion have seen the massive use of fixed-term workers, during recessions it does not seem that job losses are invariably concentrated among temporary workers. Rather, the use of fixed-term hirings has made generational changeover possible, and it has engendered a slight but persistent growth of employment. The figures show, however, that the turnover of these workers – who are often employed in low-skilled jobs – is very high: employers prefer to change them frequently rather than give them greater permanency by investing in vocational training.

Studies have been conducted in Germany (Grewer, 2000) on the effects on employment of relaxing the constraints on the use of fixed-term workers, a measure introduced experimentally in 1985 and renewed repeatedly thereafter. Although considerable growth of fixed-term employment has been recorded in all economic sectors, the results in terms of employment growth are not as substantial as was expected. The measure has contributed most to employment creation in medium-to-small firms and in services, and therefore in specific cases which often consist of economically weak businesses. In the view of several commentators, reform of the legislation protecting workers on open-ended contracts – for example in the matter of dismissals – would probably have been more effective. The main issue of debate, however, concerns marginal jobs (i.e. those remunerated to a maximum of 630 marks a month), the use of which has proved extremely convenient (reduced taxes and no social insurance contributions) to both firms and workers, although the relative legislation has recently been modified amid numerous protests. Studies have shown that this form of employment is widely used as a source of second jobs for men; but also of first jobs, especially in the sector of low-

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<sup>6</sup> Not surprisingly, research studies report that mainly female personnel are hired on this basis.

## RESULTS OF THE RESEARCH

paid personal services, for women. While on the one hand this trend has aggravated the financial difficulties of the social insurance system, on the other it has increased the proportion of workers devoid of social security protection and close to or below the poverty threshold.

In Spain, the country in which most use is made of the various forms of temporary work, studies tend to place most emphasis on the effects – positive and above all negative – of these new forms of employment (Lope and Gibert, 2000). The positive effects concern the greater flexibility afforded to firms by these new forms of employment. On the labour side, research shows that social groups encountering difficulties in finding steady jobs through these flexible forms of employment have a better chance of finding paid employment. There are two indicators of this effect: the slight increase in recent years in the activity rate of women, and the fall in youth unemployment. Moreover, fixed-term hirings enable certain categories of workers, like students, more satisfactorily to combine work with other activities. Among the negative effects are a particularly high level of workforce turnover, so that the nucleus of permanent and experienced workers in companies tends to dwindle. The unwanted outcome is the greater difficulty of increasing productivity by means of functional flexibility practices and technological innovations, since these require stable skilled personnel, or alternatively frequent and costly investment in training. Other negative effects reported are a high and growing number of workplace accidents and increased uncertainty among young people concerning their future prospects.

### *Agency workers*

In the countries considered, it is above all the use of agency workers that increased in the 1990s. According to some estimates, in the UK agency work has become the most widespread form of temporary employment; indeed, the number of workers involved has doubled in just four years. The main advantages of this form of temporary employment for businesses are savings on selection and recruitment costs, avoidance of the responsibilities connected with dependent employment relationships, and a reduced potential for collective labour organisation. But there may also be advantages in terms of quality, given that it is possible to take on trained personnel equipped with specific skills. As competition has increased, in fact, the largest agencies have sought to improve their supply by organising training programmes for their personnel.

Also in France, studies report a substantial growth of agency work, which has traditionally been used in industry for blue-collar jobs. In recent years, however, this form of employment has also increased among managerial and professional workers. In general, most recent studies report a blurring of the distinction between the use of agency workers to meet urgent, unpredictable and temporary needs, and the use of fixed-term contracts to meet foreseen, regular and long-term ones. In effect, recourse to agency work is growing at the expense of fixed-term contracts, and seems to be more attractive to both employers and workers. Employers believe that they can more easily find the skills that they need by using the services of an agency, while the majority of agency workers believe that they can more easily find a job through an agency than by seeking a fixed-term contract. Furthermore, a considerable number of these workers regard agency work as equivalent to dependent employment, and also as better paid, even though the overwhelming majority of them consider it as only a way-stage towards a steady job. Among recent trends are a broadening of the functions performed by

temporary work agencies: in many cases, businesses wanting to obtain trained personnel immediately relinquish the network of contacts through which they previously recruited fixed-term workers in order to relieve themselves of the costs of managing contracts. Moreover, agencies often install themselves in production units, where they act as offices for the management of fixed-term human resources. Also to be noted is that increased competition is now compelling agencies to improve the conditions of their workers (by setting up social security schemes, offering participation in results, recognising seniority and levels of professional development). From this point of view, one may talk of a process – still incipient – of ‘de-precarisation’ of agency work.

In Germany, too, studies highlight the strong growth of agency work. In this case, however, the majority of agency workers are young people, mainly male, low skilled, receiving below-average remuneration, and recruited mostly among non-active and unemployed workers in low-wage sectors, who are then supplied to medium-to-large firms on high wages. In corporate strategies for quantitative flexibility, the use of agency workers takes second place to the more traditional methods of overtime and the hiring of temporary staff, which it supplements.

In Italy, studies of agency work based on statistics or case studies were still few in number at the time of the literature review, given that this new form of employment was officially introduced only in 1997. Nevertheless, it is growing substantially, and the above observations on its advantages to both employers and workers seemingly apply in Italy as well.

### **2.3. Self-employment and pseudo self-employment**

The increase of self-employment, also in countries other than those in which it has been traditionally very common (Italy and Spain), is another of the trends highlighted by research. However, as many have pointed out, the label covers a variety of different situations. According to Burrows and Ford (1998, p. 99), for example, the term includes “small and medium sized business owners; farmers; independent and highly skilled professional workers; manual and non-manual workers working ‘for themselves’; some categories of ‘home workers’ or ‘outworkers’ and a range of ‘own account workers’ of varying degrees of skill”. Whatever the case may be, as emphasised mainly in the French literature, regardless of its quantitative weight and internal distinctions, self-employment has for many come to symbolise ongoing changes in employment relationships, and in particular the transition to a ‘post-wage society’, or to one in which individual preferences for independence are increasing.

Beyond general interpretations of more or less ideological type, all studies highlight the increase in situations ambiguously located somewhere between dependent employment and self-employment which are called ‘pseudo self-employment’ in the UK, ‘travail indépendant subordonné’ in France, and ‘lavoro parasubordinato’ in Italy. In some productive sectors (and typically the construction industry), in fact, self-employment disguises employment relationships which are actually dependent in form. In this way the firm saves on indirect labour costs and shifts its risks onto external workers. In Germany, two-thirds of the pseudo self-employed are men working in commercial or clerical jobs or as technicians or researchers. Many of them work fewer than 35 hours a week on average. They receive low pay and often have no health or pension insurance. Another sector in which self-employment is common is publishing and the media.

Recent studies in Italy on the use of this form of employment in the publishing sector have revealed the highly ambiguous situation of the workers concerned: on the one hand, they often seem to value a form of work which gives them considerable flexibility in the times, places and contents of their work; on the other, they show serious concern about the uncertainty of the future, particularly as regards income and the continuity of work.

### **2.4. New forms of work**

The studies examined also concern themselves with certain forms of work which require new ways to organise firms and give them greater flexibility. The use of new forms of work is not necessarily connected with the use of new forms of employment. Indeed, one may expect (although it does not seem to be confirmed by our survey: see section 3 below) the two aspects to stand as alternatives to each other. It is this feature that emerges from the survey of the literature in Spain, where it is emphasised that firms do not seem to innovate greatly from the point of view of work organisation, but much prefer to use flexible forms of employment.

One of the new forms of work that has attracted close attention in the literature is telework. Opinions differ on this form, however: often viewed as a revival in modern form of home work, its positive potential for firms and workers have been highlighted by studies of telework, while others, especially in Germany and Italy, have emphasised that it has spread to a much lesser extent than expected. The most positive picture emerges in the UK,<sup>7</sup> where telework – which primarily involves clerical and secretarial staff and, in second place, professionals and technicians – seems to be attractive to workers, although numerous disadvantages are also pointed out, especially for less-qualified occupations: closer control over work performance, less personal visibility in the company, the paucity of relationships with colleagues and superiors, and therefore reduced career opportunities.

Perhaps more interesting are a number of new trends apparent in the management of working hours. In the UK, for example, annualised hours arrangements have increased in recent years. Once restricted to specific occupational categories (like shift workers) or specific sectors (continuous process industries), studies indicate that these schemes are spreading among day workers, in large-scale distribution, and in numerous manufacturing companies – partly as a result of the Working Time Regulations which came into force in October 1998 and set a 48-hour limit on the average working week. The use of annualised schemes makes it possible to reduce recourse to overtime, but it also seems to incentivise the adoption of other forms of internal or functional flexibility, while reducing the economic convenience of hiring temporary workers. Not dissimilar are certain of the trends connected with the 35-hour working week in France. In this case, too, it seems that many firms are seeking to adapt to the new law by negotiating greater internal flexibility in exchange for a reduction in the number of temporary contracts.

## 2.5. New strategies and responses by IR actors

The findings just reported introduce the concluding part of the literature review, which concerns itself with reactions or initiatives by the social partners or the institutions intended – more or less directly and deliberately – to intervene in or modify the conditions in which NFEW are used, and thus reduce their unwanted outcomes in terms of inefficiency on the side of firms and/or precariousness and uncertainty on that of labour. This is the part of the review that has the most direct bearing on the theme addressed by our project.

Apart from the literature on recent initiatives by governments,<sup>8</sup> studies on the topic are relatively few in number. Nevertheless some interesting trends can be pointed up.

In the UK, studies have highlighted a number of changes in the attitudes of the social partners. Reported on the one hand are trade-union initiatives to represent and organise temporary agency workers. In some cases, important recognition deals have been reached between unions and employment agencies which grant temporary workers full membership rights. On the other hand, as a consequence of the Working Time Regulations implementing the EU's working time directive, many firms have recently changed their policy on paid holiday entitlement and extended it to temporary workers. "As a result," conclude McIlroy and Marginson in their contribution (2000a, 14) "minimum entitlements are extended to some groups of contingent workers as well as permanently employed staff". Moreover, as said, improvements have been made to the employability of temporary workers by the vocational training programmes organised by the larger private employment agencies in order to strengthen their position in a highly competitive market.

In France, the literature offers insights at several levels. At that of in-company collective bargaining, many of the agreements on reduced working hours include clauses intended to 'normalise' aspects of the employment relationship previously considered to be atypical, and also to improve the regulation of various aspects of the use of NFEW in firms. Increasingly common at the local level is the 'groupement d'employeurs' (employers' grouping), a type of local association of small and medium-sized firms set up to help their members acquire personnel (seasonal or highly qualified) that individually they would be unable to find or could not afford to hire. This has the effect of increasing the stability, security and pay of the workers concerned without reducing the employment flexibility of firms. Mention has already been made of the new initiatives in training and human resources management which, in this case too, characterise the competitive strategies of numerous temporary work agencies, with the effect of giving greater stability to the employment situations of the temporary workers involved. Finally, studies report the flourishing growth at the local level of institutional innovations – some of which promoted by the public authorities, like administrative

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<sup>7</sup> Not by chance, one of the case studies by the British team concerns the use and joint regulation of telework (see section 4 below).

<sup>8</sup> Among the most notable of these initiatives, see the Working Time Regulations in the UK, the laws on reducing working hours and the government's proposal to tax fixed-term contracts in France, the proposal to revise the regulations on 'marginal' work in Germany, the National Plans for Employment in Spain and the bills on pseudo self-employment and telework in Italy.

## RESULTS OF THE RESEARCH

poles to support 'pluri-activity', or incentives to new business creation – intended to give greater security to new forms of work.

Studies in Germany report that new trends are developing mainly at the level of collective bargaining. For some time, the trade unions have shown increasing interest in including the regulation of part-time work on their negotiating agendas. In 1999, they negotiated the first collective contract for workers in certain temporary agencies (concerning pay, hours, overtime, weekend and night work, leave, holidays). This contract is regarded as a proving ground for a wage agreement which covers all agencies. By contrast, there are no reports that the trade unions are directly concerned with self-employment, which they do not regard as falling within their remit; if anything they seem to lean towards legislation on the matter.

In Italy, study of the reactions, initiatives and strategies of the actors involved is less developed than one might expect. At the moment of the literature review, there seem to be no empirically based analyses of the associations set up some years ago to represent temporary workers. Also scarce is research on the presence of clauses on NFEW in collective agreements at the company level, although these constitute an issue of growing importance.<sup>9</sup> There are some studies on local experiments in active employment policies (like Councils for Employment, or employment pacts), sometimes involving the social partners, local associations and institutions, aimed at the innovative delivery of employment services (information on job opportunities, training schemes, etc.) on a concerted basis. The last years of the 1990s, in fact, saw the first studies on area agreements and territorial pacts: at least on paper, these schemes for the concerted promotion of local development offer opportunities for the innovative management of local labour markets in which there may be room for the coordinated use of flexible forms of employment.

In Spain, studies on company-level bargaining in recent years show a new trend whereby the larger and more innovative companies scale down their use of numerical flexibility and increase that of functional and temporal flexibility, in order to reduce the harmful effects of an excessive use of precarious labour. As a consequence, agreements increasingly contain undertakings to convert fixed term contracts into permanent jobs in exchange for greater internal flexibility. The literature has also highlighted the growing importance of initiatives by the public authorities as regards the labour market and employment policies, partly as a result of European guidelines and directives. Besides the national level (National Plans for Employment of 1998 and 1999), interesting initiatives have been launched at the decentralised level as well, both in the form of Local Pacts for Employment (based on agreements between the municipalities and the local organisations of the social partners, or at least with their involvement in the planning of schemes), and as projects for intervention by the governments of the Autonomous Communities in the field of employment (Regional Pacts for Employment), often on the basis of tripartite agreements with the social partners.

In conclusion, the results of the survey of the 1990s literature on these latter aspects show that at the local level – which means both internally to firms and in their surrounding territory – the range of initiatives already undertaken by the social partners

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<sup>9</sup> On this see a study subsequently carried out as part of the LocLevConc project on bargaining in Emilia Romagna (Lugli and Tugnoli, 2000).

## RESULTS OF THE RESEARCH

and institutions to regulate the labour market and to protect employment in the various forms that it now assumes is rather extensive, probably more so than is often believed. This confirms our initial hypothesis. At the same time these results also indicate that there are numerous gaps in our knowledge and that there is still much to be observed and analysed.

Besides this first concluding observation, the insights yielded by studies – albeit few in number – on recent strategies and initiatives by actors at the local level suggest a further, more substantial consideration: the importance when discussing forms of employment of distinguishing analytically between the dimensions of working outside, rather than within, an organisation and precariousness. It does not necessarily follow, in fact, that work performed without belonging (more or less stably) to a company, and remaining external to it, is bound to be precarious. In the past – during the *Golden Age* period of the maximum development of industrial relations and the Keynesian welfare state linked to standardised mass production – this was largely so, and in many cases it may be so today as well. But, even regardless of the free professions and of participation in occupational communities (Regalia, 1990), some of the trends mentioned previously (e.g. the reorganisation of temporary work agencies, the development of *groupements d'employeurs*, the extension of the basis on which collective agreements or social protection measures are applied) show that the relation does not necessarily hold, and that it is possible to reduce the precariousness and uncertainty of work without internalising it.

It is precisely on the possibilities which can be envisaged within this field, centred on the search for new models of work predictability and security, that attention should concentrate. We shall return to this question later, in the fourth section of this chapter. Before doing so, we shall now examine the results of the first stage of our empirical inquiry, the one which was based on a survey on the local-level use and regulation of NFEW in five important European regions.

### 3. Dealing with New Forms of Employment and Work in Workplaces: Findings from a Survey in Five European Regions

#### 3.1. Introduction

Within the overall research programme, the survey described below was the first stage of the empirical investigation. It was carried out in a key region of each of the five large countries concerned, and specifically the West Midlands in the UK; Rhône-Alpes in France; Saarland and Southern Upper Rhine in Germany; Lombardy in Italy<sup>10</sup>; and Catalunya in Spain. The survey was conducted in these areas between June and September 1999, and it covered companies with at least 20 employees in the manufacturing and service sector (the public sector was excluded). Random samples of workplaces (WPs) stratified by size and sector (manufacturing and services) were extracted in each area.<sup>11</sup> The questionnaire – which was structured so that it could be used in all the countries involved in the project – was addressed to either a manager responsible for employee relations, where one existed, or to the general manager at the workplace. Usable responses were obtained from about 950 WPs, as indicated in Table 1.

**TABLE 1 - Sample sizes and questionnaire returns, by region (No and %)**

Region*	Sample sizes	Questionnaire returns	Response rates %
W-ML	1008	163	16
S-SR	1270	134	11
R-A	1173	135	12
LOMB	950	301	32
CAT	1055	219	21

\* W-ML West Midlands; S-SR Saarland Sud Rhein; R-A Rhône-Alpes; LOMB Lombardy; CAT Catalunya

The response rates are not particularly high. However, they are largely in line with – and in some cases more satisfactory than – those obtained by other European-level establishment surveys based on postal questionnaires sent to management (Price Waterhouse Cranfield, 1991; EPOC Research Group, 1997). In order to obtain a sufficient number of WPs of large size, WPs were sampled with different probabilities according to their size;<sup>12</sup> prior to analysis; the data were therefore weighted to reduce

<sup>10</sup> In Italy, surveys using the same method were also carried in the district of Prato (Tuscany) and the province of Padua (Veneto), both of which are small-firm areas. In these cases, the size threshold was 5 employees. Due to the specific structural features of these areas, it was deemed advisable to analyse the data separately (Giaccone, 2000).

<sup>11</sup> For details on the sampling method and in general on the methodology used, see the complete research report and the methodological appendices in LocLevConc (2000).

<sup>12</sup> An exception was Germany, where a non-stratified probabilistic sample was used.

## RESULTS OF THE RESEARCH

this distortion.<sup>13</sup> In general, moreover, controls on non-responses showed that WPs in industrial sectors were over-represented, while those in service branches were under-represented. The final database (see Table 2), however, was satisfactory for the purposes of an eminently exploratory survey such as this one.

**TABLE 2 Distribution of the sample by size and sector (% in row, weighted values)**

Region	Sector	Size					Nweight
		20-49	50-99	100-249	250-500	500 +	
W-ML	Service	66	20	9	5	0	92
	Manufac	56	20	11	13	0	70
		62	20	10	9	0	162
R-A	Service	53	25	16	2	4	49
	Manufac	71	16	8	4	1	82
		64	19	12	3	2	131
S-SR	Service	56	27	15	1	1	72
	Manufac	25	24	20	17	14	59
		42	25	18	8	7	131
LOMB	Service	17	33	36	7	7	91
	Manufac	20	28	43	7	2	203
		19	29	41	7	4	294
CAT	Service	52	33	6	6	3	77
	Manufac	54	17	20	5	4	127
		53	23	15	6	3	204

The survey had two main aims. Firstly, it was intended to yield detailed knowledge on the characteristics, reasons and effects of the use of the new forms of employment and work from the point of view of firms. Secondly, it was intended to be a preliminary investigation of the ways in which regulation is made of flexible forms of work and employment, both within firms and locally in initiatives directly or indirectly involving public institutions as well (local-level agreements, the lobbying of institutions, and the like).

In the report that follows,<sup>14</sup> paragraphs 3.2, 3.3 and 3.4 deal with the first of these two aims, highlighting similarities and differences in the use of the new forms of work in the regional contexts of the various countries concerned. But in this case, the interest of the study does not lie solely in the opportunity that it provides for comparison among different situations in Europe on the basis of an empirical survey using the same methodology. It also resides in its endeavour to combine two approaches to the theme of changes in work and its use which are often kept distinct in empirical surveys and the interpretations of scholars: on the one hand, the analysis and debate on so-called 'atypical' jobs carried forward by studies on the transformation of work (Supiot, 1999); on the other, the analysis and debate on how to reorganise and give flexibility to firms carried forward by studies on company organisation (Atkinson and Meager, 1986). Here,

<sup>13</sup> The Lombardy sample, which was very under-sized in the 20-50 employees class, was lightly weighted with reference to this class, thereby reducing only partially the sampling distortions, to prevent an excessive artificial alteration of the data.

<sup>14</sup> A large part of the analyses, especially in paragraphs 3.2 and 3.4 of this report, are based on the data analysis carried out by H. Schadee in the Preliminary Report on the analysis of the LocLevConc survey, a substantial part of which is included in the Methodological Annexes of the survey report (LocLevConc, 2000).

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‘atypical’ jobs – or better, new and flexible forms of employment – will be discussed from the point of view of those who utilise them in companies as a strategic choice.

Paragraph 3.5 deals with the second aim of the survey. It first analyses the data on the propensity of managements both to engage in the joint regulation of various aspects of NFEW (by bargaining with or consulting workforce representatives) and directly to involve the workers concerned. It then discusses the relations between firms and the local environment, concentrating on the modes and characteristics of participation by management in local-level vocational training initiatives and measures to foster the employability of disadvantaged persons and similar.

Paragraph 3.6 draws together the various strands of analysis on the basis of the opinions expressed by the respondents concerning the most suitable ways to regulate the use of NFEW.

### **3.2. The flexibility strategy of firms: what and how many flexible forms?**

The literature on flexibility has for some time highlighted the existence of a wide range of flexible options in the use and organisation of labour by firms. All of these allow the introduction of variability in the use of resources, but each option does so in different ways and with different effects. One may therefore expect to find that recourse to one or other option, or to some combination among them, will correspond to more or less distinct management strategies.

Besides the use of NFEW (part-time, fixed-term contracts, temporary agency work and other types of temporary work, self-employment and pseudo self-employment, home work, and telework), our survey, too, examined various methods with which a management is able to render a firm more efficient and flexible to trends in demand, and thereby increase its competitive success. More specifically, the survey considered technological and organisational innovation, the sub-contracting of activities, the introduction of adaptable forms of work organisation or of internal flexibility, and the use of non-standard forms of employment. However, we would point out immediately that a drastic selection of the results has been made here (and even more so of the tables and the relative statistical apparatus) in order not to over-encumber the treatment, and above all not to stray too far from our research theme.<sup>15</sup>

One way to give flexibility to a firm’s structure is to invest in technology, machinery or plant (‘hard’ innovation) or to reorganise work (‘soft’ innovation).<sup>16</sup> Another way is to make work organisation more adaptable to changing needs of production by using flexible forms of work organisation (FFW), such as functional/task flexibility (job enlargement, job rotation, mobility among positions, etc.), team working, overtime, variations in working time (different from overtime) or working time flexibility (see

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<sup>15</sup> For a more complete version see LocLevConc (2000) and in particular the analysis in Regalia (2000b).

<sup>16</sup> According to our data, recent recourse to technical and/or organisational innovation has been extremely variable. 70% of WPs on average have introduced one of these two types of innovation, or both, with the marked predominance of the hard type. At one extreme lies S-SR, which places extraordinary emphasis on innovation, especially soft, and where all firms have made use of at least one of the two forms of innovation; and at the other W-ML, where more than 45% of WPs have not undertaken innovation in any form.

RESULTS OF THE RESEARCH

Table 3). The first two methods are flexible and participative ways to organise work tasks (as opposed to the rigid prescriptions of the traditional models of standardised production). The second of them (team working) is generally regarded as more innovative from the point of view of production and labour (see EPOC Research Group, 1997). The others are methods used to achieve greater production flexibility by adapting working time (temporal flexibility): in this case the former method (overtime) is quite traditional, and the latter more innovative.

**Table 3 - Use of forms of internal flexibility by sector and region (% yes on total)**

		Functional/ task flexib %	Team- working %	Overtime %	Working time variat %	None %	No. weight.
<b>W-ML</b>	Manuf	51	54	58	36	4	69
	Services	52	62	41	42	9	92
	All	52	59	*48	40	7	161
<b>R-A</b>	Manuf	82	78	79	64	1	83
	Services	73	54	26	67	3	49
	All	78	**69	***59	65	2	132
<b>S-SR</b>	Manuf	52	28	54	77	2	60
	Services	37	15	44	57	12	72
	All	44	21	49	*66	6	132
<b>LOMB</b>	Manuf	65	19	48	50	7	197
	Services	57	36	43	47	1	90
	All	62	**24	47	49	6	287
<b>CAT</b>	Manuf	67	24	33	24	10	129
	Services	64	26	19	34	6	77
	All	65	25	*28	28	9	206
<b>ALL</b>	Manuf	65	35	51	47	6	537
	Services	55	39	36	48	7	382
	All	*61	36	***45	47	7	919

NOTE \*probability: .05 > p >.01 Asterisks indicate that there are significant differences between manufacture and services  
 \*\*probability: .01 > p >.001  
 \*\*\*probability: .001 > p

The use of subcontracting and of forms of employment which differ from the standard model of the hiring on full-time, open-ended contracts of employees to perform their tasks within the boundaries of the WPs that employs them (part-time, various types of temporary work, self-employment, home and tele-working) are other ways to give greater flexibility to the organisation of a WP. The feature shared by all these forms is the endeavour to achieve flexibility by acting on the quantity of work internalised or at any rate utilised. They can therefore be treated as forms of quantitative or numerical flexibility (Marsden, 1999).

With the exception of part-time – which, as said, of all these forms is the one that comes closest to the standard model of employment – management strategy appears in all cases to be that of acting on the boundaries between the interior and the exterior of the firm, restricting or altering the quantities of human resources internalised (temporary employment) according to circumstances, or of directly resorting to the market rather than the internal hierarchy (subcontracting, self-employment) (Williamson, 1975). Part-time aside, therefore, these can be defined as forms of external flexibility.

## RESULTS OF THE RESEARCH

As shown by Table 4, activities are subcontracted out by a large proportion of WPs: between 2/3 and 3/4 circa. Subcontracting is less widely used among the English WPs. By contrast, it appears to be well-established among the Catalan, French and German WPs. There are a large number of cases in Lombardy, but with a noticeable tendency to diminish (perhaps due to the recent reform of labour market legislation, which has permitted greater use of temporary forms of employment).

**TABLE 4 - Sub-contracting out of activities by sector and region (% yes)**

		SUBCONTRACTING	No. weighted
		yes	
W-ML	Manufac	74	69
	Services	54	92
	<b>All</b>	<b>63 *</b>	<b>161</b>
R-A	Manufac	81	83
	Services	65	47
	<b>All</b>	<b>75 *</b>	<b>131</b>
S-SR	Manufac	73	60
	Services	64	66
	<b>All</b>	<b>68</b>	<b>126</b>
LOMB	Manufac	71	197
	Services	67	88
	<b>All</b>	<b>70</b>	<b>285</b>
CAT	Manufac	75	129
	Services	70	76
	<b>All</b>	<b>73</b>	<b>205</b>
ALL	Manufac	74	538
	Services	63	372
	<b>All</b>	<b>70 **</b>	<b>910</b>

NOTE \*probability: .05 > p > .01                      Asterisks indicate that there are significant differences between manufacture and service WPs  
 \*\*probability: .01 > p > .001  
 \*\*\*probability: .001 > p

With respect to outsourcing, the use of new forms of employment (which is the other form of numerical flexibility examined) is much more widespread in the WPs surveyed. In general, in fact, more than 90% of WPs (except in the English region, where the percentage is 81%) use at least one non-standard form of employment, and in a large number of cases they use more than one. The most intense use occurs in R-A (where at least 3 are used in 70% of WPs, and where there are almost no WPs which do not utilise them) and in S-SR (where at least 3 are used in more than half of WPs), followed by LOMB (at least 3 in 35% of WPs) and CAT (at least 3 in 28% of WPs), and finally by W-ML (at least 3 in 29% and none in 20% of WPs) (see Table 5).

Table 6 provides an overview of the use made of the various forms of flexibility considered. Besides the 14 forms taken separately, the table also gives (in the last column, headed FOA, before the total number of cases on which the % are based) the percentage of WPs using one or more of the various forms of temporary work. This indicator is obtained by summing fixed-term contracts, temporary employees and agency workers. It will be seen that when grouped in this manner, the category of

RESULTS OF THE RESEARCH

temporary workers is the one that represents the most widespread form of flexibility, in that this form of work is used by around 80% of WPs, albeit with considerable differences among the European regions considered.

**Table 5 -. Recourse to non-standard forms of employment by size and region (% yes on total)**

		Part-time empl. %	Fixed-term empl. %	Tempor. empl. %	Agency workers %	Self- employed %	Home- working %	Tele- working %	None of these %	No. weight.
<b>W-ML</b>	<49	60	21	26	12	11	2		25	100
	50-99	75	19	44	47	19	16		16	32
	100-249	75	33	56	44	20	12		13	15
	250+	86	36	64	64	14	0		0	14
	<b>All</b>	<b>67</b>	<b>23</b>	<b>**36</b>	<b>***26</b>	<b>14</b>	<b>*6</b>	<b>1</b>	<b>20</b>	<b>161</b>
<b>R-A</b>	<49	77	67	52	68	14	8	0	5	84
	50-99	92	88	65	73	8	8	0	0	26
	100-249	100	93	67	71	13	13	0	0	15
	250+	100	86	67	67	14	17	0	0	6
	<b>All</b>	<b>*84</b>	<b>*75</b>	<b>57</b>	<b>69</b>	<b>13</b>	<b>9</b>	<b>0</b>	<b>3</b>	<b>131</b>
<b>S-SR</b>	<49	70	46	41	29	27	5	0	16	56
	50-99	85	76	54	27	18	9	0	9	33
	100-249	78	78	70	48	13	0	0	0	23
	250+	90	80	45	60	30	10	10	0	20
	<b>All</b>	<b>78</b>	<b>**64</b>	<b>50</b>	<b>*36</b>	<b>23</b>	<b>6</b>	<b>*1</b>	<b>9</b>	<b>132</b>
<b>LOMB</b>	<49	48	43	9	23	21	0	0	11	56
	50-99	62	79	3	36	45	0	0	5	86
	100-249	64	72	2	37	30	2	1	10	119
	250+	78	81	6	41	33	0	3	3	32
	<b>All</b>	<b>*62</b>	<b>***70</b>	<b>4</b>	<b>35</b>	<b>*33</b>	<b>1</b>	<b>1</b>	<b>8</b>	<b>293</b>
<b>CAT</b>	<49	42	41	31	49	16	1	1	9	109
	50-99	35	46	26	52	20	4	0	11	46
	100-249	37	53	53	67	20	0	0	7	30
	250+	63	63	84	63	16	0	0	0	19
	<b>All</b>	<b>42</b>	<b>46</b>	<b>***38</b>	<b>54</b>	<b>17</b>	<b>1</b>	<b>1</b>	<b>8</b>	<b>204</b>
<b>ALL</b>	<49	58	43	32	37	16	3	0	13	405
	50-99	65	64	29	44	28	5	0	8	224
	100-249	65	68	26	46	25	3	1	8	202
	250+	80	72	45	55	24	3	4	1	92
	<b>All</b>	<b>**64</b>	<b>***56</b>	<b>*31</b>	<b>43</b>	<b>**22</b>	<b>4</b>	<b>***1</b>	<b>10</b>	<b>923</b>

NOTE \*probability: .05 > p > .01  
 \*\*probability: .01 > p > .001  
 \*\*\*probability: .001 > p

Asterisks indicate that differences according to size are significant

**TABLE 6 - Use of various forms of flexibility by regions (% used). No. weighted = 928**

	FLEXIBLE WORK							NON-STANDARD EMPLOYMENT							No.	
	OR	TE	OU	TF	TW	OT	FH	PT	FT	OW	AG	SE	HW	TL		FOA
<b>W-ML</b>	34	30	62	52	59	48	40	67	23	36	27	13	5	1	54	162
<b>R-A</b>	23	44	75	78	69	59	65	83	75	57	69	13	10	0	91	131
<b>S-SR</b>	88	69	65	57	24	59	69	78	64	50	37	23	6	2	80	132
<b>LOMB</b>	31	48	67	65	28	57	49	62	70	4	35	34	1	2	78	296
<b>CAT</b>	19	52	72	74	34	40	36	41	46	38	54	18	1	0	88	207
<b>ALL</b>	36	48	68	65	40	42	50	63	56	31	43	22	4	1	78	928

## RESULTS OF THE RESEARCH

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OR organisational change; TE technological change; OU outsourcing; TF task/functional flexibility; TW teamwork; OT overtime; FH flexible working hours; PT part-time; FT fixed-term contracts; OW occasional employees; AG agency workers; SE self-employed; HW home-workers; TL tele-work; FOA fixed-term employees and/or occasional employees and/or agency workers (= FT + OW + AG)

## RESULTS OF THE RESEARCH

It is likewise possible to obtain measures of the extent to which flexible forms of work organisation are used (FFW), or of the use in general of non-standard or 'new' forms of employment (NFE), by summing the numbers of forms respectively utilised, as illustrated in Table 7.

**TABLE 7 - Extent of the use of flexible forms of work organisation (FFW) and of non-standard forms of employment (NFE) (%) by region**

PERCENTAGES	No OF FFW USED						No OF NFE USED					No.
	none	1	2	3	4		none	1	2	3	4+	
<b>W-ML</b>	7	27	36	22	8		19	29	26	19	7	161
<b>R-A</b>	2	11	32	23	32		3	7	20	29	41	131
<b>S-SR</b>	8	34	34	17	7		9	12	26	24	29	131
<b>LOMB</b>	9	32	36	17	5		9	24	32	24	11	296
<b>CAT</b>	8	53	33	4	3		8	25	39	17	11	204
<b>ALL</b>	7	33	34	16	9		10	21	30	22	17	923

It will be seen from Tables 6 and 7 that extremely widespread use is made of these various forms of flexibility. Two-thirds of firms outsource production phases; 90 per cent of them use at least one of the forms of internal flexibility; and in nine cases out of ten firms resort to non-standard forms of employment. But their utilisation is also extensive: as regards non-standard forms of employment alone, at least two of them are used in seven cases out of ten, and three or more in four out of ten.

As to the most widespread kinds of flexibility, outsourcing, functional/task flexibility and part-time stand out on average, each of them being used in around two-third of cases, followed by fixed-term contracts, working hours/calendar flexibility, and temporary agency work. If one then considers the various types of temporary work (fixed-term contracts, occasional work, agency work) together, the category of temporary work moves into first place, involving more than three-quarters of firms.

Greatest use is therefore made of two forms of external flexibility: outsourcing and temporary labour. Entirely marginal, by contrast, is tele-work, and home-work is only slightly less infrequent.

Of course, there are numerous differences among regions, which are probably due to institutional differences. One is particularly struck by the greater propensity to use all the types of flexibility considered in the French region, and the lesser use made of them in the English one. Rather than dwell on this point, however, we would instead mention two others, with regard to which the data raise questions rather than offering answers. One concerns the ways in which the various forms of flexibility are combined. The other concerns the determinants of their use.

What, therefore, is the mix among the various forms of flexibility? Our interest here is to determine whether systematic patterns can be discerned in the combined use of certain forms (and which), or, on the contrary, whether some of them tend to be used in isolation from others, or even with their exclusion. The literature does not give definitive information in this regard. While on the one hand there is a certain managerial rhetoric which suggests that it is in principle advisable to use as many forms of flexibility as possible, it has also been frequently stressed that the combination of some

## RESULTS OF THE RESEARCH

of these forms is not practicable and may be counter-productive, a case in point being the extended use of adaptable forms of work organisation (functional work, teamwork) in combination with temporary forms of employment (Esping-Andersen and Regini, 2000). In other words, the redundant use of flexible forms may reduce efficiency rather than increase it (Cerruti, 2000).

Analysis of the correlation matrix among the various forms considered (Table 8) prompts a number of considerations.

As we know, a negative correlation between two forms of flexibility implies that when the use of one is high, the use of the other form is low; in other words, the forms tend to exclude one another or to be substitutes for one another. On the other hand, positive correlations show that the forms tend to be associated: if use is made of one, then there tends to be a higher probability that use will also be made of the other.

In the correlation matrix for all the data together (see Table 8), one finds that correlations are low but tend to be positive; only 9 (out of 78) are negative, and only one is greater than  $-.10$  (that between technological change and organisational change). In other words, at least in aggregate, the use of combinations of the various forms of flexibility displays a certain amount of eclecticism. In a few cases, recourse to one of them tends somewhat systematically to exclude recourse to another. The only negative correlation of any substantial significance<sup>17</sup> confirms that the use of technological innovation and the use of organisational innovation tend to be alternative strategic options – as has been pointed out for some time by the majority of studies on company readjustment and flexibilisation strategies.

**TABLE 8 - Correlation matrixes between forms of flexibility**

	OR	TE	OU	TF	TW	OT	FH	PT	FT	OW	AG	SE	HW
Org chan	1.00												
Techn ch	-.16	1.00											
Outsourcing	.02	.04	1.00										
Funct. Flex.	.01	.13	.08	1.00									
Teamwork.	.05	.04	.09	.16	1.00								
Overtime	.04	.09	.16	.08	.01	1.00							
Flex time	.07	.10	.00	.11	.01	.14	1.00						
Part-time	.14	-.01	-.01	.00	.08	.02	.12	1.00					
Fixed-term	.06	.07	.09	.10	.02	.11	.20	.19	1.00				
Occas work	.10	-.07	.10	.07	.12	.06	.15	.18	.11	1.00			
Agency w.	-.05	.09	.16	.13	.10	.15	.10	.07	.14	.15	1.00		
Self-empl	.06	.05	.14	.01	-.03	.08	.07	.03	.10	-.01	-.01	1.00	
Home-work	.05	-.01	.01	.00	.10	.00	.03	.06	.02	.06	.10	.15	1.00
	OR	TE	OU	TF	TW	OT	FH	PT	FT	OW	AG	SE	HW

Even more surprising is the result obtained when one seeks to identify the determinants of recourse to the various forms of flexibility. Contrary to expectations, their use proves to be substantially independent of firms' structural characteristics (size, workforce composition, productive sector) and market features (size, stability, dynamism), and also from their competitive strategies (competition on price, quality, variety, customer service).

<sup>17</sup> Note that this correlation remains negative even when the intensity of the relation changes, and when controlling for regional context.

## RESULTS OF THE RESEARCH

For each of the 13 forms of flexibilisation examined, Table 9 states the variance explained<sup>18</sup> by the main structural and economic-organisational variables considered, as well as by the industrial relations variables.

**TABLE 9 - % explained variance and significance (analysis)**

INDEPENDENT DEPENDENT	clus5	clas5	clas6	clas9	clas14	count	manuf/ serv.	size	% labour costs
Org. change	41***	41***	36***	44***	50***	210***	34***	11*	17**
Tech. change	14*	17**	10	15	21	51***	14***	11*	8
Outcontract	13*	10*	15*	29**	32*	8	15***	15**	14**
Funct. work	5	2	3	10	25	35***	5*	13*	2
Teamwork	3	6	4	6	12	114***	4	7	7
Overtime	14*	16**	13	28**	29*	22***	28***	31***	4
Flexitime	3	3	5	9	14	58***	0	11**	5
Part-time	12*	19**	16	23*	28*	85***	27***	18**	7
Fixed time	3	2	8	13	23	133***	0	66***	0
Temp. Work	9	5	12	21*	24	182***	1	12*	1
Agency	9	9	6	8	17	80***	21***	13*	22***
Autonomous	10	15*	27	28**	30*	40***	1	15**	1
Homework	1	2	3	7	14	26***	2	2	0
FOA	7	6	8	12	13	84***	4	43***	10

INDEPEND. ? DEPEND.	Q7	Q9	Q10	Q11	pri ce	qua lity	vari ety	serv ice	de- ice	q39 mand	q40	q41
Org change	1	8*	7*	13**	8*	3	3	7*	21***	18***	11**	78***
Tec. change	1	0	9*	3	1	4	1	2	35***	10**	7*	15*
Outcontract	4	3	36***	0	1	8*	2	3	6	13***	4	2
Funct. work	5	10*	9*	6	0	0	3	3	7	12**	7*	45***
Teamwork	1	13**	1	2	8*	8*	21**	3	14**	2	13**	24**
Overtime	3	3	6	15**	1	6	7*	2	17**	7**	2	4
Flexitime	34***	2	14**	9*	2	6	3	1	9*	15***	14***	21**
Part-time	4	6	7*	5	7	7	9*	6	11*	4	2	42***
Fixed time	6	4	24***	2	9*	5	2	4	4	25***	68***	56***
Temp. Work	5	4	3	3	2	3	5	1	12*	10**	30***	13*
Agency	1	18***	28***	20***	5	4	2	10*	13**	2	4	21**
Autonomous	1	7*	0	9*	15**	2	1	6	1	0	0	9
Homework	17**	3	1	0	1	0	5	1	3	0	6	11
FOA	6	8*	9*	0	16**	9*	4	4	11*	25***	20***	35***

clus5 clas5 clas6 clas9 clas14= workforce composition (different measures)

Q7=Trend of activity

Q9=Workplace ownership

Q10=Degree of market exposure

Q11=Supplier to other company/market

Q39=presence of manager of personal relations

Q40=presence of trade union representant

Q41=coverage by collective bargaining

FOA=fixed-term employees+occasional employees+agency workers

NOTE \* probability of this or more extreme : .05 > p >.01

\*\* probability of this or more extreme : .01 > p >.001

\*\*\* probability of this or more extreme : .001> p

Differences among regions aside, it is evident that none of the structural variables explains more than 5% of the variance, except for size, which explains 6.6% of the variance in the use of fixed-term contracts. Among the industrial relations variables, a certain amount of weight is exerted by the existence of workers' representatives and the degree of coverage by a collective agreement, again in relation to the use of fixed-term contracts (6.8% and 5.6% of the variance explained), and also in relation to

<sup>18</sup> In the table, the explained variance is multiplied by 1000, asterisks indicate the significance of the explained variance.

## RESULTS OF THE RESEARCH

organisational innovation (7.8%, but only with reference to coverage by a collective agreement).

A first conclusion to be drawn from the relations is that, at least in aggregate, the structural variables do not strongly capture the reasons for recourse to technological and/or organisational change, to forms of internal and external flexibility, and to non-standard forms of employment by firms. If the analysis is disaggregated by region, the picture changes somewhat in its details but remains generally the same. Nor does explanatory capacity improve if we examine the joint effect of the independent variables using the multiple regression method.<sup>19</sup>

What one observes in this case (see Table 10) is firstly that country or region – that is, the specific institutional and socio-economic context – is important for nearly all forms of flexibility. Workplace size matters as well, but only for some of the forms of internal flexibility and for part-time, fixed term and occasional work. Where it is significant, it exerts a regular effect: as size increases, such forms are used more often. A second observation concerns the absence, rather than the presence, of significant relations. As shown by the “voids” (blanks) in the table, the influence of most of the remaining independent variables is limited or irrelevant. The composition of the workforce, the type of workplace, whether the workplace belongs to a larger firm, the percentage of costs going to labour, among the structural variables, explain a significant percentage of use for only some forms of flexibility. A similar but quite surprising (given the importance attached to this factor in the literature) observation can be made regarding the variables related to the workplace’s market position. The state of demand, whether production is for a local, national or international market, whether it is for other firms or for a final consumer, whether demand is stable or expanding, whether production is stable or seasonal or difficult to predict: all these elements render only a limited amount of variation in use. There is only one effect (quality for the use of teamwork) on the overall scale of competing on price, quality, variety, service (but some of these effects appear in separate countries).

A third observation regards the industrial relations indicators: the presence of an employee manager, the presence of workers or trade union representatives, the coverage by a collective agreement. These too have a limited effect, although one more marked than might be expected. Moreover, when they exert an impact, they tend to contribute to the use of flexible forms rather than decrease it.

The data therefore seem to tell us that – on the basis of the information provided by the company managers interviewed in the five main European countries – structural variables are not significant predictors of the reasons for using the various forms of internal and external flexibility and non-standard forms of employment. The explanations should therefore be couched more in terms of case-by-case managerial strategies, within diversified institutional contexts, than in those of automatic, so to speak, dependence on market trends. And with respect to the alternative between increased recourse to NFEW as an inevitable trend or as a strategic choice (see section 2 above), the results seem to support the former.

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<sup>19</sup> For presentation and brief illustration of the results from the multiple regression see again Regalia (2000b).

RESULTS OF THE RESEARCH

**TABLE 10 - Estimates of parameters in percent for flexible forms of work and non-standard forms of employment (specific regressions)<sup>20</sup>**

PARAMETER	FLEXIBLE FORMS OF WORK AND NON-STANDARD EMPLOYMENT												
	OC	TC	OU	UW	TW	OT	ET	PT	FT	OW	AG	AU	HW
BASE Italy	50	20	15	22	1	12	28	60	53	-8	-5	26	-1
England	-12	-19	47	14	27	8	5	6	-40	38	-9	-20	5
France	-16	-13	53	44	52	1	28	25	12	33	-19	-23	3
Germany	47	29	48	5	3	16	30	14	11	71	16	2	.3
Spain	-26	22	44	34	22	-11	-1	-18	-20	38	27	-15	-.2
Sector manufacture													
Service	-	.5	5	1	-1	11	-1	-16	-7	.5	8	1	3
SIZE 25-49													
50-100				.0		7	11	9	14	7			3
101-250				10		18	15	11	16	11			
251-500				7		16	14	25	17	18			
>500				11		31	32	29	33	18			
COMPOSITION (NR)													
Prof-techn						21u						16a	
Comm-sales						14u							
Clerical		14a				11u							
Skilled lab.						21u						- 8a	-4u
Unskilled lab.		-12a				14u							-10a
ACTIVITY stable													
Seasonal							14	8	9				3
variable							-7	3	5				7
WORKPLACE is Ind.													
Part national					3						11	- 5	
Part multinat					12						16	- 9	
PRODUCE FOR local													
National			1	9							9		
International			15	4							15		
CLIENT one firm													
More firms											19	12	
Final market											10	16	
COMPETES MAINLY ON													
Quality						9							
DEMAND stable													
Expanding		19											
Contracting		5							-14				
Unstable		14											
% labour costs													
0-25%													
25-50%			8										
50-75%													
75+ %													
PRESENCE OF													
manager employees			11	7	8						7		
collective barg.					11				13				
TU rep see fr,ge													
Workers repres.				10	-8	14							

<sup>20</sup> The parameters are to be added to the base value, which is given by Italy and the first category of each variable considered. Where a category 1 is explicitly included, the base categories are those which did not answer the question; this is relevant for the variables using the composition of the workforce (cluster5, class9) based on question 22 of the questionnaire, and for the percentage of costs which are labour costs (question 14). For the remaining variables and indicators there are few non-replies.

## RESULTS OF THE RESEARCH

PARAMETER	OC	TC	OU	UW	TW	OT	ET	PT	FT	OW	AG	AU	HW
<b>INTERACTIONS</b>													
Ge*manufac		25											
En*manufac		25											
CO* clus o clas	i*u	i*u	e*a		i*a	f*a				g*a			
*comp= prof		23				-35				-89			
Comm-sale		-9								-42			
Cleri		25								-52			
Skill		-9	20							-31			
Unskill		-22	35	-39		-23				23			
It*demand exp			16			19	16				20		
It*demand con							15						
It*act season								22					
It*act varies								23					
CO*				i						f			
*supplies firms					34						63		
*final market					26						56		
Ge*nat.firm				-28									
En*multinat		32											
CO*	e			e								g	
*national market													11
*internat market		24			25								10
En*price		-16											
En*variety			15			27							
En*service			25										
Ge*service			25	-23					-21				
Ge*variety		-18											
Fr*quality			35										
Ge*quality						22							
Ge*size>500						35							
En*size 50-100											27		
En*size 100-250											23		
En*size 250-500											34		
CO*labour costs				i		f			i				
0-25%				39		35							
25-50				38		23							
50-75				25					-20				
75-100				51									
CO* work,turp cb	f*c								f*w	f*c	f*t	g*t	f*t
* (q40,41)	-9								-19	30	23	-21	16
R2	.31	.15	.11	.09	.19	.12	.12	.14	.22	.24	.19	.09	.08
Number estimates	16	16	17	17	15	20	13	11	16	16	18	13	12

OC organisational change;  
 TC technological change;  
 OU outsourcing;  
 UW functional division of work;  
 TW teamwork;  
 OT overtime;  
 ET flexible working hours;  
 PT part time;  
 FT fixed time;  
 OW occasional workers;  
 AG agency workers;  
 AU autonomous workers;  
 HW homeworkers.  
 En,e =England; Fr,f =France; Ge,g=Germany; i= Italy .  
 c = Collective bargaining ;  
 t = Trade Union representative ;  
 w= Workers representative.;  
 CO = Country (region)

### 3.3. A widespread phenomenon but of marginal importance to firms?

On the one hand, therefore, non-standard forms of employment are used extensively, but in erratic patterns with respect to the economic-structural features of firms, and with a certain eclecticism with regard to their combination with other forms of flexibility. On the other, it does not seem that they are used in particularly intense or profound manner. Nor does their use appear to be characterised by the marked dynamism that one would expect in the light of the debate on labour-market flexibility.

The first aspect concerns the intensity or depth of the use of NFEs. With the diffusion of non-standard forms of employment among firms (% of WPs utilising it) remaining equal, the question is whether their use is sporadic, or whether it is in some way centred around particular occupational groups, thereby giving rise to the concentration of non-standard figures in some point of the company organisation.

The managements surveyed were asked to indicate the non-managerial occupations in which 5% or more of employees worked on a part-time basis, or on fixed-term contracts, or again on temporary contracts. The results (see Tables 11-13) yield useful information on differences in the use of the various forms and on the differences among regional contexts.

Above all, however, the data indicate that where use is made of flexible forms of employment, they are somewhat dispersed within company systems. In a substantial number of cases (varying from almost 40% to just over 50%, according to the non-standard form of employment considered), there is no occupational group in which non-standard relationships are concentrated.

**TABLE 11 - Intensity of the use of part-time by sector and by region (% on WPs using part-time)**

Region	Sector	Occupational groups with 5% or more employees on part-time					
		Profess/techn	Commerc	Clerical	Skill/semisk	Unskilled	None
W-ML	Manufac	0	0	18	25	15	49
	Service	9	6	35	28	27	25
		<b>6</b>	<b>4</b>	<b>29</b>	<b>27</b>	<b>23</b>	<b>34</b>
R-A	Manufac	3	4	26	14	28	43
	Service	18	14	33	5	14	39
		<b>9</b>	<b>8</b>	<b>29</b>	<b>10</b>	<b>22</b>	<b>42</b>
S-SR	Manufac	0	19	41	32	11	15
	Service	2	21	45	22	15	10
		<b>1</b>	<b>20</b>	<b>43</b>	<b>27</b>	<b>13</b>	<b>12</b>
LOMB	Manufac	3	6	26	15	27	41
	Service	5	8	49	3	7	41
		<b>4</b>	<b>7</b>	<b>33</b>	<b>11</b>	<b>20</b>	<b>41</b>
CAT	Manufac	2	2	7	24	22	47
	Service	19	6	17	15	13	40
		<b>11</b>	<b>4</b>	<b>12</b>	<b>20</b>	<b>17</b>	<b>43</b>
ALL	Manufac	2	6	25	19	23	39
	Service	9	11	37	15	15	31
		<b>5</b>	<b>8</b>	<b>30</b>	<b>17</b>	<b>20</b>	<b>36</b>

RESULTS OF THE RESEARCH

**TABLE 12 - Intensity of the use of fixed-term contracts by sector and by region (% on WPs using fixed-term contracts)**

Region	Sector	Occupational groups with 5% or more employees on fixed-term					
		Profess/techn	commerc	clerical	Skill/semisk	unskilled	None
W-ML	Manufac	0	17	18	42	9	54
	Service	27	0	8	11	15	42
		<b>19</b>	<b>5</b>	<b>11</b>	<b>20</b>	<b>13</b>	<b>46</b>
R-A	Manufac	5	2	7	26	34	41
	Service	13	10	25	15	18	30
		<b>8</b>	<b>5</b>	<b>14</b>	<b>21</b>	<b>28</b>	<b>37</b>
S-SR	Manufac	0	2	0	37	21	37
	Service	0	5	7	36	7	36
		<b>0</b>	<b>3</b>	<b>3</b>	<b>36</b>	<b>14</b>	<b>36</b>
LOMB	Manufac	5	6	8	22	40	39
	Service	13	10	38	11	11	32
		<b>8</b>	<b>7</b>	<b>18</b>	<b>18</b>	<b>30</b>	<b>37</b>
CAT	Manufac	2	0	4	39	33	35
	Service	12	3	9	21	3	56
		<b>6</b>	<b>1</b>	<b>6</b>	<b>31</b>	<b>21</b>	<b>43</b>
ALL	Manufac	3	4	7	29	34	39
	Service	12	7	20	18	11	38
		<b>7</b>	<b>5</b>	<b>12</b>	<b>24</b>	<b>24</b>	<b>38</b>

**TABLE 13 Intensity of the use of temporary contracts by sector and by region (% on WPs using temporary contracts)**

Region	Sector	Occupational groups with 5% or more employees on temporary contract					
		Profess/techn	commerc	clerical	Skill/semisk	unskilled	none
W-ML	Manufac	0	0	10	16	16	47
	Service	8	10	10	17	8	51
		<b>5</b>	<b>7</b>	<b>10</b>	<b>17</b>	<b>10</b>	<b>50</b>
R-A	Manufac	0	0	0	22	24	64
	Service	0	4	4	4	12	80
		<b>0</b>	<b>1</b>	<b>1</b>	<b>16</b>	<b>20</b>	<b>69</b>
S-SR	Manufac	0	0	0	12	12	39
	Service	3	0	0	21	3	39
		<b>1</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>8</b>	<b>39</b>
LOMB	Manufac	0	0	20	20	0	60
	Service	0	0	0	50	25	20
		<b>0</b>	<b>0</b>	<b>11</b>	<b>33</b>	<b>11</b>	<b>40</b>
CAT	Manufac	2	4	6	23	26	48
	Service	14	9	14	32	14	45
		<b>6</b>	<b>6</b>	<b>9</b>	<b>26</b>	<b>22</b>	<b>47</b>
ALL	Manufac	1	1	5	21	21	52
	Service	6	6	6	19	10	52
		<b>3</b>	<b>3</b>	<b>5</b>	<b>20</b>	<b>16</b>	<b>52</b>

This applies in particular to more precarious forms of employment (occasional or casual), and less so to more stable ones (part-time). In the other cases, non-standard forms are used with a certain intensity almost exclusively for the lower-skilled clerical or operational categories (in the case of part-time) or among operational occupational

## RESULTS OF THE RESEARCH

groups (temporary hirings). They are only marginally used for categories more crucial to a firm: technicians, professionals and specialists, commercial and marketing staff.<sup>21</sup> An important indicator of the importance attributed by managements to the various possible measures of flexibilisation is the dynamic of their use. It is evident that an increase in the use of one rather than another form signals that it is regarded as relatively opportune and economically viable, or that it meets the firm's needs. The reverse is the case as regards reduction in its use.

Figures are available on change in the use of 9 flexible or non-standard forms (see Table 14)<sup>22</sup>.

**TABLE 14 - Changes in the use of flexible forms of work and non-standard forms of employment.  
(% in row and frequencies)**

FORM	percentages			On No.
	Decrease	same	increase	
Outsourcing	23	38	39	635
Functional/task flexibility	2	25	73	596
Team working	3	32	65	358
Overtime	34	41	25	470
Flexible working hours	4	28	68	432
Part time	10	56	34	544
Fixed-term/occasional empl, agency work	14	49	37	641
Self-employed	8	60	32	190
Homeworkers	26	53	21	26

At least in aggregate, the figures are undoubtedly significant. They show that recourse to NFEs (with the exception of home work, which displays less positive dynamism but is also only infrequently used) is on the increase in around one-third of cases and falling in around 10% of them: it is therefore generally well-established. Much greater, however, is the growth of the 3 most innovative forms of FFWs (functional/ task flexibility, teamwork, flexible working hours), which are declared to be increasing in more than two-thirds of cases and diminishing in almost none of them. Relatively more stable or decreasing are the more traditional forms of flexibility: outsourcing (diminishing in almost one-quarter of the WPs that use it and increasing in around 40%) and especially overtime (diminishing in one-third of cases and increasing in one-quarter).

This latter finding is largely as expected. Perhaps more surprising, in the light of a large body of managerial literature, is the fact that forms of functional and temporal flexibility are apparently undergoing much more substantial growth than are those of numerical flexibility. Particularly interesting is the fact that if we disaggregate on the basis of institutional context, there is even less recent dynamism in cases where there are fewer statutory constraints on the decision-making freedom of firms (West Midlands): a lesser

<sup>21</sup> Partial exceptions are the English firms, which make less extensive but more intense use of non-standard forms of employment, as also emphasised in the literature review (see section 2).

<sup>22</sup> It should be pointed out that the trend in the use of various forms of temporary work (fixed-term/temporary employees, agency workers) is discussed by considering them as a whole

propensity to use forms of flexibility is therefore not due to the necessity to overcome external obstacles or resistances.

Overall, taking account of these two points – the rather dispersed and non intense use (and generally then with low-skilled and/or unimportant occupational categories) of non-standard forms of employment, and the dwindling dynamism of their use – non-standard labour seems to be of relatively marginal importance to firms.

### **3.4. The use of NFEW: motives and effects**

This brings us to examination of the reasons for using the NFEW and on the effects emphasised by the respondents.

#### *Reasons for using the NFEW*

Tables 15-19 summarise the reasons cited for using some of the most widespread forms of flexibility considered, namely subcontracting, part-time, temporary/fixed-term contracts, agency workers, and self-employed workers.<sup>23</sup> The respondents could choose the reasons which they considered most important from lists which were compiled bearing the debate and the literature in mind. The first three possible reasons (“pressure to reduce costs”, “meeting market uncertainty”, “meeting peaks of production”) and the last of them (“changed attitude of union/employee representatives”) were fixed. Others varied according to the form considered: “difficulties in recruiting permanent/full-time staff for specific jobs” (subcontracting, part-time, temporary/fixed-term contracts, agency workers); “able to focus more on core business activities” (subcontracting, self-employed); “to obtain specialist skills” (subcontracting, self-employed); “specific legislative benefits/incentives” (part-time, temporary/fixed-term contracts, agency workers); “to meet employees’ needs/preferences” (part-time, temporary/fixed-term contracts, self-employed); “short-term cover for staff absences, maternity leave or vacancies” (temporary/fixed-term contracts, agency workers); “as a trial for permanent job” (temporary/fixed-term contracts); “to meet with specific features of production” (self-employed).

As Tables 15-19 show, of the reasons cited for using the various forms of flexibility, particularly frequent was the need to cope with production peaks, which was the reason most often selected in the case of external forms of flexibility (outsourcing, agency work, temporary work, occasional work).

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<sup>23</sup> The questions on the motives for adopting one of the forms of flexibility allowed respondents to give more than one answer. These answers have been treated in the following way. Each respondent to a set of questions on the motives for adopting a NFEW was assigned a total score of 100, which was divided in equal parts among the positive answers. Hence, if there was 1 answer, this received a score of 100, if there were 2 answers, each received a score of  $(100/2 =) 50$ , and so forth. If a certain motive was not indicated, the score for that motive was 0. The means of the scores over all motives for a given form of flexibility summed to 100, and can be interpreted either as a relative weight given to that motive by the respondents, or as a (pseudo) percentage of the workplaces which adduce that motive for using a given form of flexibility. Workplaces which did not answer the question either because they did not use the form or for other reasons were excluded from calculating the means. Differences among regions or other categories can be assessed for each motive separately in the usual way.

## RESULTS OF THE RESEARCH

The reasons for using part-time and self-employed work are more complex. In the former case, at least at the aggregate level, it is mainly introduced on request by the workforce, and therefore because of considerations to do with the building/maintenance of consensus, as already shown by the literature review (see section 2 of this chapter). In fact, if we disaggregate at the regional level, two different patterns emerge: one centred on meeting the needs of personnel (predominant in Lombardy and Rhône-Alpes), and one which is also oriented to the strategic use of part-time to cope with peaks in production (frequent in Catalunya and the West Midlands). By contrast, in the case of self-employment, besides dealing with production peaks, of especial importance are exigencies deriving from specific production features or the need to acquire particular resources or skills.

**TABLE 15 - Main reasons for using subcontracting by regions (means)**

	Cost reduct	Market uncert	Product peaks	Recruit difficul.	Focus on core business	Special skills	New union attitude	Other	No
W-ML	17	6	42	8	10	16	1	0	28
R-A	20	12	35	7	11	5	0	10	37
S-SR	39	5	27	7	16	5	2	0	37
LOM	26	4	23	4	29	12	0	2	72
CAT	12	8	45	8	9	17	0	2	70
ALL	**22	7	**34	7	**16	*12	0	*3	245

**TABLE 16 - Main reasons for using part-time by regions (means)**

	Cost reduct	Market uncert	Product peaks	Recruit difficul.	Legislat. benefits	Empl. request	New union attitude	Other	No
W-ML	14	10	32	6	2	36	0	0	72
R-A	4	7	14	2	8	56	0	8	96
S-SR	21	4	24	1	0	44	2	4	104
LOM	12	4	6	2	1	67	3	6	213
CAT	5	7	35	5	0	19	0	28	81
ALL	**11	*6	**18	*3	**2	**50	*2	**8	567

**TABLE 17 - Main reasons for using temporary/fixed-term contracts by regions (means)**

	Cost reduct	Market uncert	Product peaks	Recruit difficul.	Legislat. benefits	Empl. request	Short term cover	New union attitude	New technology	Trial	No
W-ML	8	11	19	8	1	9	24	0	2	17	42
R-A	4	10	26	3	5	5	33	0	1	13	99
S-SR	11	20	27	2	1	10	27	0	2	0	92
LOM	7	9	25	3	12	2	22	0	3	17	207
CAT	2	12	45	3	1	1	17	0	2	17	136
ALL	**6	**12	**30	*3	**6	**4	**24	0	2	**14	576

**TABLE 18 - Main reasons for using agency workers by regions (means)**

	Cost reduct	Market uncert	Product peaks	Recruit difficul.	Legislat. benefits	Empl. request	Short term cover	New union attitude	Other	No
W-ML	5	18	34	8	1	0	33	0	0	41

## RESULTS OF THE RESEARCH

R-A	2	11	37	8	0	0	36	0	6	89
S-SR	7	11	52	3	1	1	21	1	5	48
LOM	3	5	32	4	0	0	25	0	30	135
CAT	2	8	50	6	0	1	31	0	2	109
ALL	3	*9	**40	6	0	0	*29	0	**12	423

## RESULTS OF THE RESEARCH

**TABLE - 19 Main reasons for using self-employed by regions (means)**

	Cost reduct	Market uncert	Product peaks	Focus on core business	Specific charact of prod	Special skills	Empl. request	New union attitude	Other	No
W-ML	13	12	16	2	37	11	9	0	0	21
R-A	15	4	18	7	51	5	0	0	0	16
S-SR	17	4	19	3	21	18	17	0	1	25
LOM	9	6	5	4	47	21	6	0	2	90
CAT	4	10	26	5	14	32	3	2	5	32
ALL	10	7	**13	4	**37	*20	*7	0	2	185

A further factor in the use of temporary forms of work was the need to cover for absent staff. In all cases, scant importance seems to be given to reducing costs. But overall one obtains a picture of a lowly specialised use of the various instruments, almost as if they were substantially interchangeable. Which is in line with what was said about the propensity to use them in rather eclectic combinations.

### *The effects of using flexible forms of production organisation and employment*

We may now draw up a balance of the advantages and disadvantages of the use of flexible forms of production organisation and employment, according to the opinions expressed by management. The forms considered are subcontracting, part-time, and the various types of temporary employment (fixed, temporary and agency working) taken jointly.

**TABLE 20 - Consequences of increasing outsourcing, by region (%)**

	Effects on costs			on co-ordination of activities			on quality			No.
	decrease d	stayed the same	increased	Improved	Stayed the same	More difficult	More reliable	Stayed the same	Less reliable	
<b>W-ML</b>	25	36	39	25	50	25	18	61	21	28
<b>R-A</b>	44	33	22	21	39	39	36	51	12	33
<b>S-SR</b>	86	8	5	32	40	27	17	72	11	37
<b>LOMB</b>	68	13	19	40	31	29	29	60	11	70
<b>CAT</b>	50	35	15	46	36	17	23	59	18	69
<b>ALL</b>	<b>57</b>	<b>24</b>	<b>19</b>	<b>36</b>	<b>38</b>	<b>26</b>	<b>25</b>	<b>60</b>	<b>15</b>	<b>237</b>

**TABLE 21 - Consequences of increasing part-time, by region (%)**

	Effects on costs			on co-ordination of activities			on quality			No.
	decrease d	stayed the same	increased	Improved	Stayed the same	More difficult	More reliable	Stayed the same	Less reliable	
<b>W-ML</b>	50	27	23	40	32	28	46	54	0	25
<b>R-A</b>	47	50	3	22	22	56	23	58	19	32
<b>S-SR</b>	59	38	3	34	41	24	17	76	7	29
<b>LOMB</b>	67	23	11	14	50	35	9	82	9	76
<b>CAT</b>	55	33	11	38	43	19	22	61	17	21
<b>ALL</b>	<b>58</b>	<b>31</b>	<b>11</b>	<b>26</b>	<b>40</b>	<b>34</b>	<b>19</b>	<b>71</b>	<b>10</b>	<b>183</b>

**TABLE 22 - Consequences of increasing fixed, temporary and agency working, by region (%)**

	Effects on costs			on co-ordination of activities			on quality			No.
	decrease d	stayed the same	increased	improved	Stayed the same	More difficult	More reliable	Stayed the same	Less reliable	
<b>W-ML</b>	10	10	79	26	21	53	32	37	32	19
<b>R-A</b>	20	44	36	48	24	28	16	72	12	25
<b>S-SR</b>	58	36	6	45	36	19	6	84	10	33
<b>LOMB</b>	51	27	22	27	57	16	18	72	10	116
<b>CAT</b>	27	34	39	19	54	27	9	81	9	44
<b>ALL</b>	<b>41</b>	<b>30</b>	<b>29</b>	<b>30</b>	<b>47</b>	<b>23</b>	<b>15</b>	<b>72</b>	<b>12</b>	<b>237</b>

The question was directed in particular at respondents who had increased their use of these forms in the past two years. Presumably, therefore, the assessments were provided by users who were well informed and generally satisfied by the experience. The effects considered regarded costs (whether they had decreased or increased), the quality of the work process, understood as the co-ordination of work or activities (whether it had improved or become more difficult), and output understood as the quality of production or service delivery (whether it had become more/less reliable).

Tables 20-22 show firstly that, on average, for all the forms considered, positive assessments tended to be more widespread than negative or critical ones. Moreover, a systematically higher level of satisfaction was found within service WPS compared to manufacturing ones. Secondly, the data show that, for all the forms considered, the highest ratings were given to the reduction of costs (the sole exception being WPs in W-ML and R-A regarding the use of temporary forms of employment). Although it was not principally cost considerations that explained recourse to NFEW, as we saw in the previous section, it is nonetheless highly significant that substantial proportions of managers (on average between 40% relative to temporary forms of employment and around 60% relative to the other forms) declared that they had seen benefits in this area. The area in which, by contrast, most problems had arisen was that of organisation. On average, between one-quarter and one-third of respondents – and over one-half in R-A relative to part-time and in W-ML relative to temporary forms of employment, and generally to substantial extents in industrial WPs – reported an increase in problems concerning the co-ordination of work activities (and also, we may therefore say, in the costs of labour use). This confirms that ‘flexibility’ is more than simply advantageous and convenient for firms, as was observed in the introductory section, and as we shall also see in the final one. Finally, the area in which fewer variations – and also fewer problems – were reported as resulting from recourse to the flexible forms considered was the quality of output. On average, between 60 and 70% of WPs reported substantial stability in this respect. In other words, in the majority of cases it was not the use of forms of flexibility that influenced – negatively especially – levels of quality. For that matter, this seems quite reasonable, given that these were WPs which had recently increased their use of NFEW.

If we draw up a balance sheet of managerial assessments of the consequences of each form, the increasing use of outsourcing is the one that on average displays the most distinct polarisation between positive and negative assessments – though with a marked preponderance of the former – and a lesser tendency not to report changes and to emphasise stability. The effects of part-time

## RESULTS OF THE RESEARCH

were most favourably assessed with regard to reduction in costs (or their stability) and most negatively with regard to problems of co-ordination. In other words, part-time – which tends to be introduced on request by employees – is in reality also the form most convenient to firms, although difficult to co-ordinate. Consequently, it is not surprising to find that its use tends to be positively associated – as we have seen – with the presence of stable systems of corporate governance. As for the consequences of the increased use of temporary forms of employment, these are reported as being slightly less advantageous in terms of costs (around 30% of cases, indeed, signalled costs increase) and as bringing relatively few advantages in terms of quality. Cost reduction and improved quality, therefore, are not the reasons why WPs make increasing use of these forms, as we saw in the previous section: which confronts firms with the problem of how to deal with the critical aspects associated with them.

Finally, if we measure the satisfaction and dissatisfaction of company managements with their use of the flexible forms considered, we find that both the degree of satisfaction and that of dissatisfaction are positively correlated, and in statistically significant manner, with the extent of recourse to flexible forms.<sup>24</sup> These relations hold both if one considers the extent of recourse to forms of internal flexibility, and if one considers the extent of recourse to non-standard forms of employment, which registers somewhat higher values. But whereas in the former case the level of satisfaction is slightly higher, in the latter it is dissatisfaction that is so (see Table 27 below).

In general, therefore, the greater the use is made of flexible forms, the more their advantages and disadvantages become apparent. But the perception of the problematic aspects tends to be more acute when more use is made of non-standard forms of employment. This is of particular importance with respect to the goals of our research project, and it introduces the theme of the regulation of flexibility.

### **3.5. Negotiation, consultation and concertation on NFEW**

The data gathered by the survey also enabled us to verify whether the NFEW have become the subject of consultation and negotiation between the social partners within workplaces, and/or of concertation (with the possible involvement of local institutions and governments) beyond the workplace. It is these aspects that are now examined.

#### ***Patterns and trends of joint regulation and direct employee consultation***

A somewhat unexpected result of the analysis conducted in order to determine the reasons for recourse to NFEW (see paragraph 3.2 above) was the generally positive association with industrial relations indicators. Contrary to what is widely argued and believed, in fact, the analysis showed that the use of flexible forms of employment and work tends to be more likely in cases characterised not only by well-established corporate governance (the presence of a head of employee relations) but also by trade-union activity (the existence of works councils or trade union representatives, coverage by a collective agreement setting pay levels and incentives). It is probably no coincidence that the exceptions are recourse to self-employment and homework (the

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<sup>24</sup> Because of the way in which they were constructed, the two variables were in part independent and not inversely correlated, because for each form considered the respondents could make positive/negative assessments along three different dimensions.

## RESULTS OF THE RESEARCH

more traditional NFEs whose use does not seem to be associated with any of the industrial relations indicators) and to outsourcing and overtime (the more traditional forms of production flexibilisation, the use of which does not seem to be associated with indicators of trade-union presence).

Admittedly, the variance explained by the industrial relations indicators tends to attenuate if one also takes account of the other structural and contextual variables (see the regression-based analysis in the same paragraph 3.2), presumably owing to the fact that the evolution and characteristics of the trade-union tradition tend to correlate with structural variables (such as the sector or size of the workplace, as well as the country concerned). Nevertheless, the fact remains that relations of negative sign are generally not found.<sup>25</sup> In other words, within workplaces, the increased use of more flexible forms of work and employment tends to take place mostly in settings with industrial relations tradition and presumably without the opposition of the unions, and sometimes even with their support.

But to what extent are these initiatives decided unilaterally by management, and then perhaps tolerated by the worker representatives, and to what extent are they decided jointly? This paragraph will examine the question by concentrating on practices of negotiation and consultation with employee representatives, or direct consultation with employees.

The managers interviewed were asked if in the past two years they had consulted their employee representatives, or negotiated with them, on an array of issues concerning the use of flexible or non-standard forms of work organisation and employment. They were also asked if they had directly consulted the employees on these matters. Note that the range of issues considered, although broad, comprises only a selection, and specifically those of interest to us here. It certainly does not include all the issues that are amenable to joint negotiation or consultation (entirely lacking, for example, is any reference to pay). The picture that emerges (see Tables 23-25) therefore concerns only a selected part of industrial relations and collective bargaining in the WPs considered.

As expected, consultation predominates in relations between managements and employee representatives on the issues considered: it is used by 70% of WPs in which there are employee representatives (three-quarters of the overall sample). As highlighted by the literature on 'micro-concertation' (Regini, 1995), this more informal type of interaction enables WPs moving away from the Taylor-Fordist model to deal with their organisational problems more pragmatically as and when they arise.

On average, the issues most frequently discussed are, in order: health and safety, problems which arise in 40% of WPs with employee representatives (and the European directive is of indubitable influence here); training for permanent employees, reported in one-quarter of cases (which confirms the considerable importance nowadays of developing permanent human resources); and the introduction of technological innovation and of functional flexibility, each of which were cited in one-fifth of cases (which closely relates to the issue of internal flexibility). But to be noted is the fact that

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<sup>25</sup> As the regressions in paragraph 3.2 show, however, some relations of negative sign were observed in certain local contexts.

## RESULTS OF THE RESEARCH

in a further one-fifth of WP discussion also takes place on the use of temporary forms of employment (fixed-term contracts, temporary work, etc.).<sup>26</sup>

**TABLE 23 - Consultation with employee representatives/trade unions over new forms of employment and work (% on workplaces with employee representatives. No 706)**

	Recruitment	Redundancy	Use of fixed-term, temporary empl.	Use of outsourcing	Job security	Introduct. of new equipment	Team-working	Functional / task flexibility	Distance/ home/ tele-working
W-ML	24	39	16	10	29	34	31	28	4
R-A	16	21	11	5	6	14	12	20	1
S-SR	45	18	29	9	9	19	9	22	2
LOMB	19	13	23	7	13	23	4	22	1
CAT	7	9	18	8	36	16	5	13	0
<b>ALL</b>	<b>19</b>	<b>16</b>	<b>20</b>	<b>7</b>	<b>18</b>	<b>20</b>	<b>8</b>	<b>20</b>	<b>1</b>
	Working time flexib.	Training for permanent empl.	Training for contingent empl.	Equal opportunity policies	Health & safety	Welfare for permanent employees	Welfare for contingent workers	Other	None of these
W-ML	33	28	4	14	62	28	5	0	13
R-A	24	42	12	3	40	21	3	13	29
S-SR	14	15	5	4	27	13	6	1	45
LOMB	25	22	7	9	53	7	2	2	22
CAT	1	27	13	4	30	3	1	1	36
<b>ALL</b>	<b>18</b>	<b>26</b>	<b>9</b>	<b>6</b>	<b>43</b>	<b>11</b>	<b>3</b>	<b>3</b>	<b>29</b>

**TABLE 24 - Negotiation with employee representatives/trade unions over new forms of employment and work (% of workplaces with employee representatives. No 706)**

	Recruitment	Redundancy	Use of fixed-term, temporary empl.	Use of outsourcing	Job security	Introduct. of new equipment	Team-working	Functional / task flexibility	Distance/ home/ tele-working
W-ML	0	19	7	2	11	8	15	20	6
R-A	3	6	1	0	4	4	9	21	0
S-SR	21	26	19	5	17	10	8	39	2
LOMB	4	22	5	3	7	2	1	13	0
CAT	4	18	7	4	17	2	2	8	1
<b>ALL</b>	<b>6</b>	<b>19</b>	<b>7</b>	<b>3</b>	<b>11</b>	<b>4</b>	<b>5</b>	<b>17</b>	<b>1</b>
	Working time flexib.	Training for permanent empl.	Training for contingent empl.	Equal opportunity policies	Health & safety	Welfare for permanent employees	Welfare for contingent workers	Other	None of these
W-ML	32	8	6	7	9	12	4	0	54
R-A	34	8	0	0	13	12	1	19	42
S-SR	27	15	2	3	30	26	8	1	45

<sup>26</sup> There are notable differences according to the local context, and therefore according to institutional differences and ones in trade-union tradition. But perhaps the most important finding is that the willingness of companies to discuss these issues tends to be more apparent in industrial WPs than in service WPs – with the exception of training, where the reverse is the case.

## RESULTS OF THE RESEARCH

LOMB	39	7	3	6	23	8	2	3	40
CAT	12	12	8	4	20	11	4	2	53
<b>ALL</b>	<b>30</b>	<b>9</b>	<b>4</b>	<b>4</b>	<b>20</b>	<b>12</b>	<b>3</b>	<b>4</b>	<b>45</b>

RESULTS OF THE RESEARCH

**TABLE 25 - Direct consultation with employees over new forms of employment and work (%)**

**No = 928**

	Recruit- ment	Redund- ancy	Use of fixed- term, temporary empl.	Use of outsourcing	Job security	Introduc- tion of new equipment	Team- working	Functional / task flexibility	Distance/ home/ tele- working
W-ML	N/a	N/a	N/a	N/a	N/a	14	14	16	2
R-A	5	3	2	1	5	12	9	15	0
S-SR	8	6	6	3	6	10	3	9	1
LOMB	14	1	7	1	1	5	6	9	1
CAT	2	2	0	0	15	3	4	6	0
<b>ALL</b>	<b>7</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>5</b>	<b>8</b>	<b>7</b>	<b>10</b>	<b>1</b>
	Working time flexib.	Training for permanent empl.	Training for contingent empl.	Equal opportunity policies	Health & safety	Welfare for permanent employees	Welfare for contingent workers	Other	None of these
W-ML	15	17	2	N/a	N/a	N/a	N/a	0	69
R-A	22	13	2	1	11	15	1	10	50
S-SR	6	16	3	0	14	8	1	1	72
LOMB	7	7	4	0	10	2	1	0	73
CAT	2	9	6	1	11	1	1	0	77
<b>ALL</b>	<b>9</b>	<b>11</b>	<b>4</b>	<b>0</b>	<b>9</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>70</b>

There is also a considerable amount of negotiation on the issues considered. The method is used, in fact, by 55% of WPs with employee representatives. The issues most frequently subject to negotiation, however, only in part coincide with those most frequently subject to consultation, and this may be considered indicative of a certain degree of specialisation in discussion techniques, with 'hard' ones (negotiation) being associated with themes more traditionally addressed in the industrial relations arena. The most recurrent theme (30% of cases) is working time flexibility, which has been the central issue of company-level bargaining in recent years, followed by health and safety (20% of cases), redundancy/short-time working (19%) and, in 17% of cases, functional flexibility. Only slightly less frequent is negotiation on issues relative to external or numerical flexibility. In this case, too, negotiation on the issues considered tends to be slightly more frequent in large-sized industrial WPs.

Somewhat surprisingly, considerably less use is made of methods for the direct involvement of employees. Direct consultation takes place on average in 30% of WPs (including those without employee representatives), without significant differences in terms of company size or between industrial and service WPs. It centres on the same issues most frequently subject to consultation (training for permanent employees, functional/task flexibility, working time flexibility, health and safety, introduction of new equipment) and in particular on various aspects of internal flexibility, in proportions that vary around 10% of cases.

To recapitulate, the figures suggest that relations between management and employee representatives – and, to a lesser extent, directly between management and employees – on flexibility issues are rather intense. If we combine cases in which the use is made of either consultation or negotiation (i.e. joint regulation), according to the managers interviewed, in only 16% on average of WPs with employee representatives have the parties not jointly addressed some aspect of flexibility (see Table 26), with a statistically significant larger amount of joint regulation in industrial WPs compared to service WPs, albeit with considerable differences across local contexts.

**TABLE 26 - Joint regulation over new forms of employment and work (% of workplaces with employee representatives. No 706)**

	W-ML	R-A	S-SR	LOMB	CAT	ALL
Manufacture.	97	81	91	93	75	86
Services	88	91	46	88	84	80
<b>ALL</b>	<b>93</b>	<b>85</b>	<b>66</b>	<b>92</b>	<b>78</b>	<b>84</b>

However, this widespread interaction, like direct consultation with employees, is largely centred on aspects of functional or internal flexibility rather than on NFEs and methods of external flexibility, the use of which is more frequently decided unilaterally by management. Yet the fact that in some cases there is also a significant tendency to consult worker representatives on the use of temporary employees, and that there is no lack of bargaining and consultation on training for contingent workers, as well as on welfare/sick pay schemes for contingent workers, may be indicative that industrial relations issues are gradually changing.

At this point a further question arises. Apart from the specific issues subject to consultation or negotiation, does the propensity of managements to consult or bargain on matters concerning the more flexible management of their firms vary according to the extent and how NFEW are used, or according to the degree of satisfaction or dissatisfaction associated with them?

The relations which serve to answer this question are set out in Table 27, which is a matrix of correlation among the following variables: the extent to which adaptable forms of work organisation or flexible forms of work (FFW) are used;<sup>27</sup> the extent to which 'new' or non-standard forms of employment (NFE) are used;<sup>28</sup> indices of satisfaction (SATIS) and dissatisfaction (UNSATISF)<sup>29</sup> with the use of flexible forms; the extent of in-company bargaining (NEGOT);<sup>30</sup> the extent of joint regulation (JOINTREG);<sup>31</sup> and the extent of direct consultation (DIRCONS)<sup>32</sup>.

The results shown in Table 27 are rather interesting. Firstly, they confirm (see paragraph 3.4.) that the more non-standard forms of employment (NFE) are used, the more they tend to be significantly associated with critical evaluations (UNSATISF) of their impact on the firm (the correlation indices are respectively .15 and .22). Less problematic is the use of forms of internal flexibility (FFW).

**TABLE 27 - Matrix of correlations among indices of use, satisfaction and dissatisfaction, negotiation, and in-company regulation of NFEW (Pearson correlations)**

	FFW	NFE	SATISF	UNSATISF	NEGOT	JOINTREG	DIRCONS
FFW	1.00						
NFE	.28**	1.00					

<sup>27</sup> The variable was constructed by summing the number of adaptable forms of work organisation used.

<sup>28</sup> The variable was constructed by summing the number of adaptable forms of employment used.

<sup>29</sup> The indexes were constructed by separately summing the number of positive and negative aspects of the three forms of flexibility considered (partial indexes of satisfaction and dissatisfaction) and then combining the sums in an index of overall satisfaction and an index of overall dissatisfaction.

<sup>30</sup> The index was constructed by summing the number of issues negotiated with the employee representatives.

<sup>31</sup> The index was constructed by summing the number of issues on which there was consultation or negotiation with the employee representatives.

<sup>32</sup> The index was constructed by summing the number of issues on which there was direct consultation with employees.



## RESULTS OF THE RESEARCH

<b>Increase</b>	49	13	57	31	44	14	30	30	35	30	39	27
<b>Same</b>	46	61	40	56	52	82	65	67	63	65	57	65
<b>Decrease</b>	5	26	3	13	4	4	5	4	2	5	4	7
<b>No.</b>	57	23	120	54	94	9	270	108	159	104	700	317

Though the paucity of data counsels caution, it is nevertheless of interest to point out – at least as a working hypothesis for further research – that the relations between the tendency to regulate aspects of the employment relationship jointly and the indices of satisfaction and dissatisfaction with flexible forms of work and employment display different patterns according to whether the regulation concerns only permanent employees or contingent workers as well. In the latter case, in fact, increased regulation tends to correlate positively – especially in W-ML and R-A but also in S-SR – with satisfaction with the use of NFEW. But this is not the case of regulation reserved for permanent employees, where if anything increased regulation is correlated with dissatisfaction with flexibility.

We may draw the general conclusion that the companies in the sample display a notable propensity to enter into dialogue and negotiate with employee representatives on various aspects of flexibility, particularly ones which relate most closely to the flexible and efficient operation of the company organisation in its permanent components (working time flexibility, functional flexibility, training for permanent employees, health and safety, technological innovation). Indeed, this propensity tends to intensify the more one observes negative or critical aspects in the use of NFEW. By contrast, there is less interest in the joint regulation, even directly with employees, of forms of numerical or external flexibility, and of NFE in particular, which are presumably used – albeit amid the organisational difficulties reported by the respondents – also because their regulation can be partly or wholly transferred outside the firm. Finally, however, there may be greater interest in regulating these forms of employment if their use is deemed to be particularly convenient or satisfactory, and the intention is therefore to increase such use or make it permanent.

### *Employment initiatives and concertation outside the workplace*

If we shift the focus outside the boundaries of the firm, the results of the survey yield what is in many respects an unexpected picture of the extent of management involvement in local initiatives designed to encourage employment creation and vocational training.

The interviewees were asked if, over the past two years, management had participated (either directly or through an employers' association) in any initiative promoted by local government agencies and other institutions aimed at vocational training or employment creation.

**TABLE 29 - Involvement in initiatives promoted by local institutions (%)**

	Vocational training	Employment created for long term unemployed	Employment created for youth & women workers	Creation of new enterprises	Other initiatives	None of these	No.
<b>W-ML</b>	35	21	22	6	0	49	161
<b>R-A</b>	52	23	40	6	7	30	131
<b>S-SR</b>	47	23	23	14	3	40	116
<b>LOMB</b>	54	7	18	4	2	41	255
<b>CAT</b>	60	12	25	5	15	27	151
<b>ALL</b>	<b>50</b>	<b>16</b>	<b>25</b>	<b>6</b>	<b>5</b>	<b>38</b>	<b>814</b>

As Table 29 shows, an average 60% of firms declared that they had taken part in initiatives promoted for these purposes by the institutions and local governments, which is a substantial and unexpected amount, peaking at around 70% in CAT and R-A. The types of initiative in which firms most frequently participated on average were vocational training (especially in CAT, followed by LOMB and R-A) and job creation for young people and women (especially in R-A). Of particular importance in S-SR, R-A and W-ML were initiatives targeted on the labour-market re-entry of the long-term unemployed.

Participation in these initiatives does not appear to be significantly correlated with structural variables like productive sector, type of market, or type of company organisation. Instead, it seems to be more closely associated with variables concerning trends in employment and the use of flexible forms of work organisation and non-standard forms of employment. In general, there is a greater tendency to participate in these initiatives among WPs undergoing employment growth (or recently-created ones). Vice versa, participation is low among WPs in which employment is falling. The logic behind participation is therefore quite reasonably that of gaining access to organised facilities for the development of employee skills or employability in periods of expanding labour demand.

By using an index of participation in external initiatives,<sup>33</sup> it is also possible to show that, in general, the degree of participation is positively correlated with the intensity of recourse to non-standard forms of employment and of internal flexibility, as well as with the degree of satisfaction expressed over the use of those forms (see Table 30). The relations are not particularly tight, but they are statistically significant. One also notes striking differences according to the local context. At the general level at least, however, one gains the impression that the organisations which take part most frequently in external initiatives are more likely to be those that make rather intense use of NFEW and evaluate them positively. Contrary to what one might expect, a critical assessment of the results deriving from the use of NFEW does not seem to encourage a search for contacts with the outside.

Especially in R-A, Lombardy and Catalunya, participation in external initiatives tends to be more frequent the greater the propensity of management to regulate flexibility issues in the workplace jointly with employee representatives and/or through direct consultation with employees.

<sup>33</sup> The index was constructed by summing the number of initiatives in which firms took part.

RESULTS OF THE RESEARCH

**TABLE 30 - Extent of participation in external initiatives and intensity of use, degree of satisfaction and dissatisfaction, intensity of company-level regulation of NFEW (Pearson correlations)**

	ALL	W-ML	R-A	S-SR	LOMB	CAT
FFW	.13**	.10	.13	-.04	.25**	.05
NFE	.15**	-.04	.15	.14	.14*	.20*
SATISF	.15**	.29	.08	.12	.18**	.09
UNSATISF	.05	.12	.16	-.07	.03	-.03
NEGOT	.12**	.01	.03	.05	.18**	.22*
JOINTREG	.21**	.19	.25**	.09	.25**	.33*
DIRCONS	.17*	.20*	.16	.12	.16*	.17*

To sum up, a positive attitude to participation in local initiatives for the training and employability of workers tends generally to characterise organisations undergoing employment growth, which are satisfied with their use of forms of internal flexibility and of non-standard forms of employment, and which have developed close relations with employee representatives and staff in order to regulate aspects of flexibility.

In this latter regard, the figures show a substantial willingness among firms that have taken part in local initiatives to develop dialogue with trade unions and/or employee representatives in the workplace or outside the workplace. As Table 31 shows, this is particularly the case of WPs in which the above-mentioned association between participation in external initiatives and joint regulation (i.e. in R-A, LOMB, CAT) is closer.

Lastly, if the differences observed are taken into account, the figures seem to suggest that the considerable and unexpected propensity of firms to take part in local initiatives displays two different patterns: an openness to the outside which stems from a style of corporate governance which provides broad leeway for joint regulation in workplaces; and a search for relations and contacts with the outside unconstrained by in-company industrial relations.

**TABLE 31 - Dialogue with trade unions/employee representatives over local initiatives (% on WPs that took part in local initiatives)**

	ALL	W-ML	R-A	S-SR	LOMB	CAT
Dialogue at the workplace	43	20	61	25	55	42
Dialogue outside the workpl	8	5	2	10	14	7
No dialogue	48	75	37	65	30	50
No.	483	81	87	68	141	106

**TABLE 32 - Activities involved by participation in local initiatives (% on WPs that took part in local initiatives)**

	Public event	Pressures on authorit.	Involvement in implement	Joint decisions between employers	Collective agreement at local level	Social, territorial pact	Other	None	No.
W-ML	13	11	15	18	28	0	10	33	82
R-A	27	7	28	8	3	17	7	30	91
S-SR	46	21	25	25	7	11	6	26	71
LOMB	32	13	20	4	31	6	15	13	146
CAT	17	6	28	14	25	4	5	18	104
ALL	27	11	23	12	21	7	9	22	493

## RESULTS OF THE RESEARCH

As Table 32 shows, numerous types of activities have developed around these initiatives: starting with the most widespread of them, they range from public events (conferences, round tables and the like) organised for publicity purposes, to involvement of management or its representatives in the implementation of programmes, to the reaching of local-level collective agreements on employment or vocational training, to agreements among employers at the local level, to pressure on public agencies, and in some cases to social/territorial pacts.

From many points of view, this result is rather surprising, and it testifies to the vitality of the activities that are now being developed – perhaps with little visibility and largely ignored by political and cultural debate – at the local level. They are activities which certainly warrant more detailed analysis, which in our research project was conducted in the second empirical phase devoted to case studies (see section 4 below).

To be immediately noted is the substantial variability however in participation in various types of activity according to the local context. This is indubitably due to institutional differences and specificities. In general, however, one feature to be emphasised is that the propensity of WPs to take part in some activities rather than others tends to be correlated with their recent dynamism in terms of employment. In fact, such activities are undertaken to a significantly greater extent by firms undergoing employment growth, and even more so if they are of recent creation. If confirmed by further investigation, this finding indicates that company participation in local initiatives is particularly congenial to new and growing organisations.

As suggested by the figures in Table 33, which also gives the values of an index of ‘activism’ (constructed by summing the number of activities undertaken), it is not so much vocational training initiatives as those targeted on job creation for various categories of the unemployed, or on new enterprise start-ups, that give rise to a sizeable number of activities, and especially activities to apply pressure on the local authorities, practices for involvement in the implementation of policies, and public events. In the case of new enterprise start-ups, also of importance is the development of joint decisions among employers to deal with specific issues at the local level.

**TABLE 33 - Activities undertaken and index of activism by type of initiative at the local level (% on WPs which have taken part in local initiatives, and average values of the index)**

	Public event	Pressures on authorit.	Involvement in implement	Joint decisions between employers	Collective agreement at local level	Social, territorial pact	Index of activism	No.
Vocational training	27	12	24	12	22	7	1.1	408
Empl. creat. for long term unemployed	32	23	31	18	21	10	1.4 **	125
Empl. creat. for young, women	32	15	29	17	20	11	1.3 **	196
Creation of new enterprises	36	21	27	26	17	11	1.5 **	49
<b>ALL</b>	<b>27</b>	<b>11</b>	<b>23</b>	<b>12</b>	<b>21</b>	<b>7</b>	<b>1.1</b>	<b>493</b>

Again using the activism index for the sake of simplicity, finally to be pointed out is that, in general, the frequency of participation in external events and activities is positively correlated with the amount of use made of internal forms of flexibility and non-standard forms of employment (see Table 34), as well as with the indicators of the

## RESULTS OF THE RESEARCH

level of in-company regulation of flexibility.<sup>34</sup> These are statistically significant relations although they are not particularly close. Yet differences according to local context are substantial. Overall, these differences seemingly confirms the hypothesis of two patterns in the striking phenomenon of the network of relations between enterprises and the local institutional context: that of interaction with the outside consistent with a dense industrial relations style within workplaces (more typical of WPs in R-A and Lombardy), and that of interaction with the outside rather disconnected with the inside.

**Table 34 - Index of activism and intensity of use, degree of satisfaction and dissatisfaction, extent of in-company joint regulation of NFEW (Pearson correlations)**

	ALL	W-ML	R-A	S-SR	LOMB	CAT
FFW	.15**	.31**	.05	.05	.23**	.33**
NFE	.13**	.07	.05	.32**	.04	.14
SATISF	.10*	.38**	-.11	.14	-.04	.13
UNSATISF	.03	.19	.05	.14	-.06	-.05
NEGOT	.13**	.18	.02	.14	.12	.13
JOINTREG	.25**	.28	.23*	.20	.29**	.21
DIRCONS	.18**	.24*	.19	.11	.14	.38**

### 3.6. Conclusions: how should the NFEW be regulated?

We may now conclude the analysis by examining the opinions expressed by the interviewees regarding the most suitable ways to regulate the new forms of employment. General discussion of these opinions is followed by considerations on the forms of regulation envisaged for the future.

#### *Opinions on modes of regulation*

The respondents were asked to express their degree of agreement or disagreement with the following statements:

- the legislation and collective agreements currently regulating the new forms of employment are adequate to the needs of companies;
- consulting with trade union/employee representatives facilitates the increased use of the new forms of employment;
- the new forms of employment should be better regulated to improve worker commitment;
- an effective regulation of the new forms of employment is better accomplished by the parties involved at local level rather than by new forms of legislation;
- the best way to regulate the new forms of employment is to leave it to market competition.

<sup>34</sup> With regard to the extent of participation in external initiatives, the activism index is less closely associated with the degree of satisfaction with the results of recourse to forms of flexibility. Neither in this case are there significant relations with the index of dissatisfaction.

**TABLE 35 - Opinions on the best ways to deal with new forms of employment (% of respondents who agreed/disagreed with the following statements)**

	<i>Legislation and collective agreements are adequate</i>	<i>Consulting with TU/empl. represent. facilitates use of NFE</i>	<i>NFE have to be better regulated to improve worker commitment</i>	<i>An effective regulation of NFE is better accomplished at local level</i>	<i>The best way of regulating the NFE is to leave it to market competition</i>	No.
<b>W-ML</b>						160
<b>Agree</b>	32	29	46	59	37	
<b>Disagree</b>	17	21	16	7	22	
<b>R-A</b>						131
<b>Agree</b>	25	35	63	77	46	
<b>Disagree</b>	59	40	10	8	37	
<b>S-SR</b>						122
<b>Agree</b>	16	28	75	89	60	
<b>Disagree</b>	66	52	16	8	25	
<b>LOMB</b>						275
<b>Agree</b>	18	36	84	73	40	
<b>Disagree</b>	55	30	5	11	31	
<b>CAT</b>						182
<b>Agree</b>	23	36	66	39	41	
<b>Disagree</b>	43	26	9	13	27	
<b>ALL</b>						<b>870</b>
<b>Agree</b>	<b>22</b>	<b>34</b>	<b>69</b>	<b>66</b>	<b>43</b>	
<b>Disagree</b>	<b>48</b>	<b>32</b>	<b>10</b>	<b>10</b>	<b>28</b>	

Table 35 provides a summary of the positions in favour or against the five statements (in order to simplify reading of the table, the values for replies neither for nor against are not given). At the aggregate level, the third and fourth statements were those with which the interviewees were most in agreement. Both these statements are of close relevance to this analysis, and broadly speaking they confirm its initial assumptions. Fully 70% of respondents believed that better regulation of NFE was required in order to improve worker commitment.<sup>35</sup> This finding is of considerable importance because it indicates how widespread is the conviction that on the one hand worker commitment is necessary but, on the other, will not be automatically forthcoming unless appropriate rules are put in place. Moreover, two-thirds of the respondents believed that the regulation of NFE should be decided jointly by the parties involved at the local level rather than being imposed by new rules established at the centre. Behind this resistance to the idea of uniform and centralised legislative regulation once again apparent is the opinion that rules are necessary but that they must be adapted to circumstances, and that this adaptation will be easier if the rules are defined within the context in which they are to be applied.

Somewhat surprisingly, given initial expectations, but consistently with what has just been observed, again at the aggregate level it was not the solution of leaving regulation to the market (the fifth statement) that gained most consensus: slightly more than 40% of the respondents declared themselves in favour of this solution, and more than one-quarter rejected it.

<sup>35</sup> Note that only 10% did not agree, while 20% did not express an opinion.

## RESULTS OF THE RESEARCH

As regards the importance of involving employee representatives in order to facilitate the use of NFEW, the respondents divided into three substantially similar groups comprising those in favour, against, and unsure, which presumably correspond to evaluations of the positive/negative role of the trade unions. Finally, much more clear-cut was the negative assessment of the adequacy of the current normative framework to the needs of companies: in this case, around one-half of the respondents rejected the relative statement.

By way of summary, the figures as a whole suggest that, although the managements of enterprises in the European regions considered are largely dissatisfied with the laws and collective agreements that currently regulate the use of NFE, and although they express substantial uncertainty regarding the part that employee representatives should play in such regulation, it is not the solution of leaving regulation to market competition that prevails. Rather, one finds an implicit demand for new rules established by the actors concerned at the local level, and rules able to foster the worker commitment that might otherwise be difficult to achieve.

In this case too, however, there are substantial differences across regions; differences that seemingly stem to a large extent from differing reactions to national-level systems of regulation. Consequently, dissatisfaction with the laws and collective agreements that regulate the use of NFE is greater in regions where normative frameworks are more tightly structured (Germany, France and Italy) and much less pronounced in those where they are looser (UK, but also Spain). Likewise, orientation to the market seems more marked in regions where public regulation is more stringent (Germany and also France) and vice versa (note the low level of agreement with regulation by the market in the UK). Again, interest in decentralised regulation is greater in regions with longer traditions of centralised regulation (Germany, France, Italy) and weaker in those where more leeway is provided for autonomous initiatives (Spain) or at any rate where national regulation is not invasive (UK). And there is greater distrust of a possible role by unions and employee representatives in regions where the tradition of trade-union control is stronger (Germany) while more positive opinions are expressed in those where unions are more co-operative or less powerful (Italy, France, Spain). Finally, more widespread endorsement of worker commitment is observed in regions where there is a substantial tradition of corporate governance based on the search for workforce consensus (Lombardy, Germany).

These observations aside, one may again enquire as to whether management orientations change with variations in the structural characteristics of firms, or according to the amount of use made of NFE, or according to the ways in which forms of flexibility are regulated inside and outside firms, as discussed in previous sections.

### ***Which models of regulation?***

Factor analysis was used to reduce the opinions on the five original statements to three independent variables. The first two correspond to the two factors extracted by factor analysis of the first four statements;<sup>36</sup> the third consists of the values of the fifth statement (not included in the factor analysis).

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<sup>36</sup> Analysis of the first four statements (after attempts to include the fifth one as well proved unsatisfactory) highlighted two factors: one in which the values of the first two variables are positively

## RESULTS OF THE RESEARCH

The three variables identified correspond to three types of orientation towards the regulation of NFE. We may call the first – in which opinions on the adequacy of the normative framework (legislative and contractual) and on the desirability of involving employee representatives in the management of NFE are positively associated – an ‘orientation towards macro-associative regulation’. We may call the second – in which interest in a new form of regulation and preference for local-level regulatory initiatives by the parties are positively correlated – an ‘orientation towards local regulation’. The third variable denotes an ‘orientation towards regulation by the market’.

The first orientation, what we have called ‘macro-associative regulation’, corresponds to a preference for a stable and certain frame of reference which ensures consensus by the employee representatives beforehand, while at the same time remaining distant and impersonal, so to speak. This orientation appears to be most characteristic of WPs in W-ML and Catalunya (where the existing normative framework is less invasive than elsewhere) and in R-A. Regardless of size, employment trends, or sector of production, this orientation is significantly more typical of more complex organisations (multinational groups) which operate in substantially stable markets and have not recently introduced technological innovation; and it is directly correlated with the use of forms of internal rather than external flexibility. Finally, this orientation tends to be positively associated with practices of consultation managements and employee representatives. In short, this is a model suited to complex organisations (which therefore set a premium on a reliable frame of reference) characterised by stability, a low propensity to innovate, and little need to adopt forms of employment other than the standard ones. One might also say that it closely matches the synoptic or *a priori* regulation typical of the Fordist paradigm of production.

What we have labelled the ‘local regulation’ model corresponds by contrast to a desire for a change in the rules and the active and close involvement in such change of the parties at the local level. This orientation is more frequent among the WPs in S-SR, Lombardy and R-A (where the normative framework is probably viewed as more invasive). Independently of sector, employment trend, type of firm or market, this orientation it tends significantly to characterise large organisations, with seasonal production cycles, and which operate in a contracting or turbulent market. This model is particularly committed to organisational change, and with the more innovative forms of internal flexibility (functional flexibility, teamwork, working time flexibility). It also tends to be associated positively with satisfaction over the results of using part-time and temporary workers. In short, this is a model distinctive of dynamic organisations, in an unpredictable and contracting market, but which tend to invest in both internal and external flexibility, and which are seeking new ways to increase efficiency by resorting to NFE and contacts with the outside. It is also the model of what we might call the ‘process-driven rationality’ typical of the dynamic productive organisations that have distanced themselves most firmly from the Fordist paradigm.

Finally, the orientation which leaves regulation largely to market competition tends to be more widespread among WPs in S-SR (less so in those of R-A, Lombardy, W-ML and Catalunya). Independently of other structural characteristics, it tends to be typical of independent organisations (that is, ones that do not belong to groups or multinationals) which rely mainly on ‘hard’ innovations and traditional forms of internal flexibility (overtime). Somewhat surprisingly perhaps, this orientation does not seem to be positively associated with the use of NFE. Also negative is the association with the degree of satisfaction over the use of the various forms of temporary work. Finally, as regards the industrial relations variables, this orientation

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combined, and one in which those of the other two are positively associated, with 61% of total variance explained.

## RESULTS OF THE RESEARCH

tends to be negatively associated with the presence of manager of personnel relations and the use of collective agreement.

Overall, it seems difficult to avoid the impression that this latter orientation corresponds more to a position assumed on principle than to a strategy of action which is coherent with the overt needs of enterprises. But even from this point of view (especially in the light of the negative association with the use of NFE), the evidence seems to bear out the assumption from which this analysis began, namely that companies, too, are interested in finding ways to regulate flexible forms of employment which prove more satisfactory than simple reliance on market competition.

It is necessary to investigate this aspect further, using qualitative techniques of analysis based, as already said, on studies of cases in which efforts are made – with greater or lesser success – to single out new rules. And this is what we are going to do in the next section.

It should not be forgotten, of course, that the survey has investigated patterns in the use and regulation of NFEW from the point of view of companies. It does not tell us anything about the behaviour of workers; a fundamental aspect that would require an entire research project on its own.

## **4. Local Level Concerted Action and New Forms of Employment and Work. The Results of Local Territorial and Local Company Case Studies**

### **4.1. Introduction**

The literature review, and even more so the survey of the behaviours and attitudes of company managements in their use of non-standard forms of employment, the results of which were presented in the two previous sections, has enabled us to sharpen the focus on the positive aspects and problems connected with the growth and use of NFEW.

In particular, the survey of managerial behaviours and attitudes has highlighted the following: firstly that the more non-standard forms of employment are used, the more they tend to be associated with critical evaluations of their impact on the firm; secondly that it is widely believed by managements – more than we expected – that NFEW should be regulated better in order to improve worker commitment, and that this should be done at the local level; thirdly that aspects connected with the regulation of NFEW are subject to joint company-level regulation by management and employee representatives in a not small though still marginal number of firms; and fourthly that a substantial number of firms declare that they have participated either directly or through an employers' association in initiatives promoted by local government agencies and other institutions aimed at vocational training or employment creation.

This has come about in various ways, ranging, as we have seen, from public events (conferences, round tables and the like), to involvement of management or its representatives in the implementation of programmes, to the reaching of local-level collective agreements on employment or vocational training, to agreements among employers at the local level, to pressure on public agencies, and in some cases to social/territorial pacts. As we have also seen, this rather surprising result testifies to the vitality of the activities that are now being developed – often with little visibility and largely ignored by political debate – at the local level.

It was precisely in order to explore the potential and the features of concerted initiatives at the local level to promote employment, and especially to regulate the use of NFEW, that in the course of 2000 we conducted the second part of the empirical survey – the most important one within the framework of the research programme – based on the qualitative logic of the case study.

In the paragraphs that follow, therefore, we shall illustrate the criteria used for the selection of the cases studies, and present and discuss the most significant results obtained. Before doing so, however, we must first briefly explain the approach that we used.

As envisaged by the project, and also as enjoined by the results of the survey and the review of the literature, the main focus of this second part of the empirical investigation was on the *regulation* of NFEW, and in particular on their possible regulation in concerted manner at the local level.

We have already pointed out (see the second chapter of this report) that in our project *regulation of NFEW* means the various modes by which recourse to NFEW is co-

## RESULTS OF THE RESEARCH

ordinated within the organisations using them, the conditions of the workers involved are established, and the related conflicts, real or potential, are prevented or resolved (Regini, 1995). Traditionally, the main alternative considered in the debate is between market and/or hierarchies (Williamson, 1975), on the one hand, and state modes of regulation on the other. The aim of the project was instead to explore the possibilities of *concerted action at the local level* among the actors concretely involved in the dynamics of change and adaptation to external challenges, so that the use of NFEW may be both more efficient for firms and socially more acceptable for labour.

Note that we do not use the term *concertation* in the strict sense of “modes of regulation based on agreements among a few large-scale interest associations which hold monopoly/oligopoly over the representation of functionally defined interests. (...) Agreements [which] often require the exercise of legitimate authority for their enforcement, as well as the direct or implicit co-operation of the state/public authorities, if they are to be successful” (Regini, 1995, p.6). Rather we use the term in the broader and looser sense of modes of regulation of and of solution to specific problems based on agreement and co-operation among all the actors (public and private) of importance in a given context, in which what matters are the *inclusive character* of participation and the *consensus-based co-ordination* of initiatives.

Note also that, from this perspective, such initiatives do not necessarily include all three of the traditional actors of macro level concertation (the social partners and the government). As we shall see, we also consider cases of local-level concertation to be agreements of bilateral type, as well as initiatives involving a large number of actors. In order to talk of concertation, however, it is indispensable that there be consensus-based co-operation among all the organised actors that matter or are of importance in a given situation.

We would finally remind that that in using the qualification *local level* our reference is not necessarily to specific institutions different from central ones; rather, it is to processes and interactions taking place both within firms/organisations and in the territory (municipality, province, region) outside/around them, and which do not occur as the merely automatic implementation of decisions made at the centre but at least require some specific interpretation/adaptation by the organised actors at the local level. It is at this level that it is possible to introduce fine-gauge measures targeted on specific and difficult problems impossible to deal with from the centre and which spring from the new characteristics of highly differentiated and segmented labour markets. In other words, it is at this level that it is possible to innovate and to experiment with tailor-made solutions.

In short, our decision to concentrate on regulatory initiatives at local level responded to an explicit intent to give priority to innovations and forms of experimentation which are probably less known and visible. However, this does not mean that we believed that regulatory action at the central level is necessarily less interesting or appropriate.

## 4.2. The cases selected

Before proceeding with examination of the results (see paragraphs 4.3 and 4.4), brief discussion is still required of the logic by which the cases were selected and of the set of concrete experiences that emerged from their study.

As regards the first point, it should be borne in mind that the development and use of NFEW takes place in a setting that is much more fuzzy and evanescent than it used to be in the past, when there was a sharp distinction between work performed by human resources internalised within firms, on the one hand, and activities purchased externally to it and undertaken by professionals, self-employed workers and other firms on the other. The area occupied by NFEW is one of uncertain and shifting boundaries, as also shown by the results of the survey conducted in the first phase of the project, and it is situated within and without the perimeter of the firm. In order to grasp, at least to some extent, possible forms of intervention in this elusive space, it was decided to use an 'encircling' strategy looking both inside and outside the firm. In other words, we decided to conduct a two-level process of selection, considering on the one hand cases that displayed a "territorial relevance", to be selected on the basis of information gathered through contacts and interviews with representatives of the social partners and of institutions at the local level, and on the other, cases of innovative regulation within firms, preferably chosen by drawing on the replies to the survey.

Moreover, in view of the still unsettled and open character of the regulation of NFEW, it was decided to select cases that were relatively recent (in order to gain better understanding of the dynamic of the relations among the actors concerned) and which involved new and less known aspects of the use of NFEW.

The intention was also to avoid the mere collection of cases of success and best practices, on the ground that the analysis of failures is often much more instructive in shedding light on the constraints to be taken into account and the resources to mobilise when undertaking innovation.

Finally, it was decided to take account in every region of the widest, most diversified and comparable possible range of experiences: from more complex and visible initiatives involving a wide variety of local actors, to simpler and more secluded ones taking place through in-company negotiations between the social partners.

Bearing all this in mind, interviews conducted with key informants (representatives of the social partners and of the local-level institutions) in each region yielded a picture of the possible forms assumed by regulation of the new forms of employment and work that included the following types, which take account of the number and characteristics of the actors involved:

- *regional/territorial pact, or concerted tri-multilateral initiative*, with two possible variants: as the local implementation of directives from above, or as a bottom-up initiative;
- *bilateral agreement/contract between local institutions and an agency providing services* (temporary labour, job placement, training, business services);
- *bilateral agreement between local institutions and firms*;
- *territorial (local level) collective agreement*;
- *agreement among firms, among employers*;
- *a form of self-organisation by workers*;
- *collective agreement signed by an organisation representing non-standard employees*;

- *company-level formal/informal agreement.*

These types are roughly arranged along a continuum of decreasing complexity, with the territorial/employment pact (or, more generally, a concerted tri-multilateral initiative) at one extreme, and the company-level (formal/informal) agreement at the other. On the basis of this approximate classification, the results of the selection made is the heterogeneous range of cases shown in Table 36.

It will be seen that not all the types of initiative considered appear in each of the regions, although identified and examined in all of them were examples of tri-multilateral concertation (promoted from above and/or developed independently at the local level) and of company-level formal/informal agreements. The existence and importance of the other intermediate forms is instead more closely connected to the features of the system used to govern the labour market and industrial relations in the various countries: territorial collective agreements are not provided for in the UK and in Germany (while in Italy they are mainly tolerated as specific arrangements relatively to small firms); agreements and coalitions among employers for the use of NFEW are typically a French institution, to which may be added forms of co-ordinated action among firms in the Italian districts; examples of self-organisation by non-standard workers which has given rise to unions specialised in their representation are to be found only in Italy.<sup>37</sup>

Moreover, as will become clearer in the following paragraphs, it should be noted that not all the initiatives listed necessarily pursue the explicit objective of regulating NFEW. The picture is therefore even more diversified from the point of view of the appropriateness and intention (from the point of view that concerns us here) of the measures devised.

Moreover, the cases also differ in terms of their maturity. Some of them may consist of relatively well-established initiatives: collective agreements reached within companies, and sometimes at territorial level (the Vercors agreement on seasonal work in Rhône-Alpes, the territorial agreement in the footwear district of Veneto), are perhaps – and not coincidentally – the clearest examples, followed in some cases by territorial pacts (in Catalonia or Veneto, for example), or by the creation of agencies or special organisations to intervene in the labour market within a stable framework of tripartite concertation (like CAAM and LeccoLavoro in Lombardy, or FIL in Tuscany), or by agreements between agencies and local authorities (as in the case studied in Saarland).

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<sup>37</sup> For discussion of the relationship between the features of the institutional context and the tradition of industrial relations on the one hand, and the potential for concerted initiative at the local level on the other, see the third research report (LocLevConc, 2001).

**Table 36 - LocLevConc Case studies**

	<b>W-ML</b>	<b>R-A</b>	<b>S-SR</b>	<b>CAT</b>	<b>LOMB</b>	<b>TUSC</b>	<b>VEN</b>
<b>Top-down promoted regional/ territorial pact, concerted tri-multilateral initiative</b>	- Black Country Joint Venture Partnership	- Albertville Territorial Pact	- Saarland Regional Pact for work	- Vallès Occidental employment pact			
<b>Local level territorial/ employment pact, concerted tri-multilateral initiative (bottom-up)</b>	- Airport-NEC Not-for-Profit Temporary Employment Agency (Birmingham Solihull TEP) NB: <i>TEP but not trilateral</i>		- Saar-Gemeinschafts-initiative - Local BISS-project of the City of Saarbrücken	- Matarò Local Pact for Employment	- Milan Pact - North Milan Pact for employment and vocational training - CAAM: territorial development and employment agency - LeccoLavoro: employment agency	- contratto di programma, Prato - establishment and activity of Fil, Prato	- territorial pact of Veneto Orientale - territorial pact of Riviera del Brenta
<b>Bilateral agreement between institutions and agency</b>	- [Airport-NEC Not-for-Profit Temporary Employment Agency (Birmingham Solihull TEP)]		- Joint venture between municipal and regional authorities and private employment agency (Case G)		- [Obiettivo Lavoro]		
<b>Agreement among employers</b>		- EG Val de Saône - EG Sud Grésivaudan - EG Savoie				- bargaining on weaving tariffs, Prato	- (Fornace S. Anselmo) - (Telenordest)
<b>Territorial (local level) collective agreement</b>		- Vercors agreement on the use of seasonal work				- protocol agreement on the use of overtime, Prato - agreement attempt on darning centres	- shoe district of Riviera del Brenta

RESULTS OF THE RESEARCH

(table 36 continued)

<b>Bilateral agreement between public institution and firms</b>	- Coventry Clothing Resource Centre			- Alcampo and Impem collaboration agreement			
<b>Self-organisation by workers</b>					- NidiL, Alai, Cpo		
<b>Collective agreement signed by an organisation representing non-standard workers</b>	- [Rover Cars: agreement between Manpower and TGWU]				- Milan municipality agreement on use of agency work - Failed attempts at regulating collaborators in the municipal sport sector - Collective agreement on collaborators in the business information sector	- collective agreement on ongoing collaborations, Florence	- collective agreement on ongoing collaborations (blind assistants), Treviso
<b>Company-level formal/informal agreement</b>	- Rovers Cars, Manpower and TGWU: agreement on use of temporary labour - Unity Trust Bank: agreement on teleworking	- Gobba vitrage - Vibratec - Rambert fruits	Formal agreements: - Case A - Case D - Case E  Informal arrangements - Case B - Case C - Case F	- Draftex Iberica agreement on temporary work - Flotats Agreement on functional and numerical flexibility	- Coop Bank agreement on part time - Dutch Origin Bank agreement on agency work - SEA agreement on fixed term work - [Obiettivo lavoro]	- Benetton group company agreement, Prato	- Aprilia - Zanussi - S. Benedetto - Peg Perego
<b>Other initiatives</b>				- Implicit regulation of temporary agencies within	- Lumetel:		

RESULTS OF THE RESEARCH

				company level agreement			
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By contrast, the cases may consist of initiatives only in their very early stages, and of which assessment cannot yet be made – only plausible conjectures based on their constitutive documents and initial activities. Among the most interesting of these are the *Groupements d'Employeurs* selected in Rhône-Alpes (especially those of the Val de Saône and Sud Grésivaudan), the Not-for-Profit Temporary Employment Agency in Birmingham, West Midlands, the North Milan Pact for Employment and Vocational Training in Lombardy, Italy.

Other cases represent initiatives that have either substantially failed or achieved only very limited results: for example, the negotiations on darning centres in Prato (Tuscany), or those on the swimming instructors (freelance co-ordinated workers) in Milan. Or otherwise they are at a precarious standstill, like the tripartite protocol agreement at Prato (Italy) and the Saarland Regional Employment Pact.

Besides other cases of initiatives in an intermediate position between start-up and stability, between success and failure, there are further ones which are distinctive because they concern the creation and activities of regulatory bodies, rather than initiatives in regulation. This is the case, for example, of the creation of an organisation to represent 'atypical' workers (temporary agency and co-ordinated freelance workers: see the study on NidiL) or of a non-profit temporary agency pursuing strategies to reduce the precariousness of temporary work (Obiettivo Lavoro) – both of which are examined in the study on Lombardy.

However, those listed do not exhaust the range of distinctions to be drawn among the initiatives selected as 'cases' to study.

Other differences relate to the type of regulatory initiative and its time frame. From this point of view, the cases selected may concern:

- (a) the creation/activity of stable tripartite or multilateral bodies with general tasks;
- (b) the creation/activity of tripartite or multilateral bodies to undertake specific and temporary tasks;
- (c) the creation/activity of agencies enjoying a certain freedom of action within the framework of a tripartite agreement;
- (d) the creation/activity of agencies enjoying a certain freedom of action unconstrained by stable relations with other actors;
- (e) the agreements between parties with more or less immediate implementation;
- (f) the creation of new actors.

Other differences concern the existence or otherwise of organised or hierarchical relationships among initiatives.

Some of the initiatives consist of the implementation of programmes established by other higher-level ones: for example, the company-level agreement at Peg Perego in Veneto is linked to the territorial pact of Eastern Veneto; that at Benetton-Olimpias in Prato (Tuscany) to the Prato protocol agreement on the use of overtime; the three company-level agreements selected in Catalonia to the Vallès Occidental employment pact.

Or again, there are initiatives that may develop more easily because they use resources and frameworks deriving from higher-level initiatives: a case in point being the creation of the Not-for-Profit Temporary Employment Agency in Birmingham, in which implementation of a pre-existing autonomous project has been facilitated by the Birmingham-Solihull territorial Employment Pact in the West Midlands.

But the reverse may also happen, in the sense that a lower-level initiative provides the point of departure for the development of another higher-level one. This is what has

happened in Veneto, where the territorial agreement for the footwear district of the Riviera del Brenta has led to the Territorial Pact of the Riviera del Brenta.

The range of cases selected is therefore highly heterogeneous as regards the maturity and success of the initiatives, their regulatory form, and the relationship between them. Although this heterogeneity makes analysis and especially evaluation difficult, it indubitably matches the heterogeneity of a context in movement, even where this movement is least expected (as stated in the report on the West Midlands by Paul Marginson and Rachael McIlroy), and of a context which displays the three-dimensional geometric form of Chinese boxes, or of multilevel networks, rather than the two-dimensional one of a clustering or dispersal in the nodes of a network (the regulatory initiatives) across a single plane.

However, the common feature shared by these various forms is a search for solutions and approaches agreed upon by the main local actors, rather than reliance on authoritarian fiat from above.

### **4.3. General objectives of the regulatory initiatives: reducing the risks of uncertainty and unpredictability**

What are the objectives pursued in the cases considered? In this paragraph we shall discuss these objectives in general terms, highlighting their shared features, and return to them in the next paragraph to examine their differences.

To be pointed out first is that, at the local level, it is not the form, the 'atypicality', of NFEW that can be regulated, for this is already subject to centralised provisions (state law and regulations, sector agreements, European directives), but rather the various risks connected with the use and growth of NFEW in a particular context. And this applies to both workers (the amelioration of whose terms and conditions is in general the explicit and direct objective of the regulation) and to firms (whose interests are for the most part served by the regulation of NFEW in an implicit but nevertheless less important manner).

In other words, what may come about is experimentation with, and the development of, solutions to problems perceived or pointed out by actors (atypical workers, firms, social partners, institutions) at the local level: pointed out or perceived in the sense that they are identified as problems that can be dealt with in a particular context.

Besides the numerous differences, the feature shared by all the cases is a search, with varying degrees of success, for responses agreed by several actors (and therefore according to the logic of concertation) to problems which require solution, or to risks which must be reduced, in the use of NFEW.

What are these risks? As we know from the recent debate, from the literature examined, and from the results of our survey, they concern workers firstly and most markedly, but to a more subtle extent firms as well, and also the local-level institutions.

The essential problem on the workers' side is their objective lower level of security, or lower coverage against the risk of deterioration in their earning power. This comprises a wide variety of situations: uncertainty over continuity of employment, income, of being able to count on regular payments; the uncertainty caused by an absence of protection in the case of sickness, injury, maternity, invalidity, old age; the risk of not being able to develop or update skills, of being unable to use them in different jobs, of being excluded from a career, of not possessing the appropriate expertise and tools (updated software for example); or again, the risk of being discriminated against in employment terms and conditions with respect to permanent workers, and of not being able to find

representation for one's interests. These numerous risks can be grouped into three main categories:

- (a) the risks of future unemployment and job insecurity;
- (b) the risks of limitations on human capital development;
- (c) the risks of reduced rights and entitlements.

On the firm's side, too, there is a wide variety of problems attendant on the use (by the firm or by others) of NFEW: the difficulty of finding human resources with the requisite skills; the difficulty of finding the type of workers (seasonal, etc.) required; high co-ordination costs; an overload of responsibility on permanent workers; the risk of deterioration in the corporate climate; the risk of prejudicing the quality of products or services; the lesser commitment of peripheral workers; the risks of unfair competition. Once again these risks can be grouped into three categories:

- (a) product market risks (including the impact on quality and unfair competition);
- (b) labour market risks (i.e. the unavailability of labour of the type and quantity required);
- (c) productivity risks (lack of commitment, friction among workers on different types of contract doing the same work, co-ordination costs).

Finally, also the local authorities may look with concern at the development of NFEW if it has harmful effects on social cohesion or on fair competition among firms (as in the case of an increase in 'black' work, of the use of labour below contractual standards), or again if it causes higher costs for local administrations.

#### **4.4. The specific objectives of the programmes**

To examine the programmes now in more detail,<sup>38</sup> it should first be pointed out is that it is not necessarily the case that corresponding to the same types of initiative (as classified in the above Table 36) are similar objectives, and even less similar results.

We begin with discussion of the most complex and ambitious type of local-level concertation, that of concerted tri-multilateral initiatives, and in particular of regional/territorial pacts. The cases examined (see the above table) show that these are initiatives which are different but based on formal agreements among local authorities, social partners and other important actors at the local level with a view – at least in principle - to development of the economy and employment creation and/or employment protection.

Notwithstanding the numerous differences among the organisational models adopted and among the specific goals pursued, all these experiences share the following features:

- in terms of their logic of action: the use of stable partnerships between public and private actors at the local level, in which the former constantly interact with the latter;<sup>39</sup>

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<sup>38</sup> For detailed treatment see the chapters in the third research report devoted to the case studies in the six regions or territorial areas considered (LocLevConc, 2001).

<sup>39</sup> From the point of view of local authorities, as said (Urbani, 2000; Bobbio, 2000), this amounts to the transformation of action by administrative measures into action by accords

- in terms of the general goals pursued: twofold territorial development and employment promotion and growth, according to a vision where the two aspects are mutually reinforcing;<sup>40</sup>
- in terms of the range of action: the structuring of pacts as frameworks for numerous projects with numerous aims (for example, the European recognised pacts of Albertville in Rhône-Alpes, France, or of the Birmingham-Solihull-Black Country Territorial Employment Pact, UK, or of the Vallès Occidental Employment Pact in Catalonia, Spain, cover 18 types of initiative, variously structured into a smaller number of thematic pillars. No less broad is the range of the other types of pacts);
- in terms of participants: the strongly inclusive nature of these initiatives, which tend to involve all the local organised actors (which may number in their dozens);
- in terms of incentives for participation: the predominant supply (at least in the initial stages) of club goods, i.e. incentives which can be obtained by excluding non-participants.

Note that, given the characteristics of territorial pacts and other forms of tri-multilateral concertation (and in particular their structure as frameworks for numerous projects with numerous aims), it is not surprising to find that the majority of comments on them are rather critical and tend to emphasise a certain inconclusiveness of the schemes actually implemented.

In reality, since a pact essentially defines a structured space for interaction which is broad and heterogeneous in its scope because it is not established *a priori* and conditioned only by agreement among the largest possible number of actors on local-level goals of employment promotion and growth, assessment of outcomes must consider individual programmes (as well as or rather than the overall design).

The cases studied show, indeed, that if specific programmes are scrutinised carefully, interesting and unexpected examples can be found.

One of the most interesting is the scheme for intervention on a specific segment of the labour market which constitutes one of the 18 actions of the Birmingham-Solihull-Black Country Territorial Employment Pact, in the UK. This initiative concerns the development of a not-for-profit employment agency designed to support local people in obtaining employment at Birmingham International Airport and the National Exhibition Centre (NEC) – two of the largest employers in the Birmingham area. The agency – called Jobs Junction – began operating in August 2000. The employment agency is targeted mainly on the residents of North Solihull, which has higher levels of unemployment and lower levels of schooling, labour market participation and self-employment than in the rest of the area. Whilst the Birmingham International Airport and the National Exhibition Centre (NEC) are themselves poised for employment growth and help stimulate growth in other firms in the surrounding area, the key problem for residents in North Solihull is accessing these jobs. The employment agency was set up by the NEC, Airport and the public Training and Enterprise Council (TEC) as a way of tackling two related issues. The first was the NEC's and the airport's demand for temporary employees to be able to manage peaks and troughs whilst employing trained and trustworthy individuals. The second problem was that whilst the

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<sup>40</sup> This and the next goal, however, are less appropriate to initiatives involving specific intervention in the labour market like the above-mentioned local-level 'New Deal for Young People'.

TEC wanted to help unemployed people into the labour market, the social security system works against them taking temporary work. Therefore, measures to make temporary working easier to take up, by removing penalties in terms of loss of benefit entitlement, would assist claimants to take temporary work. This in turn would enable them to keep in touch with the labour market, thereby increasing their chances of securing permanent employment. It is envisaged that the Jobs Junction employment agency should be able to fund itself as a not-for-profit organisation. The agency is targeted on local people who are unemployed, or are returning to work, especially lone parents. It will also target those individuals requiring training and guidance before they can enter or re-enter the world of work. In the first instance, the Employment Service's Job Centres will forward potential recruits to the employment agency. It is envisaged that once a reputation is established, recruits will eventually contact the employment agency directly. Another route onto the employment agency register will be developed through the Government's New Deal program. Employment agency workers will typically be employed on a fixed-term six or 12-month contracts. They will be paid a standard hourly rate of pay based on annualised hours. Therefore, even when workers are assigned irregular placements, their monthly wage will remain unchanged. The agency, in recognising the problems faced by local residents in accessing jobs, is also addressing transport problems as well as other barriers such as lack of training. The employment agency offers the airport and the NEC the potential to match variations in staffing needs whilst having a pool of trained workers on hand. Whilst costs are reduced compared to sourcing staff from a commercial agency, it appears that the enhanced recruitment procedure, offering regular temporary workers through the employment agency is the key issue. For employees, it is a way to make jobs available to people disadvantaged in the local economy and improve their long-term employability, without jeopardising their short-term social security situation. This innovative programme, involving local, social partners with the aim of improving the social wealth and health of a community, is an important example of the way employers' needs can be addressed and resources accessed to target people who are economically and socially excluded. It is addressing barriers to work, physical barriers such as transport issues and less tangible barriers such as training needs and confidence building (Marginson *et al.*, 2001, pp. 9-10). Note that in this case the project is antecedent to the territorial pact; but it is easier to realise because it is supported by the mobilisation of the resources – both economic and symbolic – facilitated by the pact, which therefore efficaciously performs the function of a structured space for interaction among the participants.

Another significant example is provided by the territorial pact of Eastern Veneto. In this area, which, represents a weak economic enclave within prosperous north-eastern Italy, the creation in 1993 (after the collapse of the previous power structure consequent on the Tangentopoli scandal) of a co-ordination body among the municipal administrations – the Conferenza dei Sindaci (the Mayors' Conference) – provided an opportunity to plan local development autonomously, differentiating it from the rest of the region. The territorial pact, signed in 1997, after strong trade-union pressure on all the local actors, provided the template for development policies. It has since been integrated with other agreements like the employment pact and the social solidarity pact. Presently being finalised are a training pact, a security pact and an agriculture pact. The territorial pact outlines infrastructural interventions and employment targets, with an investment of 117

billion lire which should create 1800 new jobs, whereas the employment pact and the social solidarity pact seek to foster the flexibility of employment and work, but within a network of institutions capable of maintaining social cohesion. The employment pact encourages the use of fixed-term contracts as an instrument to create and consolidate new jobs supported and regulated by an agency for intervention in the local labour market. Flexibility is incentivised selectively, with priority being given to time-flexibility schemes which help create stable employment (annualised hours, vertical and cyclical part time, raising the maximum age for apprenticeships). This is implemented through the presentation of projects on an *ad hoc* basis and joint examination by the social partners. The trade unions are granted the right to be actively involved in implementation of the new programmes, especially as regards working time and the organisation of work, in exchange for their commitment to wage restraint. Furthermore, in order to encourage the extension of the tourist season, the social partners have proposed to the Ministry of Labour that seasonal tourist areas should qualify for social-security tax exemption in low-season periods. The results in economic and employment terms have been more than encouraging. Most of the investments initially foreseen have been, or are in the process of being, implemented; a further 80 projects have been added, for a total investment of around 260 billion lire, in order to create an environment favourable to industrial relocation. On the other hand, the agency for local employment has not been instituted; there have been no central government schemes to promote employment in areas of seasonal tourism; and the concerted monitoring of employment consolidation growth by the new investments has only come about in one case. Better results have been achieved with the pact for social solidarity. In order to support female employment, crèches have been opened in municipalities without such facilities located close to the new industrial zones; and childcare services and services to the elderly have been introduced. Finally, the integration of non-EU immigrants has been favoured by a quota system of public housing, and by support in the form of cheap credit for firms which purchase accommodation to rent to their employees (Bortolotti and Giaccone, 2001, pp. 6-7). Once again evident are the characteristics of pacts as catalysts, and as ways to structure a field accessible to subsequent actions by local actors; but on the other hand, the differing levels of success achieved by initiatives are due to the varying economic convenience – albeit in a setting of dense social relations – of co-operating in a manner other than purely collusive.

Similar considerations apply to the European supported pact of Vallès Occidental in Catalonia (Lope, 2001), which is distinguished by its wide range and number of initiatives providing space for numerous participant actors. Especially worthy of note in this case is the experimental action of a task force created to promote a strategy of contractual flexibility negotiated at the company level, targeted at the regulation of temporary employment. The signing of company pacts on the use of temporary forms of employment, so that firms' flexibility needs can be combined with worker protection in the best way possible, is viewed by its promoters – the unions and the local authorities – as an innovative complement to the active labour policies pursued through other initiatives envisaged by the pact. By contrast, less inventiveness is shown by another Catalan territorial pact of endogenous origin: that of Matarò.

Finally, in the case of the Milan employment pact, aimed at favouring the facilitated use of certain categories of disadvantaged workers on fixed term contracts, the results fall

far short of expectations. This is probably due to the absence of one of the minimum prerequisites for the success of a local pact: its ability to include all the important local actors. In this case in fact the largest trade union, the Cgil, withdrew from the coalition on the grounds that the mechanisms proposed for the facilitated hiring of temporary workers by firms did not provide sufficient protection for the former, and that precedents were thus created for the de-legitimisation of the rules established by the social partners themselves in national collective agreements. This absence seems to have discouraged the main potential beneficiaries of the measures foreseen (incentives for the use of temporary contracts for the fixed-term hiring of disadvantaged workers retrained at the expense of the local institutions, and concessions to derogate from national agreements) – that is, companies – probably worried about the future risks of an organized opposition in an economic context certainly not depressed like Milan.

As shown in Table 36, the solution of territorial/regional pacts, or more generally of concerted tri-multilateral initiatives, does not exhaust the range of initiatives to regulate NFEW – although in many cases it is the solution that, as said, prepares the terrain for the development of other initiatives. Other solutions may take the forms of bilateral agreements/contracts between local institutions and agencies providing labour market services; agreements among firms, among employers; territorial collective agreements; bilateral agreements between public institutions and firms; forms of self-organisation by non-standard workers; collective agreements signed by an organisation representing non-standard employees; and company-level formal/informal agreements.

The use of bilateral agreements/contracts between local institutions and agencies providing labour market services may occur in the context of broader territorial concerted tri-multilateral initiatives, as shown by the already illustrated case of the Airport-NEC Not-for-Profit Temporary Employment Agency within the Birmingham Solihull Territorial Employment Pact. But it may constitute an initiative in its own right. An innovative case in Germany is the joint venture in Saarland between municipal and regional authorities and the German affiliate of a Dutch private employment agency specialised in finding jobs for the hard-to-place unemployed (Grewer, 2001). This case arises within a highly structured system of labour market intervention affording close protection for the unemployed, as is the German one, in which costs have risen steeply (especially since reunification of the country) but in which spaces for autonomous expenditure and experimentation have recently increased. The joint venture was consequently set up on an experimental basis in order to reduce the deficit in the municipality's budget for assistance to the long-term unemployed. It has achieved notable success as regards the labour-market reintegration, at least on fixed-term contracts, of former recipients of social welfare benefits, and perhaps even more so as regards cost cutting. It has therefore been extended and re-confirmed, becoming a key factor in renewal of traditional bureaucratic procedures. Another example, which is similar in many respects although still in the initial stages, is provided by certain preliminary agreements between municipal administrations and a not-for-profit temporary employment agency (Obiettivo Lavoro) in Italy, the aim of which is to find placements for workers receiving redundancy benefit after being laid off by companies in crisis (Ballarino, 2001). In both cases, the use of an agency has enabled achievement of more satisfactory results without reducing the level of worker protection.

Also the use of forms of bilateral agreements and co-operation between public institutions and firms may figure among the actions envisaged by wider territorial concerted tri-multilateral initiatives, as exemplified by direct agreements with companies in which worker representation has not yet been introduced: for instance, the Vallès Occidental Employment Pact (Lope et al., 2001), where the local institutions have undertaken to provide services or incentives (e.g. services for personnel recruitment, or tailor-made training courses) in exchange for a pledge by companies to create jobs and to devise plans to stabilise temporary contracts. More generally, this is a form of co-operation quite common in industrial districts and areas of diffused small-firm production. An interesting case is the Coventry Clothing Resource Centre in the West Midlands (Marginson et al. 2001). Through this initiative, the local public institutions stimulate innovation and greater competitiveness – which small firms would find difficult to achieve on their own – with positive outcomes in terms of employment and the regularisation of precarious relationships.

Regulation of NFEW may also be provided by forms of coalitions among employers. Perhaps the most interesting example is the establishment of local-level associations among employers for the hiring of specific human resources, which they might not be able to afford individually, on a collective basis, thus offering them better conditions and forms of job security – a case in point being the ‘*groupements d’employeurs*’ (employers’ groupings) in France (Mériaux and Duclos, 2001). These initiatives are of particular interest because they make it possible to combine employment stability for workers with the flexible use of labour for employers. In fact, by unifying jobs undertaken temporarily for various employers under a single permanent contract, the *groupement d’employeurs* provides an alternative to the internalisation of work within the firm, while still guaranteeing its security. This particular solution to the dilemma between job security and employment flexibility was first used in the agricultural sector, and was then extended to industry, especially among small and medium-sized firms. However, case studies have shown that this solution can only work successfully if remedies are found for the many structural difficulties connected with the collected action of the employers, and it requires a considerable endowment of local-level social capital – that is, an environment characterised by close relations and a high degree of trust among the participants – and also major investments in institutional engineering.

Potentially fewer requirements are imposed by the form of concerted intervention in the local labour market represented by territorial collective agreements – although the implementation of these is conditioned by the features of national industrial relations systems. In various cases (as documented in Rhône-Alpes, Veneto and Tuscany), a collective agreement among the local social partners is intended to establish rules and procedures which restrict unfair competition in the use of human resources (for example, by seeking to regularise illegal workers), or to increase the supply of vocational training relevant to local needs, or to regulate and stabilise seasonal work, or to co-ordinate and incentivise the allocation of local workers to different jobs and their mobility between different activities. In various ways, initiatives of this kind help increase employment protection at the local level. However, the available studies show that they achieve highly variable degrees of success, and they depend closely on whether the participants are able to gain short-term advantages from them.

Forms of self-organisation by non-standard workers are not frequent. In Italy, in the mid-90s forms of self-help associations were set up by groups of professionals and freelancers in the business services and social-welfare sector. On the basis of these experiences, in 1997 a union representing atypical workers (NidiL) belonging to Cgil was set up. Today, the national NidiL organisation operates in three areas: (a) institutional action for the general representation of atypical work; (b) industry and company-level representation of particular occupational categories in national and local collective bargaining; (c) the provision of individual assistance and services (on tax, legal-contractual matters, social security) both on its own and through the Cgil offices. Similar features are displayed by the organisations for atypical workers set up by Cisl (Alai) and Uil (Cpo). The explicit objective of the various initiatives undertaken to represent atypical workers is to increase the protection afforded to self-employed or temporary workers. In the long period, the aim of NidiL is to contribute to definition of a more universalistic guarantees system under which three levels of rights are recognised: basic social rights (independent from employment); rights connected with employment (such as unemployment benefits, accident insurance, maternity leave, continuing training); and rights connected with specific activities and employment relationships. In the future, this should eliminate the typical/atypical antithesis, replacing it with a varied set of forms of employment, among which workers may choose in a way not dissimilar from employers.

Finally, further forms of concerted regulation may derive from company-level formal/informal collective agreements. The cases examined show, in keeping with the results of the survey, that agreements on working time and on greater use of flexible forms of part-time make it possible to negotiate reductions in the use of temporary labour, in exchange for the greater flexibilisation of working time and annual schedules and/or greater internal flexibility. But the agreements considered concern other aspects as well (like the use of agency work or tele-working).

#### **4.5. A broad assessment**

We shall now draw up a ‘balance-sheet’ of the main results which considers both the types of goal pursued and the results obtained.

In a field like ours, which deals with normative innovation, and which therefore more or less overtly calls the socially consolidated framework of previous norms and rules into question, reflection on goals is particularly important because it reveals whether and to what extent there is awareness that it may be necessary to change the rules, and whether and to what extent there is the intention to do so.

From this point of view, and concentrating selectively on aspects that directly or indirectly concern the regulation of NFEW, five broad categories or groupings of goals can be identified:<sup>41</sup>

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<sup>41</sup> We shall not go into details here. For these, and especially for careful reconstruction of the logic pursued by the actors within the specific settings that make them intelligible, it is necessary to read the regional reports (LocLevConc, 2001).

- (a) There is a first broad category whose main intention is to promote employment growth and to reduce unemployment, and in particular to foster entry or re-entry into the labour market by the unemployed categories that find it most difficult. This endeavour is typical of the majority of the concertation initiatives promoted by local institutions – both because of external inducements or incentives (by EU programmes or national legislation) and on their own initiative – which seek to involve the social partners in the pursuit of goals of local development and employment growth. Examples are provided by the various types of territorial employment pact promoted from above, but also by more specific initiatives like the territorial ones illustrated in the chapter on Germany, or the New Deal Programme for Young People in the West Midlands.

In this case, there is generally no explicit concern to improve the regulation of NFEW, either because it is implicitly believed that the problem will resolve itself within a setting of employment growth, or because NFEW are viewed as a temporary and transitional phenomenon (and therefore of little social importance), or because they are considered to be a better solution than unemployment (or irregular work). The risks to be reduced are those of unemployment on the workforce's side and, secondarily, a possible lack of sufficient human resources on the firm's side. The resources available are provided mainly by the institutions, often by drawing on European funds. Besides being used to cover the running costs of initiatives, these resources are usually invested in training programmes to increase labour employability, and to improve information systems on trends in labour demand and supply, to which access is free or at any rate at very low cost.

- (b) A second broad category of goals does not greatly differ from the first one, of which it may appear to be a variant. Nevertheless, we believe that it should be given distinct treatment. This is a category of initiatives designed explicitly to provide non-standard employment (mostly temporary in form) – flanked by incentives and specific forms of protection – for disadvantaged categories of workers and the unemployed residents of depressed areas; but also vice-versa for underemployed or inactive workers in labour-market situations where there is a shortage of supply (examples are the Pact for Milan or the activity envisaged by the Not-for-Profit Temporary Agency in Birmingham, or the various projects envisaged by the territorial Pact of Eastern Veneto). In this case, too, the intention is to foster access or re-integration to work of the unemployed. But the underlying logic is that of positive and promotional action on the supply side, subordinate to a specific interest in using the workers involved in the programme on the demand side. In other words, the aim is to combine the advantage of having a job (albeit temporary) on the one hand with the availability of flexible labour on the other. This explains why in this case the promoters of concerted action may also be firms. Besides the creation of mechanisms to match demand and supply (examples being the concertation committee that evaluates projects submitted by firms and technical support bodies in the case of the Pact for Milan, or the special not-for-profit agency set up jointly with firms in the case of the Birmingham initiative), specific action is taken to support programmes such as vocational training targeted on firms' needs, transport services, housing, social services (crèches, care of the elderly) to promote female labour supply, and so on. Specific mechanisms to increase job security may be also

introduced, like fixed-term contracts of relatively long duration and/or a guarantee of re-employment within the local labour market.

While the advantages to firms are evident (availability of a flexible labour supply trained according to their needs), those to workers are more variable. Besides the reduced risk of being excluded from the labour market and greater opportunities to increase their human capital, workers may benefit from greater job security and from the new services provided for them. The difference lies mainly in the combination of labour-market characteristics, the aims of the promoters, and the ability to apply pressure shown by the workers and (where they are active) by the organisations that represent them (the unions).

In short, the intention is to promote non-standard work while trying to link it with compensatory benefits and advantages, as a transitional solution for which the benchmark is the standard employment relationship.

- (c) The aim of a third category of goals is to reduce the insecurity of non-standard work by means of initiatives designed to facilitate transition from the forms of employment deemed most precarious to those regarded as less so: from irregular or ‘black’ work to temporary agency work; from temporary agency work to fixed-term contracts (of greater or lesser duration); from fixed-term contracts (seasonal, for example) to a vertical part-time job. Most of the in-company and territorial collective agreements pursue goals of this kind as part of negotiations which concern permanent workers as well: examples are the Vercors agreement on seasonal work in Rhône-Alpes, or the Aprilia agreement on temporary work in Veneto, or at Flotats in Catalonia, which provide for the gradual transformation of agency contracts into fixed-term ones, and of fixed-term contracts into permanent ones.

In these cases, the initiative is taken mainly by the trade unions, although these single out problems and risks that concern the firm as well, as pointed out in the previous section.<sup>42</sup> And they also concern the local authorities, especially as regards the regularisation of ‘black’ labour: not coincidentally, the idea that led to the Vercors agreement was first put forward by a labour inspector. This type of initiative implicitly presupposes that the various forms of non-standard work can be organised along a continuum ranging from maximum to minimum divergence from the standard model of employment. This cline can be viewed as a sort of locally-based atypical internal labour market where the main threshold is the passage from a temporary contract to a permanent part-time one. Note that the pursuit of a concerted strategy of this kind by the trade unions requires not only reaching agreement with management and/or employers’ associations but also, to some extent, mobilising the solidarity of permanent workers, whose terms and conditions of employment may be damaged by it – as reported by some of the studies in this report.

- (d) A fourth category of goals concerns initiatives intended to re-internalise NFEW within a new organised space, wider than the individual firm but still with a limited compass, and defined on a local basis. The clearest example is provided by the *groupements d’employeurs* analysed in detail in the chapter on Rhône-Alpes. Other

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<sup>42</sup> Comparison between the parallel cases of the more successful Aprilia and of the less so S. Benedetto in Veneto shows quite clearly how a firm may be damaged in the long term if it does not address the question of the controlled use of temporary labour (Bortolotti and Giaccone, 2001).

examples are schemes for seasonal alternation among different spells of work (see the case of Peg Perego in Veneto), or those for the shared use of human resources (usually rare) often found in industrial districts. The project of a not-for-profit agency in the area of Birmingham airport may evolve in this direction (and so too may a similar project suggested for the area surrounding Malpensa airport in Lombardy), as well as some of the activities of the non-profit temporary labour agency, Obiettivo Lavoro, in Italy.

We must use 'may' here, given that the majority of these initiatives exists more on paper than in practice. The overall pattern, however, is the effort to create job security for workers whose exclusive use cannot be afforded by any individual firm, but which many firms want to have available, so that a new perimeter of corporate citizenship may be defined in a co-operative way. The numerous difficulties that arise in this case are similar to those that one encounters when arranging collective goods.

- (e) The final category of goals consists of those where the intention is to use a certain amount of creativity in defining rules for non-standard labour external to the firm, without seeking to 're-internalise' it, not even in the new sense indicated above. The clearest examples are the initiatives to lay down the employment conditions of employer-co-ordinated freelance workers discussed in the Italian chapters; initiatives involving the recently-created trade unions for 'atypical' workers (NidiL, Alai, Cpo). To be emphasised is the fact that in this case workers may not want to be hired as employees, showing that a preference for a different form of employment, under certain circumstances, may be expressed by labour as well. Another example is provided by the project for the organisation of a network of multi-activities, considered in the territorial pact of Albertville (Rhône-Alpes).

This is as far as goals are concerned. With regards to their impact, matters are much more uncertain – as, for that matter, generally stressed by the literature on active labour policies (Reyneri, 1996).

The first impression, the one that prevails especially in analysis of the French, Spanish and German cases, is that of a certain paucity of results, at least in the light of the goals originally foreseen, and even more so if one takes into account the effects that explicitly concern NFEW.

To some extent, this depends on the fact that, in several of the initiatives considered, attention does not seem to have been specifically focused on the theme (contrary to what one might expect given the debate on NFEW in Europe). We have already pointed this out (see in particular the discussion on the first category of goals pursued). Local authorities and social partners in fact are primarily preoccupied with employment and unemployment in general. This also means that their concern is closely conditioned by the social importance and centrality assumed by the standard model of employment. As already mentioned, NFEW are often explicitly omitted from discussion, either because it is believed that the problems of job security will be resolved by job creation, or because these forms are regarded as a transitional stage in an individual's working career (and therefore of little social relevance), or because they are deemed to be at any rate better than unemployment (or irregular work).

Many of the initiatives that have been in operation longest, and whose effects can therefore be observed, display this general approach. This seems to characterise the majority of territorial pacts and other initiatives in tri- or multilateral concerted

regulation. In these cases, the impact measured in terms of employment creation or the reduction of unemployment – or even more so in terms of the provision of vocational training programmes intended to increase the employability of those unemployed for whom reintegration into the labour market is difficult – is often positive, especially when the initiative has originated at the local level.

Vice versa, most of the initiatives more explicitly directed towards the concerted regulation of the use of NFEW have only just begun or are still in the planning stage. And this also applies to initiatives which envisage the specific use of NFEW flanked by compensatory benefits and advantages in order to meet the needs of local firms by exploiting a supply of unemployed workers (see point (b) in the previous paragraph): the Pact for Milan has thus far achieved only modest results, even in the view of the promoters themselves, while the other initiatives cited have not yet yielded any results at all.

This is even more the case of more ambitious initiatives aimed at re-internalising in innovative fashion recourse to NFEW within new organised spaces, broader than those of individual firms, so that new employment relationships may be defined which come close to the standard model and are characterised by substantial stability and security (see point (d) in the previous paragraph): the formula of French employers' groupings has encountered not a few obstacles (outside the agricultural sector for which it was intended); the scheme for alternating work in the company and in tourism at Peg Perego (Veneto) – one of the most interesting projects envisaged by the territorial pact of Eastern Veneto - has not (yet) been approved; the innovative opportunities for the protective management of temporary workers by the temporary labour agency Obiettivo Lavoro in Italy has to date concerned only a small number of people.

In some respects the situation of initiatives to draw up rules for the protection of non-standard workers external to firms, without seeking to 're-internalise' them (see point (e) in the previous paragraph) seems to be more effective. Some of the agreements promoted by the trade unions of non-standard workers in Italy can be considered a success in this sense. And the project for the network management of multi-activities in a specific local area (Albertville, Rhône-Alpes) has achieved some positive results, at least in terms of the system's engineering.

The most significant results have been obtained in the case of bilateral bargaining between social partners (see point (c) in the previous paragraph). An important factor here is indubitably the long tradition and the notable consolidation of the collective bargaining method for the solution of many critical issues.

When drawing up our balance-sheet, however, consideration should also be made of the indirect effects of concerted initiatives. Among these effects one should not underestimate:

- (d) the effect of mobilising, and sometimes aggregating, leading local-level actors in the pursuit of goals of economic development and/or management of the labour market in new directions or ways, or at any rate ones less frequently used in the past: an example being the emphasis on the partnership method in the case of the New Deal Programme for Young People in the West Midlands;
- (e) the experimentation with new forms of action, or the renewed use of pre-existing ones: the development of company agreements is significant in Germany, for instance, as one reads in the chapter written by Hans Günter Grever; while in Italy, and especially in small-firm areas, renewed use is being made of the territorial bargaining method.

- (f) the creation of space for institutional innovation. This comes about as an effect of the mobilisation of local actors, but also as a largely unexpected effect of initiatives which give rise to others, on the model of Chinese boxes, or of multi-level networks, as discussed earlier.

#### **4.6. Final observations**

Overall, the foregoing survey has shown that the decentralisation of employment protection is under way, although it is still largely in its initial stages, and its prospects of success are by no means clear. We have also seen that the process may assume various forms and be driven, if we concentrate on the protection of the more precarious or at any rate less protected forms of employment, by various logics: the minimal and traditional (but prevalent) logic of regulation implicit in schemes for employment creation in general; that of compensated regulation, in which promotion of the use of non-standard forms of employment (which firms need) is flanked by incentives and benefits for the workers concerned; the logic based on progression (in general negotiated by the unions) along a continuum which gradually converges on the standard model of employment (the logic of the non-standard internal labour market); that of the re-internalisation and stabilisation of non-standard work within an organised perimeter which extends beyond the individual firm; and the logic of providing protection and rights for workers who do not belong to any particular organisation in a stable way.

Note that the first three logics implicitly confirm the substantial central feature of the standard model, on which they seek to converge, or with respect to which they seek to provide compensatory measures. The last two (especially the final one) instead distance themselves from the standard model and seek to modify it, either by redefining the boundaries within which workers are entitled to stability and protection, extending them beyond the individual firm, or by releasing workers from the need to establish permanent relations with a firm in order to enjoy rights and security.

The first three logics are also those which require less revision of the consolidated practices of action and interaction envisaged by the social partners and the local authorities. To be successful in these cases, regulatory solutions need most of all to be based on agreements among all the actors concerned which commit them to the goals to be pursued, avoiding both exclusions and an excessive reliance on voluntarism.

In the other two cases, pressures are instead applied on the traditional practices and logics of action of the representative organisations. In the former, the challenge concerns the allocation of collective goods, and success requires the strong collective mobilisation of local actors. In the latter, the challenge is to redefine the relations between external labour and the firm in a manner which necessarily affects the employment relationships of internal workers. The aim in this case is to provide more extensive inclusive 'light' protection for everyone rather than more exclusive 'heavy' protection for only a few.

The conditions for change to come about are therefore much more demanding. But it is in this area that one discerns forms of work regulation particularly suited to the ways in which the world of production and work is changing.

## **4. CONCLUSIONS AND POLICY IMPLICATIONS**

### **1. Introduction**

On reaching the end of a research project, it is not only necessary to return to the assumptions from which it started, but also to re-examine how the relevant problems to be considered had been addressed.

Since the moment when this study began in January 1999, and even more so since it was planned in January 1998, quite a few economic and social changes have taken place in Europe, especially as regards employment and labour market. In the year 2000, in all the EU countries the economy has been buoyant, unemployment rates have been reduced, and the main preoccupation of governments is much less with jobs. At least in the richest areas – as one also reads in our regional studies – if anything it is the shortage of labour (mainly but not only skilled) that has become of greatest concern for firms and local governments.

In this situation, the use of NFEW has probably not grown to the proportions that were widely expected. While their use has increased (especially in the form of temporary jobs) in countries, like Italy, previously characterised by restrictive legislation – and in this case, too, in less developed areas of the country – according to the more recent official statistics it is stationary or even diminishing in others. Instead, signs are everywhere clear that internal forms of flexibility are increasing – as also found by the survey carried out by us in the autumn of 1999. And there are also signs of a revival in hiring on open-ended contracts.

More specifically, our survey has shown that NFEW are today used very extensively by firms, but only at a low level of intensity. In other words, it is rarely the case – except in that of part-time work – that large numbers of workers are involved in NFEW. And this attenuates the visibility of these forms and their attendant problems.

On the other hand, significant changes – and of different sign – are apparent in normative systems. In certain countries, most notably Germany and Italy, there has been a more or less successful effort to relax or redefine the regulations governing the labour market; in others, like France, Spain but also the UK (especially in relation to transposition of EU directives), one conversely notes attempts to introduce more restrictive rules on the use of NFEW. The result is not so much greater normative convergence as greater sensitivity at the central level to issues concerning labour flexibility. In particular, the incorporation into domestic law of EU directives on working time, on part-time employment and on temporary work has everywhere shifted attention to the issue of non-standard jobs. More than before, these jobs are now subject to collective bargaining and agreement with the trade unions. The reaching of an agreement between Manpower and the TGWU in the UK, the first collective contract for temporary workers negotiated by the two largest unions in Germany's services sector and the two largest agencies in the country, the growth of concerted regulation of employment issues in Spain, the spread of national and sector agreements promoted by

the newly-constituted unions for ‘new’ workers jointly with the union confederations in Italy: these are indicative of a scenario in which non-standard work is becoming ‘normalised’, in the sense that it is increasingly subject to norms.

Somewhat less important in quantitative terms, used extensively but not intensively (see the results of the survey in chapter 3, section 2), more frequently subject to agreements and negotiations than a few years ago, non-standard work is perhaps a less critical issue than it used to be, and less closely associated with social exclusions. Not surprisingly, therefore, NFEW have remained somewhat in the background during our review of initiatives for the concerted regulation of matters concerning work and employment, especially those more official in nature and with greater social visibility.

However, this is not to imply that there has been any diminution in the objective significance of the theme addressed by this report: namely, the importance of identifying ways to reduce the uncertainty of non-standard employment for workers, while at the same time reducing the risks of its inefficient use to firms.

On this point, one is tempted to say that our study is temporally out of phase: delayed with respect to early interpretations amid a disquieting situation of shrinking employment base and predictions of the ‘end of work’; and perhaps too early with respect to the emergence of concern for envisioning new ways to regulate work.

The study has in effect provided support for the idea from which we began, and which gave the project its title: namely that one may expect to see the emergence of forms of NFEW regulation based on bi- and multilateral initiatives agreed between the social partners and the local-level institutions. The cases discussed in chapter 2 section 4 are illustrative of this. If anything, they show that the process is still largely in its initial stages, and that its prospects of success are by no means clear. And we have also discovered that the process may assume various forms and be driven by various logics.

However, before drawing the threads of our argument together by discussing the policy implications of our findings, it is advisable to summarize the latter in orderly manner.

After a brief update on the diffusion of NFEW in the countries examined, we shall resume discussion of some of the most interesting features that emerged from our survey of firms – in particular their assessments of the advantages and disadvantages of using NFEW – and return briefly to the case studies.

## **2. The Importance of the New Forms of Employment and Work**

As one reads in the third research report (LocLevConc, 2001), substantial use was made of NFEW in 1999-2000.

At that time, almost 20 per cent of the British labour force was either employed on a temporary basis or self-employed. Twenty-two per cent of the labour force was employed part-time, including 3 per cent employed part-time on a temporary basis. The incidence of temporary work remained constant at around 5 per cent throughout the 1980s, but after 1992 rose steadily from 5 to 7 per cent of the labour force. The

proportion of the labour force in self-employment increased from 7 per cent in 1980 to over 12 per cent in 2000. There is no reliable information on the number of the self-employed working on a temporary basis, rather than in business in their own right. Part-time employment (excluding the self-employed working part-time) rose from 18 to 22 per cent after 1980, whilst the proportion of the labour force in full-time, permanent employment declined by almost 10 percentage points (representing some 2.5 million people) after 1980, from just under 70 to around 60 per cent (Marginson *et al.*, 2001, p.1).

In France, in January 1999, 21 per cent of the labour force was either employed on a temporary basis or was self-employed. 17 per cent of the labour force was employed part-time. While the proportion of the labour force in self-employment diminished from 14 per cent in 1994 to 12 per cent in 1999, during the same period the incidence of temporary work rose from 6 to 9 per cent. In particular, the number of agency workers doubled, rising from 1 to 2 per cent approximately (Mériaux and Duclos, 2001, p.3).

Also Germany has seen a considerable diminution in standard forms of employment. It has been calculated that between 1985 and 1996 use of full-time permanent employment contracts fell from 60 to 52 per cent of the labour force (Grewer, 20001, p. 5). The largest increase took place in part-time, which doubled during the period from 11 to 23 per cent. And there was also an increase in forms of self-employment (from 8 to 10 per cent) and in the various forms of temporary work.

In Italy, in 1999 about 9 per cent of the labour force was employed on a temporary basis, and 28 per cent was self-employed. Only around 8 per cent were employed in part-time jobs, but the proportion was increasing (Ballarino *et al.*, 2001, p. 3).

In Spain, despite the labour-market reforms of 1994 and 1997, the use of temporary remained particularly high: in Catalonia, it accounted for around 34 per cent of employees. Less use was made of part-time, which in the same period stood at circa 13 per cent. Finally, around 15 per cent of the Spanish labour force were self-employed (Lope, Gibert and Ortiz de Villacian, 2001, pp. 4-5)

In quantitative terms then there has been no diminution in the objective significance of the theme addressed by this report: namely identification of the most suitable ways to regulate NFEW. Although standard forms are still the most widespread, and almost certainly will continue to be, the incidence of those forms which are in some manner different from them is indubitably very large; and they have become of especial importance as regards new entries into the labour market. In Italy, out of over 250,000 jobs created in 1999, around two-thirds involved non-standard forms of employment. And this is no exception in the European panorama.

In the light of a certain revival in hirings on standard contracts in a more positive phase of the economic cycle, it is now clear that, from the point of view of workers in non-standard forms of employment, ongoing changes can be interpreted according to two different dynamics. One is the model of NFEW development as the erosion and transformation of standard employment relationships within a general framework of the flexibilisation of the world of work. The other is the consolidation of the NFEW as a more or less long phase of transition to the relatively stable world of standard employment.

In reality, the two possibilities are not necessarily mutually exclusive; indeed, it is probable that they coexist. But, as we shall see below, the distinction is an important

one from the point of view of possible labour policy interventions, given that, at least in principle, the implications to be drawn from them are different.

In fact, it is one matter if the use by firms of temporary forms of employment, or of part-time contracts (if they do not match the preferences of the workers concerned), or of arrangements with human resources which remain – at least formally – outside the boundaries of the firm, concerns groups of workers who remain trapped in, or who ‘specialise in’, non-standard forms of work. It is another matter if this use by firms of flexible forms of employment affects workers who gradually, and with a certain systematicity and in a relatively brief period of time, leave these forms behind and enter steady employment.

In the former case, one may talk of atypical, non-standard, or flexible ‘workers’. In the latter, of atypical, non-standard or flexible ‘jobs’. To take the point to its extreme, in the former case the cost or burden connected with NFEW fall largely, though not exclusively, on the workers unless they turn into ‘normal’ forms of employment. In the latter they fall mainly on the firm unless it reorganises itself so that it can handle the mobility of human resources more efficiently.

This brings us to the next point.

### **3. Critical Aspects of NFEW**

One of the main and most recurrent findings of our research, in fact, has been that the use of NFEW may cause difficulties.

Uncoupling work from (enduring) membership of the organisation gives rise to problems of workforce commitment, and of worker reliability in the case of not purely elementary tasks (or, at the other extreme, not completely professionalised ones). And it also gives rise to difficulties in the relationship between permanent and temporary workers.

It is no coincidence that our survey on the use of NFEW found a positive relation between the intensity of recourse to NFEW and dissatisfaction with certain effects deriving from them. As we have seen, the main problems arise in the organisation of work. On average, between one-quarter and one-third of respondents (rising to over one-half in the Rhône-Alpes relatively to part-time and in the West Midlands relatively to temporary forms of employment, and most markedly in the case of manufacturing companies) reported an increase in problems of work co-ordination (and therefore an increase in the costs of labour utilisation).

Nor is it a coincidence that the survey also showed that the use of flexible forms of employment is somewhat scattered within company systems, and that they are used with a certain intensity almost exclusively for lower-skilled clerical or shop-floor workers (in the case of part-time) or only for shop-floor workers (temporary hirings). They only marginally concern the categories most crucial for the firm like technicians, professionals and specialists, or commercial and marketing personnel.

Not surprisingly, therefore, again on the basis of our survey data, one finds that forms of functional and temporal flexibility (or internal flexibility) are generally much more

frequent than forms of numerical (or external) flexibility – that is, non-standard forms of employment.

Finally, we have also seen that realisation by firms of the problems and difficulties – as well as the advantages, of course – involved in the use of NFEW is accompanied by interesting, and partly unexpected, opinions on the utility of regulating these flexible forms of employment, and on how to do so.

Firstly, from this point of view, we have observed a strong orientation towards the better regulation of non-standard forms of employment in order to foster active commitment to the firm by workers. This is an important finding because it implicitly signals how widespread is the conviction that workforce participation is necessary, but also that this cannot be guaranteed without appropriate rules. Secondly, somewhat surprisingly in terms of what is generally believed, but coherently with what has just been pointed out, it is not the solution of market regulation that obtains the largest consensus. The solution on which the large majority of opinions converge is instead that of NFEW regulation established by the parties at the local level, while there is a marked preponderance of negative opinions on the adequacy of the current normative framework to firms' needs, and contrasting views on the notion that it is important to involve workers' representatives in order to improve the use of the new forms of employment.

Overall, the data suggest that although the managements of the firms surveyed in the various European regions considered are generally discontented with the laws and collective agreements that currently regulate the use of the new forms of employment, and although there is considerable uncertainty over the role of workers' representatives in this regard, it is not the hypothesis of deregulation based on the logic of the market that predominates, but rather an implicit demand for new rules established by the actors concerned at the local level and able to foster the active workforce commitment that might otherwise be difficult to ensure.

So let us see what our survey of cases of regulation reveals on the matter.

## **4. Models of Regulation and Conditions for Success**

By recapitulating the results of our analysis of cases of local concerted regulation of the NFEW examined, we shall now dwell on models of regulation (who protects against what and how?), on the conditions for regulation to be successful, and on its effects.

As we have seen, a broad variety of forms of intervention can be linked to the theme that interests us. We have listed the following: regional/territorial pacts, or concerted tri-multilateral initiatives; bilateral agreements/contracts between local institutions and agencies providing services (regarding temporary labour, job placement, training, business services); agreements among firms, among employers; territorial (local level) collective agreements; bilateral agreements between public institutions and firms; forms of self-organisation by workers; collective agreements signed by organisations representing non-standard employees; company-level formal/informal agreements.

But apart from the form that initiatives may assume, their logics can be broadly related, as we have said, to the following five types: (i) the minimal, so to speak zero-degree, logic of regulation implicit in schemes for employment creation in general; (ii) that of compensated regulation, in which promotion of the use of NFEW (which firms need) is flanked by incentives and benefits for the workers concerned; (iii) the logic based on progression (in general negotiated by the unions) along a continuum which gradually converges on the standard model of employment (the logic of the non-standard internal labour market); (iv) that of the re-internalisation and stabilisation of non-standard work within an organised perimeter which extends beyond the individual firm; and (v) the logic of providing protection and rights for workers who do not stably belong to any particular organisation.

The first model, more than specifically 'regulating' the use of new forms of employment, implicitly promotes the utilisation (especially in the form of temporary work, often combined with training/retraining schemes) of the hard-to-place unemployed on projects aimed at reducing their unemployment and/or work re-entry. The logic in this case is to promote non-standard employment as a solution in any case preferable to unemployment or irregular work ('in black').

Also the second type promotes the utilisation of non-standard forms of employment (especially in the form of temporary work), but it does so explicitly and on the basis of specific projects to combine the flexible manpower needs of firms with those of jobless or underemployed workers at the local level. In this case, the programmes generally provide for the supply of measures or services designed to ensure that the non-standard jobs proposed are as closely suited to the needs of firms as possible (by means of training programmes targeted on firms' needs) and also convenient for workers (by the provision of transport services, care services for children and the elderly, social security programmes, etc.).

The purpose of the third type of scheme is to reduce the insecurity and disadvantages involved in non-standard forms of employment by organising (on the basis of collective agreements) transition from more unstable and uncertain types of employment to more stable and certain ones, along a path that eventually, at least ideally, leads to standard employment.

The fourth type of intervention is intended to offer prospects of stable employment to workers of whom firms have only intermittent need, defining a new space, organised locally and co-ordinated by a centre, within which these human resources can be re-internalised and used in a manner agreed by several firms.

Finally, the fifth type consists of initiatives designed to re-define the rules on use and protection and to overhaul the services and programmes providing support for workers who remain external to firms.

As we have already emphasised, the first three logics implicitly confirm the substantial central feature of the standard model, on which they seek to converge, or with respect to which they seek to provide compensatory measures. The last two (especially the final one) instead distance themselves from the standard model and seek to modify it, either by redefining the boundaries within which workers are entitled to stability and protection, extending them beyond the individual firm, or by releasing workers from the need to establish permanent relations with a firm in order to enjoy rights and security.

This is as much as it is possible to say by generalising from cases which, however, have not necessarily always been successful; or whose results it is too early to assess. Under what conditions, therefore, can we imagine the solutions observed being successful?

To return to the above classification, we may say that the first three logics are also those which require less revision of the consolidated practices of action and interaction envisaged by the social partners and the local authorities. However, given that the regulatory solutions concern forms of employment different from those around which relations between the social partners have consolidated in the past, to be successful in these cases such regulatory solutions need most of all to be based on agreements among all the actors concerned which commit them to the goals to be pursued, avoiding both exclusions and an excessive reliance on voluntarism. For this to happen, there must be a surplus of resources to bring into play, thereby encouraging participation, and the creation of a promoting body able to mobilise interests. It is for this reason that programmes of this kind usually develop by using additional external resources (European structural funds, for example) and are based on co-operation among the interested parties, with the local government often playing a major role.

In the other two cases, the traditional practices and consolidated courses of action of the local actors are subjected to powerful pressure.

In the first case, it is a matter of devising and implementing rules for the acquisition and co-ordinated use of human resources within a specific territorial area, and by coalitions of firms rather than by single organisations. But this raises all the difficulties connected with the organisation of collective goods. In other words, success requires the strong mobilisation of local actors according to dynamics not dissimilar from those necessary for collective movements to arise and spread, but with the extra complication that above all necessary in this case is inter-firm co-operation – the promotion of which is particularly complex, as the literature on collective action by entrepreneurs has emphasised for some time (Schmitter and Streeck, 1981). It is therefore necessary (i) for there to be great interest – however latent – at the local level in the creation of this collective good, namely the pooling of human resources to be used in turn by employers; (ii) that local social preconditions (social capital) are in place for the generation of the climate of trust necessary for the organisation of this use; (iii) that there are local leaders able to put co-operative action into practice through the launching of information and consensus-building programmes, the acquisition of support resources, the creation of alliances, the definition of procedures for operational decision-making (e.g. reaching a territorial-level collective agreement, the creation of a firms' association for the purpose, the creation of a specialised co-ordination agency); (iv) that rules for access to and utilisation of the collective good are established.

In the second case it is a matter, as said, of defining and implementing conditions and rules which protect non-standard workers (especially the more mobile and temporary of them, or the self-employed) whether or not they belong to a structured setting, and without proposing their 're-internalisation'. This not only requires imagination and inventiveness, given that it amounts to defining the bases for a different logic of employment (that of work which remains external to the firm, or external to settings that we may call 'quasi-firm'), it also raises problems of redefining the relationships between external labour and the firm in a manner which necessarily affects the employment relationships of internal workers.

The aim in this case is, as said, to provide more extensive inclusive 'light' protection for everyone rather than more exclusive 'heavy' protection for only a few. The conditions for change to come about are therefore much more demanding. This is because they entail that there exists an interest in reinventing the rules (and thus changing the *status quo* for both firms and labour); that this interest finds a voice able to assert it and place

it on the political/trade-union agenda; and that a sufficiently broad coalition willing to intervene is created. It is no coincidence that some first examples, however timid, have emerged in cases where bodies representing the interests of the new forms of employment have been set up.

It is, moreover, in this area that one discerns forms of work regulation particularly suited to the ways in which the world of production and work is changing.

## **5. Policy Implications**

Finally, the results of our research have a number of implications regarding the choice of labour-market policies. As we know, the issue of the policies best suited to regulation of the labour market has been a matter of great controversy for some time. Apart from ideologically connoted simplifications, if, how and to what extent governments and administrations and/or the social partners should actively intervene in this terrain, or whether they should act simply to remove the obstacles that impede the free workings of the market, is an issue not only on which there is no agreement but on which attentive observers have drawn numerous distinctions (CEPR, 1995; Layard, Nickell and Jackman, 1994; Esping-Andersen and Regini, 2000).

In general, the debate has centred on whether and how to intervene in order to reduce unemployment and/or increase the competitiveness of firms. As we have seen, the approach followed by our research has been somewhat different: in fact, we started not from the theme of unemployment, but from that of the use made of forms of work and employment different from those that became standard in the course of the twentieth century, the aim being to identify how they can be used in a manner optimal from the point of view of both the employment security of the workers involved and the efficiency of firms.

However, this meant that our research cut across the theme of unemployment more generally. We now list the aspects of greatest interest in the light of our research results.

### **5.1. The importance of regulation**

A first observation is entirely preliminary and concerns the importance of regulating (aspects of) the labour market – that is, actively intervening in it.

That a research programme designed to investigate the potential of concerted action by local-level social partners and institutions for the regulation of NFEW should emphasise the importance of regulation (as opposed to the merely automatic working of the market) may seem entirely obvious, when it is not the outcome of an initial prejudice. But here we emphasise it on the basis of research results which mainly concern the opinions and interests of firms and local governments, over which the researcher's point of view has no influence.

This is paralleled, as we have repeatedly pointed out, by the broad recognition expressed by the firms interviewed during the survey that NFEW must be regulated better (in particular in order

to ensure the necessary commitment of the workers), and that solely market mechanisms are insufficient for this purpose. It is true that one could argue, as has sometimes been done in the debate with the social partners, that the thousand-odd firms that replied formed a peculiar sample, in that they were particularly interested in the use of the NFEW. Yet this does not explain why they also showed considerable interest – much more than we expected – in a new regulation of these NFEW, and not in simple regulation by the market. And it is indeed of especial significance that this interest in the better regulation of non-standard forms of employment was expressed by firms which did make much use of them.

That it is necessary to intervene in the spontaneous workings of the market is also confirmed by the behaviour of firms which – in some of our cases – endeavour to devise, together with the trade unions and institutions, measures which will make it possible at least partly to stabilise the temporary work, especially of seasonal type, of which they have intermittent need.<sup>43</sup>

Many of our cases also highlight the interest of local governments in active labour-market intervention, the purpose being to promote employment and the local economy. This also concerns more developed regions, like those considered by our research. One of the conclusions arising from analysis of these cases,<sup>44</sup> in fact, is that the economic development does not suffice on its own to obtain satisfactory employment growth. Neither in regions close to full employment are market mechanisms sufficient to ensure a match between demand and supply, and in particular the full use of human resources which, without promotion and support programmes, tend to remain jobless or underemployed. Furthermore, nor does the existence of rules and protections for workers suffice in itself if they are not effectively available to those for whom they have been intended.

A first corollary, therefore, is that it is opportune and convenient (as well as being in accordance with principles of social equity) to intervene actively in the labour market, especially with policies targeted on specific beneficiaries, and with programmes aimed at the smooth fruition of the policies.

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<sup>43</sup> See the agreements on seasonal work in Rhône-Alpes or Veneto.

<sup>44</sup> See in particular the cases of territorial-level regulation in the West Midlands or in the Italian regions.

## 5.2. The advantages of the local/regional dimension

But what features should measures have? Our study has shown that particularly appropriate are ones rooted in the local/regional level. The commentaries on some of the cases studied in the West Midlands, Rhône-Alpes, Saarland and Southern Upper Rhine (as well as the Italian or Catalan areas characterised by diffused economy) are eloquent in this regard.

Measures at this level are in fact functional to the implementation of labour market policies based on the delivery of quality employment services, targeted on specific and difficult problems, which would be impossible to deal with from the centre and which spring from the new characteristics of highly differentiated and segmented labour markets. From this point of view, the local dimension increases the efficacy of measures.

The local dimension can also prove to be more efficient to the extent that it gives rise to beneficial linkages among different programmes (see Marginson et al., 2001).<sup>45</sup> This, however, requires the ability or the possibility to activate horizontal linkages between programmes that are not only distinct but promoted by different actors with at least partly different logics of action. It is this ability or possibility to network programmes or projects of differing complexity together without placing them under excessive strain (what we have called the Chinese box pattern) that constitutes one of the most promising opportunities in which to invest planning and resources.

Within a distinct territorial unit it is also possible to make forecasts and prior calculations (as regards employment and training needs, for example) on which to base policies and define the means to implement them, overcoming the limitation of overly circumscribed and short-term perspectives (which rule out forecasts) or ones that are too general and broad (where plausible calculations cannot be made) (Mériaux and Duclos, 2001).

All this highlights the importance of defining and consolidating the territorial dimension of policies.

## 5.3. The need for the consensus-based co-ordination of activities

What has been said affects not only the level at which policies are devised and implemented but also the style of action to adopt, given that the characteristics of tailor-made active policies targeted on specific problems do not lend themselves to bureaucratic-administrative management. Rather, they require the mobilisation and involvement of all relevant actors, and the consensus-based co-ordination of initiatives. In other words, they require the search for concerted solutions.

The cases examined indicate, in fact, that the more actors search for *ad hoc* solutions to overcome obstacles and/or grasp new opportunities experimentally – as happens in the case of NFEW – the more necessary the consensus-based co-ordination of initiatives becomes. The joint definition of bi-trilateral pacts or agreements, or at any rate of shared reference norms, serves to establish shared parameters or to set limits and

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<sup>45</sup> See the linkages between the New Deal for Young People programme and the Not-for-Profit Temporary Agency of Birmingham.

constraints on the discretion of actors. This is necessary in an area or at a level where parameters and constraints deriving from norms fixed by national laws or agreements do not exist or are inadequate, or where the intention is to modify them experimentally. Now, the advantage of jointly agreed solutions is that they can be innovative (see the agreements on the 'stabilisation' of seasonal work, on the organisation of alternation among different activities, etc.). The disadvantage, however, is that they are fragile: fragile because they depend on adherence by all the main actors involved and are therefore subject to the disruptive effects of exit or opportunist behaviours, or of collusive coalitions.

All this has two important implications. One is that it cannot be taken for granted that innovative potential – even when on paper it promises advantages or reduced risks for all the actors involved – will actually be realised. Although this is a rather obvious observation, it is often ignored. Yet it is important for explaining why, in the face of the difficulties of co-operation, companies may prefer the sub-optimal solution of adapting to already-existing rules imposed from above which may be less convenient but do not involve the costs of devising and participating in innovation processes – as emphasised, for example, by the French study (Mériaux and Duclos, 2001).

The second implication is that the role of the resources available and of incentives for co-operation becomes of particular importance. This is an aspect which was not initially focused on by our research, and which would require an entire project on its own. Our cases have frequently highlighted the importance of the availability of European structural funds, or of other sources of funding outside the local system, as a factor which facilitates concerted actions. However, this availability of resources is neither a sufficient nor a necessary condition, given that on the one hand it may give rise to local coalitions of a purely opportunistic nature, incapable of producing innovation, and that on the other the concerted definition of new rules may take place even if financial resources are not made available (for example when collective agreements are reached). What instead always matters is the presence of a tradition of co-operative relations among the main actors. Where this tradition is absent, of especial importance is the role of the local authorities and institutions in promoting innovation (see on this the English cases).

#### **5.4. What labour policy interventions?**

In terms of merit, possible labour policy interventions may differ according to whether the use of NFEW is (or is seen as being) the erosion and transformation of the standard employment relationship within the general framework of the flexibilisation of the world of work, or whether it is a transitional phase during deferred and gradual entry into the world of standard employment.

In the latter case, as has already been pointed out, intervention takes mainly the form of (temporary) measures to support the (temporary) condition of non-standard employment and/or to accompany and facilitate transition to standard employment. Actions should therefore be targeted on increasing the employability of temporary or self-employed workers, and on enhancing their human capital and/or supporting female workers by means of social policy measures in the case of part-time employment.

In the former case, by contrast, the priority focus of measures should be on redefining and updating the normative framework so that it covers in a socially sustainable manner the employment terms and conditions of workers who do not stably belong to the organisations for which they work, and whose prospects for employment security must be uncoupled from membership of an organisation as the access route to industrial citizenship. This opens up potentially extremely broad space for innovation. Among the items to be placed on the agenda should be at least the following: (i) a recasting of welfare policies (pensions, coverage against illness and disability, maternity support); (ii) a revision of training and retraining policies (in particular of the forms and costs of access, and of the procedures for skills certification); (iii) a rethinking and reform of career advancement systems, of income support and protection, of access to credit and other facilities at the moment tied to dependent employment.

What we have observed on the basis of the cases studied is no more than a pale anticipation, however interesting and unexpected it may be, of a possible much broader and more radical reform of the modes of regulating work.

## **5.5. Between co-ordinated action and interest representation**

Although the foregoing analysis has focused on the importance of the local dimension of policies, its results also prompt reflection on the role of higher levels, national and/or European, of intervention in the labour market.

This role is indubitably important from two fundamental points of view: that of definition of the general normative framework, and that of promotion (sometimes indirect and unintentional) of change and innovation also by making resources and incentives available.

Bearing in mind the necessarily very heterogeneous nature of the concerted initiatives examined – from the point of view of both their goals and the means to achieve them, as well as their results – it seems that in addition to these functions of higher levels of governance there should be those of the ‘light’ co-ordination of measures and the *ex-post* monitoring of output. This is especially necessary to prevent harmful forms of competition and/or a socially unacceptable diversification of standards.

But the cases observed have also raised the issue of the representation of NFEW. Sometimes, the concerted initiatives examined have exhibited a substantial lack of labour representation. But even when this has not been the case, the forms of representation chosen have been mainly intended to provide support and protection for non-standard employment viewed as a temporary condition transitional towards stable forms of employment.

There are exceptions, of course. But in general our study suggests that there is a representation gap above all with respect to the devising, proposing and implementing of a reinvented set of rules, if, as said, the aim is to provide more extensive inclusive ‘light’ protection for everyone rather than more exclusive ‘heavy’ protection for only a few.

## **5. DISSEMINATION OF RESULTS**

### **5.1 The adopted strategy**

As also emphasised in chapter 2 of this report, given the exploratory nature of the study and its focus on socially controversial phenomena and trends often addressed in ways that tend to remain concealed, discussion of the results with the protagonists was seen as particularly important, and not only on completion of the work.

The intention of the project was to promote communication and discussion in two main ways. First, by setting up monitoring groups, at the local and European levels, consisting of representatives from all the parties concerned (unions, employers' associations, non-standard workers' associations where they existed, public administrations) with whom the main findings would be discussed. Second, by disseminating the research results among the social partners, policy-makers, and the scientific community at the national and European levels, by having members of the research group participate in seminars, conferences and similar, and by making the results available in readily accessible form.

In relation to the discussion and communication of the results, it was also proposed, if favourable preconditions were in place, to set up a systematic database on the phenomena studied on conclusion of the research, and to help establish a permanent qualitative-quantitative survey system (observatory) on the local-level concertation of the regulation of new forms of employment and work and more generally on industrial relations at the decentralised level.

As will be seen below, the research programme has been largely completed and a variety of further developments are envisaged, although one part of the initial project has been shelved at least for the time being.

### **5.2. Communication and debate with the social partners, the institutions and the scientific community**

Rather than permanent monitoring groups – which proved difficult to organise – all activities by the group during pursuit of the project between January 1999 and February 2001 relied upon, and stimulated, frequent contacts and discussion seminars with institutions and social partners.

Crucial to this strategy of communication and discussion were the two European-level seminars held in Brussels on 17 December 1999 and 27 February 2001, invited to which were representatives of DG Research, DG Employment, UNICE, UEAPME, ETUC, CEMR, ETUI, and the European Foundation of Dublin. The results from the first part of the research (establishment survey) were discussed during the first seminar, while the results of analysis of the case studies and prospects for local-level concertation were examined during the second.

Prior to the first Brussels seminar in December 1999, the following activities had been already undertaken during the first year of the project to publicise the research and contact potential users/contributors:

- a. the general project illustrating the research was sent to interested organisations (e.g. the European Foundation in Dublin; the European Trade Union Institute in Brussels; the employers' associations Assolombarda, Federmeccanica, CNA, Confartigianato in Italy; research centres and state agencies in France and Spain);
- b. contacts with social partners were established at the local level to illustrate the project, as well as to gain access to information of relevance to the study;
- c. the research programme was illustrated during:
  - meetings and conferences organised by local institutions (e.g. in Catalunya, in Lombardy)
  - academic conferences and seminars (e.g. at a seminar of the European University Institute in Florence in April 1999; at the meeting of the Society for the Advancement of Socio-Economics, SASE, at the University of Madison, Wisconsin, July 1999; at the annual meeting in September 1999 of IRRU's Advisory Committee, which comprises representatives of the government department responsible for employment relations, other public agencies, the social partners and senior academics);
- d. a preliminary presentation of selected findings from the establishment survey was made at the Annual Conference of one of the small employers' associations in Italy (CNA) in November 1999;
- e. a provisional web-site for the research was opened by Olivier Mériaux (CERAT-IEP) at the address: [www.upmf-grenoble.fr/cerat/ilc.htm](http://www.upmf-grenoble.fr/cerat/ilc.htm).

During the second year of the project, the following activities were undertaken to publicise the project and start dissemination of results:

- a. executive summaries of the results of the quantitative survey in each region were sent to the managers of the workplaces surveyed, to the social partners and interested organisations at the local level. This was greatly appreciated by the managers involved. A version of the British executive summary was also published as a UK feature on the on-line European Industrial Relations Observatory;
- b. meetings with social partners were convened at the local level to illustrate and discuss the results of the first empirical part of the project (monitoring groups), as well as to gain access to information relevant to the second part of the research;
- c. representatives of the research group (Olivier Mériaux and the co-ordinator) were invited to make presentations of the research results at a seminar on "The Local Dimension of the European Employment" held in Florence (7-8 February 2000) at the Robert Schumann Centre for Advanced Studies, organised in collaboration with DG Employment of the European Commission;
- d. the co-ordinator was invited to present a paper on "Local level concertation. Experiences in Europe" at a restricted seminar on "Work, Welfare and Governance in Europe and the United States: A Transatlantic Dialogue" held at the European Union Center of the University of Wisconsin, Madison, in April 2000;

- e. on request by DG Employment, selected preliminary results from the project were sent as documentation material for the European Conference held in Lisbon on 28-30 May 2000;
- f. a presentation of the project and of its preliminary results was made by the co-ordinator at a conference of the European Work Organisation Network (EWON) at CNEL in Rome in June 2000;
- g. a paper on the survey results was presented by Paul Marginson at the Employment Research Unit Conference 'Work Futures', Cardiff University (September 2000);
- h. a presentation of the project and of its preliminary results was made by the co-ordinator at a conference on "European Integration and New Citizenships", held at the University of Milan (20-21 October 2000);

However, the permanent monitoring system (observatory) on local level concertation was not set up, although it had originally been foreseen if social partners and institutions showed interest and provided support. Criticism was made of this part of the project by the social partners during the Brussels seminar in December 1999. Nor was interest in an observatory expressed during subsequent meetings (except for a certain enthusiasm shown during presentation of the results from the first part of the research in Veneto). For the moment, therefore, the project has been shelved.

### **5.3. The web-site and the LocLevConc *Working Papers* series**

In order to facilitate constant contacts and the dissemination of the results, a web-site for the research project was opened by Ires Lombardia in 2000 at the following address: [www.ireslombardia.it](http://www.ireslombardia.it).

The LocLevConc *Working Papers* series was launched at the same time, so that the various provisional contributions produced for the project could be published in the original languages. These papers (see chapter 7 below) can be consulted, and also downloaded, at the above address. On request, they are also available in hard copy.

The research reports are also available at the project web-site.

### **5.4 Further action and dissemination activity**

- (a) Three papers will be presented by members of the group at the meeting of the Society for the Advancement of Socio-Economics, SASE, the University of Amsterdam, 28 June-1 July 2001.
- (b) A contribution to a special edition of the ETUI's journal *Transfer* will be prepared in the autumn by Andreu Lope, Paul Marginson and Ida Regalia
- (c) The co-ordinator has been invited to present the research results at a conference organised by *Consejo Economico Y Social*, Madrid (October 2001)
- (d) The paper presented by I. Regalia at the 2001 Madison conference will be published in a book edited by Trubek, D. and Zeitlin, J. (Oxford University Press, 2002)
- (e) An article on the French situation is scheduled for publication in *Travail & Emploi*, France.

LOCLEVCONC PROJECT

- (f) Articles on the case studies in small firms' areas will be published in *Economia e società regionale*, Italy
- (g) On invitation by ETUI, the research results will be presented in Brussels in autumn 2001.
- (h) Currently being planned is a book in English on the research results (possible publisher: Routledge).

## **6. ACKNOWLEDGEMENTS AND REFERENCES**

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## 7. ANNEXES

## 7.1 Research Reports

1. LOCLEVCONC (1999) *New Forms of Employment and Work and Local-Level Regulation. A survey of the literature in five European countries*, Research Report, vol. 1, December. Ires Lombardia, Milan
2. LOCLEVCONC (2000) *A Survey of the Use and Regulation within Workplaces of New Forms of Employment and Work in Selected Regions of Five European Countries*, Research Report, vol. 2, October. Ires Lombardia, Milan
3. LOCLEVCONC (2001) *The Regulation of New Forms of Employment and Work in European Regions. An overview based on local territorial and local company case studies*, Research Report, vol. 3, February. Ires Lombardia, Milan

## 7.2 The LocLevConc Working Papers series

As already said, the LocLevConc *Working Papers* series was launched in 2000, so that the various provisional contributions produced for the project could be circulated in English and/or in the original languages. These papers can be consulted, and also downloaded, at the Ires Lombardia web-site ([www.ireslombardia.it](http://www.ireslombardia.it)). On request, they are also available in hard copy.

The papers in the series are the following:

Rachael McIlroy and Paul Marginson IRRU, University of Warwick	New Forms of Employment and Work: A Review of the UK Literature	WP/00/1/EN
Olivier Mériaux CERAT-IEP, Grenoble	New Forms of Employment and Work: A Review of the French Literature	WP/00/2/EN
Hans Günter Grewer ISO, Saarbrücken	New Forms of Employment and Work: A Review of the German Literature	WP/00/3/EN
Igor Piotto and Sonia Bertolino IRES Lucia Morosini, Turin	New Forms of Employment and Work: A Review of the Italian Literature	WP/00/4/EN
Andreu Lope and Francesc Gibert QUIT, Universitat Autònoma de Barcelona	New Forms of Employment and Work: A Review of the Spanish Literature	WP/00/5/EN
Ida Regalia IRES Lombardia and University of Milan	Main Findings of a Literature Survey in Five European Countries	WP/00/6/EN
Rachael McIlroy and Paul Marginson IRRU, University of Warwick	New Forms of Employment and Work: Findings From a Survey of West Midlands Workplaces	WP/00/7/EN
Andreu Lope, Francesc Gibert and Daniel Ortiz de Villacian QUIT, Universitat Autònoma de Barcelona	New Forms of Employment and Work: The Results of a Survey in Catalonia	WP/00/8/EN

LOCLEVCONC PROJECT

Barbara Lizzeri IRES Lombardia	New Forms of Employment and Work: Findings From a Survey in Lombardy	WP/00/9/EN
Ida Regalia IRES Lombardia and University of Milan	Preliminary Results of a Survey of the Diffusion and the Management at the Local Level of Atypical Forms of Work and Employment in Five European Regions	WP/00/10/EN
Rachael McIlroy, Paul Marginson, Ida Regalia IRRU, University of Warwick, IRES Lombardia, Milan	Regulating External and Internal Forms of Flexibility at Local Level: Five European Regions Compared	WP/00/11/EN
Hans Günter Grewer ISO, Saarbrücken	New Forms of Employment and Work – Local Level Concertation: Findings From the Survey in Saarland and Southern Upper Rhine	WP/01/12EN
Ida Regalia IRES Lombardia and University of Milan	Dealing With New Forms of Employment and Work. A Survey of the Use and Regulation at the Local Level of Non Standard Forms of Employment in Five European Regions	WP/01/13/EN
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Andreu Lope, Francesc Gibert and Daniel Ortiz de Villacian (QUIT) Universitat Autònoma de Barcelona	The Local Regulation of the New Forms of Employment and Work. The Case of Catalonia	WP/01/17/EN
Franco Bortolotti and Mario Giaccone IRES Veneto and IRES Tuscany	The Regulation of Non Standard Employment in the Italian Small Firms Systems. A Comparison Between Tuscany and Veneto	WP/01/18/EN
Fabrizio Bano IRES Emilia Romagna and University of Ferrara	New Forms of Employment and Work in Italy: A Legal Overview	WP/01/19/EN
Ida Regalia IRES Lombardia	The Possible Role of Local Level Concertation in the Regulation of New Forms of Employment and Work. The Results of Six regional Studies in Europe	WP/01/20/EN
Olivier Mériaux, CERAT-IEP, Grenoble	Formes Particulières d'Emploi en Rhône-Alpes: Usage et Régulation	WP/00/1/FR
Olivier Mériaux et Laurent Duclos - CERAT-IEP, Grenoble	Agencements locaux et internalisation de la responsabilité de l'emploi. Etudes de cas menées en Rhône-Alpes	WP/01/2/FR
Igor Piotto – Sonia Bertolino IRES Lucia Morosini, Torino	Le nuove forme di occupazione e di lavoro. Una rassegna delle letterature italiana	WP/00/1/IT
Ida Regalia IRES Lombardia e Università di Milano	Nuove forme d'impiego e di lavoro: osservazioni sulla base della letteratura in cinque paesi europei	WP/00/2/IT
Mario Giaccone IRES Veneto	Forme nuove di lavoro e d'impiego: i risultati di un'indagine in provincia di Padova	WP/00/3/IT
Mario Giaccone IRES Veneto	Le nuove forme di flessibilità del lavoro spiazzano quelle tradizionali di piccola impresa?	WP/00/4/IT
Barbara Lizzeri IRES Lombardia	Forme nuove di lavoro e d'impiego: i risultati di un'indagine in Lombardia	WP/00/5/IT
Lorenzo Piazza IRES Toscana	Forme nuove di lavoro e di impiego: il caso di Prato	WP/00/6/IT
Loris Lugli, S.Tugnoli IRES Emilia Romagna	Lavori non standard, flessibilità e contrattazione in Emilia Romagna	WP/00/7/IT

Daniel Ortiz de Villacian QUIT, Universitat Autònoma de Barcelona	Tendencias y situación de las formas de empleo y del mercado de trabajo en Cataluña	WP/00/1/ES
Andreu Lope y Francesc Gibert QUIT, Universitat Autònoma de Barcelona	Nuevas formas de empleo y de trabajo y sus formas de regulación: revisión de la literatura española	WP/00/2/ES
Andreu Lope, Francesc Gibert y Daniel Ortiz de Villacian QUIT, Universitat Autònoma de Barcelona	Nuevas formas de empleo y de trabajo: los resultados de una encuesta en Cataluña	WP/00/3/ES

### 7.3 Other Project Papers and Publications

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#### B) INDUSTRIAL RELATIONS RESEARCH UNIT, UNIVERSITY OF WARWICK, UK

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LOCLEVCONC PROJECT

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