



Comparative report on the types of distributive claims, interests and capabilities of various groups of the population evoked in the political and economic debates at the EU and at the nation state level

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The logo for ETHOS, featuring the word "ETHOS" in a blue, sans-serif font. The letter "O" is replaced by a stylized orange and yellow globe icon.

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About ETHOS

ETHOS - Towards a European Theory Of Justice and fairness, is a European Commission Horizon 2020 research project that seeks to provide building blocks for the development of an empirically informed European theory of justice and fairness. The project seeks to do so by:

- a) refining and deepening the knowledge on the European foundations of justice - both historically based and contemporary envisaged;
- b) enhancing awareness of mechanisms that impede the realisation of justice ideals as they are lived in contemporary Europe;
- c) advancing the understanding of the process of drawing and re-drawing of the boundaries of justice (fault lines); and
- d) providing guidance to politicians, policy makers, advocacies and other stakeholders on how to design and implement policies to reserve inequalities and prevent injustice.

ETHOS does not merely understand justice as an abstract moral ideal, that is universal and worth striving for. Rather, it is understood as a re-enacted and re-constructed "lived" experience. The experience is embedded in firm legal, political, moral, social, economic and cultural institutions that are geared to giving members of society what is their due.

In the ETHOS project, justice is studied as an interdependent relationship between the ideal of justice, and its real manifestation – as set in the highly complex institutions of modern European societies. The relationship between the normative and practical, the formal and informal, is acknowledged and critically assessed through a multi-disciplinary approach.

To enhance the formulation of an empirically-based theory of justice and fairness, ETHOS will explore the normative (ideal) underpinnings of justice and its practical realisation in four heuristically defined domains of justice - social justice, economic justice, political justice, and civil and symbolic justice. These domains are revealed in several spheres:

- a) philosophical and political tradition,
- b) legal framework,
- c) daily (bureaucratic) practice,
- d) current public debates, and
- e) the accounts of the vulnerable populations in six European countries (the Netherlands, the UK, Hungary, Austria, Portugal and Turkey).

The question of drawing boundaries and redrawing the fault-lines of justice permeates the entire investigation.

Alongside Utrecht University in the Netherlands who coordinate the project, five further research institutions cooperate. They are based in Austria (European Training and Research Centre for Human Rights and Democracy), Hungary (Central European University), Portugal (Centre for Social Studies), Turkey (Boğaziçi University), and the UK (University of Bristol). The research project lasts from January 2017 to December 2019

Executive Summary

ETHOS project global aim is to explore, theoretically and empirically, the fault lines of justice and to formulate a theory of justice and fairness that combines theoretical, legal and empirical analysis. This deliverable focuses on the types of distributive claims, interests and capabilities of various groups of the population evoked in the political and economic debates at the EU and at the nation state level (D6.2). As the original project states, this goal was planned to be achieved through a study on the non-realization or limited realization of distributive justice claims experienced by the most vulnerable and marginalized groups in society.¹

Based upon the challenges brought up by Castro Caldas (2017) and framed on D6.1, the core question that led to this (D6.2) research was: how did the austerity discourses, translated into policies and laws in the context of the recent crises, affected EU and Turkey democracies and citizens' rights? In order to understand the justice or injustice experienced by marginalized groups in society we opted to include grassroots movements and their non-institutionalized discourses. A central goal was to learn about their specific conditions and obstacles, but also to listen to their views about European policies and the European future in the context of redistributive justice.

The main challenge of this deliverable was to unveil the voices of the vulnerable groups included in the study. Research and policies meant to be "about" people and groups frequently fail to include them, i.e., citizens' real claims and experiences expressed in their own voices and discourses are frequently erased from the public sphere. This report brings together different and sometimes contradictory discourses: a) official discourses translated into national and international policies and law (hard law and soft law); b) citizens' discourses about the consequences of EU and national policies and law on their lives, their claims and alternative proposals.

The study covered research in five EU member states (Austria, Hungary, Netherlands, Portugal and UK) and in Turkey. It has a national comparative dimension, for which we opted to give special attention to a common vulnerable group (young women). Research also focused on a second specific group that varied for each country according to a preliminary analysis of national reality (persons with disabilities, Roma people, younger and older people, women, migrants - including non-Western migrants -, and third-country nationals²).

In a first moment, the work was based on desk research (bibliography review and legal, statistical and documental analysis). Following a broad picture of the European situation, in a second moment the research moved into an empirical approach with a smaller scale view (semi-structured interviews to key informants).

As the analysis shows, European welfare and employment regimes, as well as the European Social Model are experiencing a convergence towards neoliberalism and that is jeopardizing citizens' rights and democracy. The consequences include devastating effects in employment, increased insecurity with loss of jobs, precariousness and in-work poverty, threats to human dignity. Despite a general policy trend, the intensity and effects of austerity vary between countries and social groups.

In addition to the obvious economic and financial aspects of the austerity model, the post-crisis reaction resulted in a social model of naturalization of inequalities of an "austerity society". Legitimacy by fear, prompted by predictions of catastrophic scenarios, asserts itself as a mechanism for converting the narrative of austerity into a

¹ ETHOS - Towards a European Theory Of Justice and fairness, Project Number 727112, Annex 1 (part A).

² Within EU law, a TCN constitutes any person who is not a citizen of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union (TFEU) and who is not a person enjoying the Union right to free movement, as defined in Article 2(5) of the Schengen Borders Code.

dominant political-social model, assuring the absolute priority of the moral values of economic and labour neoliberalism (Ferreira, 2011).

Although fear is many times paralyzing and leaves citizens vulnerable to populist discourses, the perception of injustice also led to public protests. A young and well-educated European generation that became adult to realize that the European promises of democracy, rights and opportunities were losing their meaning occupied the public space in order to get their voices heard. European institutions and their leaders claimed that austerity was the only possible path, but protesters were discussing something different. They were not looking for solutions for the crisis inside of the current model, they wanted to discuss a new model of democracy that is open to the voices of citizens and takes seriously the values inscribed in European treaties and national constitutions.

The European project is, in its essence, a political project and not legal engineering, even though the legal institutions have played a crucial role in its development. Restoring the European project of citizenship, equality and solidarity cannot be achieved without the democratization of its political institutions. Europe's problems are not temporary crises, nor are they ordinary issues. Rather, they are warning signs of a structural reality that, at this rate of degradation, can very well reach a peak in which the values of freedom, democracy, equality and rule of law - that are the cornerstones for the Treaty of Lisbon or the Charter of Fundamental Rights of the European Union -, lose their meaning, and Europe becomes a caricature of itself - discredited within its borders and abroad.

If there is something that resistance and protest movements have shown during the crisis or even the copying mechanisms of social groups to overcome hardship or test alternative solutions is that the possibilities for the future are broader than the idea that austerity is the only way.

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List of Abbreviations

CSR - Country Specific Recommendations

EC – European Council

EMU - Economic and Monetary Union

EU – European Union

ESPN - European Social Policy Network KBE - knowledge-based economy

ILO – International Labour Organization

IMF – International Monetary Fund

KBE - Knowledge-Based Engineering

OECD – Organisation for Economic Co-operation and Development

OMC - Open Method of Coordination

R&D – Research and Development

SME - Small and medium-sized enterprise

WB – World Bank

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Introduction

The ETHOS project global aim is to explore, theoretically and empirically, the fault lines of justice and to formulate a theory of justice and fairness that combines theoretical, legal and empirical analysis. Some questions were formulated to drive the multiple analysis and case studies: What is just and what is unjust? Where does (in)justice starts? Who is entitled to (what kind of) justice? On what grounds? Who should secure justice and how? This deliverable focuses on the types of distributive claims, interests and capabilities of various groups of the population evoked in the political and economic debates at the EU and at the nation state level (D6.2). As the original project states, this goal was planned to be achieved through “a study on the non-realization or limited realization of distributive justice claims experienced by the most vulnerable and marginalized groups in society: the young, the old, disabled people and women as constructed and expressed in advocacy discourses, including the written contributions of representatives of workers’ interests (trade unions, the ILO), relevant NGOs, the OECD and the IMF as well as interviews with relevant representatives of those organisations.”³

The main challenge of this deliverable was to unveil the voices of the above-mentioned vulnerable groups. Research and policies meant to be “about” people, groups frequently fail to include them, i.e., citizens’ real claims and experiences expressed in their own voices, and discourses, are frequently erased from the public sphere. When Gayatri Spivak (1988) asked, in her seminal paper, “Can the subaltern speak?” she was not questioning their ability to express ideas about the world; rather, about the possibilities of being heard, understood and seriously taken by those in charge. This report brings together different and sometimes contradictory discourses: a) official discourses translated into national and international policies and law (hard law and soft law); b) citizens’ discourses about the consequences of EU and national policies and law on their lives, their claims and alternative proposals. While written and official economic and advocacy discourses were an important element on our analyses we intended to go further in order to bring some novelty and enrich the results by including different experiences and perspectives of the vulnerable groups studied.

The recent crisis did not hit everyone in the same way, neither did the “one size fits all” character of the austerity and structural adjustment reforms. Countries were affected in different ways as they departed from different starting points and went through different austerity levels and structural adjustment measures. However, the logic of inequalities goes well beyond the differences between countries and pervades national societies. There are also different forms and intensities of exclusion inside each country. Boaventura de Sousa Santos argues that civil society is composed of three circles: intimate civil society, strange civil society, and uncivil civil society. The intimate civil society is a sphere of hyper-inclusion, i.e. citizens who have connections with the power of the State, who enjoy all their rights and have access to public resources far beyond what the policy of rights would guarantee them. The strange civil society consists of citizens who are moderately integrated, who can exercise their civic and political rights more or less freely, and who have but little access to social, economic and cultural rights. Lastly, the uncivil civil society is the outer circle, a lawless territory, where appropriation and violence rule. It is composed of the citizens who are excluded from the social contract, living in invisible areas (Santos, 2003: 25-26).

³ ETHOS - Towards a European Theory Of Justice and fairness, Project Number 727112, Annex 1 (part A).

The defence of the European project is not compatible with an incomplete analysis that excludes the voices and discourses of those that belong to the strange and uncivil civil society; therefore, one witnesses a refusal to address structural inequalities and the resignation with the idea of lack of alternatives. This deliverable aims to contribute to a better understanding of the struggles for justice that emerged to oppose the effects of the economic crisis that have been affecting Europe over the last years and in that sense to raise knowledge that may contribute to strengthen the European project.

Based upon the challenges brought up by Castro Caldas (2017) and framed on D6.1, the core question that led to this (D6.2) research was: how did the austerity discourses, translated into policies and laws in the context of the recent crises, affected EU and Turkey democracies and citizens' rights? In order to understand the justice or injustice experienced by marginalized groups in society we opted to include grassroots movements and non-institutionalized discourses. Vulnerability is not an individual feature; it results from the social and economic conditions that sustain inequalities among citizens. A key hypothesis in our research was that the vulnerability of uncivil civil society is created by a social and economic model defined by the intimate civil society. In this sense, we did not intend to hear people only to understand how to empower them so they can succeed in the current model. One of the goals was to learn about their specific conditions and obstacles, but also to listen to their views about European policies and the European future in the context of redistributive justice. The final goal was to collect advocacy discourses from the different circles of civil society to learn about possibilities of democratizing Europe and improving redistributive justice. In our view, this is a key element to be part of the discussion about a European Theory of Justice and fairness (ETHOS).

Dignity, freedom, equality (before the law, non-discrimination, cultural, religious and linguistic diversity, equality between men and women), solidarity and justice are some of the values inscribed in the EU Charter of Fundamental Rights. Legal engineering is never enough to ensure high-intensity levels of democracy and distributive justice. The European project faces serious challenges, which urgently need to be deeply understood. There are multiple expressions of how it has deviated from its initial objectives. The attacks on the welfare state model, youth unemployment and precariousness, the increasing of inequalities and social exclusion, the narrative of the inevitability and the consequent democratic deficit, the rise of anti-European populism are some of the signs that Europe must face, to understand its own frailties and to address them. The recent crises over the euro and sovereign debt have only made the imbalance in the European project and the real possibility of its failure more visible and noticeable.

The present study covers research at the European level, in five EU member states (Austria, Hungary, Netherlands, Portugal and UK) and in a non-EU member state, i.e. Turkey. The countries involved experienced different stages of economic growth (and decline) and have been differently affected by the recent crises. On the one hand, this report aims to reflect differences between countries and, on the other hand, some of the heterogeneity of each national civil society is being described. In this sense, the research has a national comparative dimension, for which we opted to give special attention to a common vulnerable group. Considering that gender analysis is one of the key aspects of ETHOS project and that gender-equality has been high on the European agenda since the 1970s and still dominates the representation of European values we defined young women (≤ 35) as the vulnerable group 1. In fact, vulnerability must not be addressed only in terms of a minority issue since gender discrimination tends to reinforce other inequalities and vulnerabilities. We not only address the direct impact of austerity measures. The diminishing of family incomes and the dismantling of the welfare state created an extra burden on families in which

women play a significant role. The weakening of the welfare state was compensated by what may be called “welfare society”, i.e., public responsibilities of care are moving from the public sphere to the private sphere (eg. childcare, house work, elderly care) and the private sphere is still predominantly a women responsibility (Santos, 1999; Ferreira, 2013).

As ETHOS also seeks to reflect the heterogeneity of national citizens’ experiences and the way inequalities increased across national civil societies, this report focused on a second specific group between those groups that have been hit most severely by the economic crisis. Vulnerable group 2 varied for each country according to a preliminary desk-research and empirical analysis of national reality (see table 1).

Table 1 – Groups analysed

	AUSTRIA	UK	NETHERLANDS	PORTUGAL	TURKEY	HUNGARY
VULNERABLE GROUP 1	Young Women (= <35)					
VULNERABLE GROUP 2	Migrants ⁴	Third-country nationals (particularly migrant domestic workers)	Non-Western migrants (special attention to refugees)	Older Women (+65)	People with disabilities	Roma on public work contracts

From the beginning, ETHOS assumed the ambition of moving beyond a theoretical analysis: “while we believe that a theory of justice and fairness may have roots in abstract moral principles/ideals of what is socially desirable and appropriate, we claim that in order to resonate with the ‘here and now’ and to form a realistic (and binding) reference for social and political praxis, it needs to reflect the people’s actual views of and attitudes towards what ‘ought to be’ as well as their experiences of what actually ‘is’”.⁵ People perceptions of justice and fairness and their multiple and contextualized ‘lived experiences’ are crucial to evaluate what prevents realization of the justice ideals. To be coherent with this idea, this report moves between the promises of justice established in law and legal

⁴ Austria team used a particular and interesting methodology to choose the second group. They did not take categorical vulnerabilities as a starting point. The group started with the structural framework of the low-wage sector and then derive the vulnerabilities from those who were overrepresented as employees in this sector. This way the authors intended to avoid an essentialist approach and the perpetuation of vulnerabilities, rather than making it subject of analysis (Austria report).

⁵ ETHOS - Towards a European Theory Of Justice and fairness, Project Number 727112, Annex 1 (part A).

(footnote continued)

contradictions between fundamental and ordinary law ('law in the books') and perceptions of citizens of their own reality ('law in action').

In a first moment, the research included bibliographic review and legal, statistical and documental analysis (large scale review). After a broad picture of the European situation, we moved into an empirical approach, opting for a smaller scale perspective. This involved semi-structured interviews. We had to find a balance between the ambition of the case study and the time framing of the deliverable. In that sense, we opted for a small number of interviews to key informants (between 5 to 10 for each country study). We did not aim a representative sample of the vulnerable groups but to interview key informants who experienced the results from political measures or were linked in any way to the implementation of policies so we could include in the analysis different experiences and interpretations of reality.

Interviewees⁶ were selected for each country among representatives of (youth) social groups that emerged in reaction to the financial and economic crisis (occupy; young groups against precariousness; migrants' associations, etc.), leaders/representatives of women organizations, representatives of the second 'vulnerable' group, trade union leaders/representatives (focus on labour legislation) and state actors involved in the transformation on labour legislation. The topics addressed were, among others, working conditions and situations of precariousness, family life, expectations for the future, justice ideals, and alternative ways to realize justice ideals in order to, also, untangle the current advocacy and economic discourses. The following deliverables will ensure a continuation of this research addressing the possibilities of institutional resistance, namely if there are European and national mechanisms that successfully allow citizens participation and the continuity of the European Social Model even when it is threatened by international financial conditions or the political choices of its rulers.

The report is organized in three parts. The first part intends to contextualize this particular deliverable and the following ones. It concerns a theoretical approach and global overview of the European situation considering social protection and labour policies. The historical role of the welfare state in Europe, and the way it was differently affected across Europe are very important aspects to understand distributive justice. We move back to the Washington Consensus in the 1980's and address the challenges and transformations that the European welfare and employment regimes and the European Social Model experienced. It is important to pay attention to what the numbers hide: from one side, the policies may have changed although the numbers remained the same; on the other side, whilst social spending was kept at similar levels or increasing a bit, the qualitative aspects of social policy - such as priority areas or norms related to access, duration and amounts of benefits - knew dramatic changes. After exposing the global trends, the report addresses the models of welfare state in Europe and different employment regimes and types of neoliberal transformations since the 1980's. The second part explores European reaction to the 2008 crisis and its effects on citizens' lives. Having in mind the gap between the rules and the practice, we start by addressing the legal effects of austerity (law in books) before approaching how changes in paper were translated into unemployment, precariousness, labour flexibility, insecurity and threats to dignity (law in action). At this point, special attention is given to the situations of vulnerable groups: women, younger workers, elder people, disabled and migrants. The last part of the report is focused on the different ways citizens reacted to

⁶ In most cases, the interviews were conducted in the country's national language(s) and through an informed consent form, the privacy of each interviewee has been guaranteed.

the crisis and austerity: fear and disappointment, public protests and the design of alternatives to realize distributive justice.

It is lastly noteworthy to mention that this report was built upon country reports that are much richer than what we could include in this comparative analysis. In order to preserve the authorship of the different papers and the identity of national research we opted for including boxes with large quotations of the national reports. The boxes contain very relevant material that demonstrates or illustrates the arguments being developed.

Part I | EU global scenario: Labour policies and distributive justice

1. Global economic trend and the effects on the policies of rights and justice

1.1. Neoliberalism as a global trend and efficiency as a measure of rights

The main argument at the core of this report is that European welfare and employment regimes, as well as the European Social Model are experiencing a convergence towards neoliberalism. Defined as “a political project that is justified on philosophical grounds and seeks to extend competitive market forces, consolidate a market-friendly constitution, and promote individual freedom” (Jessop 2013: 70), neoliberalism has dangerous consequences for democracy and citizenship that need urgently to be addressed. Since the 1980s that social and labour policies have been under stress, a reality associated with the fiscal and legitimacy crisis of the Keynesian welfare state in the 1970s. The new consensus of the 1980s, the Washington consensus, considered social policies and labour rights as an impediment for the new growth model that created rigidity in the labour market and welfare dependency (OECD, 1981). Neoliberalization, implying increasing privatization of provision, financing and governance of welfare, jeopardizes the basis of both the welfare state and society, i. e., the notions of shared responsibilities and common good. Fulltime lifetime work is being replaced by a variety of forms of precarious and non-standard employment under pressures of flexibility in business, labour markets and jobs. Uncertainty grows as the different sources of security – in labour market, social protection and family – fail to provide under the pressure of the global and local trends affecting employment (Standing, 2011).

An historical account revealed a continuous growth of social protection expenditure since the 1980s (Abrahamson, 2010). But even though there seemed to be no signs of quantitative changes, there were qualitative changes in European welfare states, particularly since the end of the 1990s. These changes were a reaction to the crisis and the criticism of the 1980s and could generally be described under the concept of social investment state, coined by Anthony Giddens (1998). Social policies became seen no longer as a remedy for market externalities or a hindrance to the economy, but as a tool for economic growth. The question then became a matter of calibration (Ferrera, Hemerijck and Rhodes, 2001). Some of the agencies that were louder in the 1980s, such as the OECD and the World Bank, changed their position to consider the productive effect of the welfare state in the economy (Jenson 2010; Abrahamson 2010). The Communication from the Commission “Modernizing and improving social protection in the European Union” (Commission of the European Communities, 1997) argued that social protection systems have the potential to act as a productive factor, contribute to economic and political stability and help European economies to be more efficient and flexible.

Jane Jenson and Denis Saint-Martin (2003) observe, in the program of the social investment state, the shifts between the different responsibilities for welfare from the state to families, market and the third sector. These authors argue that there is a shift in social rights-based citizenship regimes to social investment regimes. Policies became oriented to the investment in human capital, through education from early childhood to lifelong learning and child poverty reduction; productive social policies to facilitate labour market participation were enacted, through active labour policies and investment in social services so that, for example, women could enter the labour

market; and a focus on social inclusion and social cohesion, through selective support to marginalized or social groups at risk shaped many policies.

The consequences of not having the citizens and social justice as the main motivation for social investment, but economic growth, is that distributive policies are never secured. Social and economic rights become dependent of the market's mood, which may jeopardize the foundational values of Europe.

Innovation and entrepreneurship became seen as the key to economic growth to be compatible with an effort to face the challenges of the European social model (Jenson and Saint-Martin, 2003). The Presidency Conclusions of the Lisbon European Council (March 23-24 2000), declared: "The Union has today set itself a new strategic goal for the next decade: to become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion".⁷ This idea became the backbone of the 2000 Lisbon Agenda and the 2005 Renewed Lisbon Agenda. In 2000, a group of experts produced a report on the future of social Europe considering that Portugal, Ireland, Denmark and the Netherlands were taking the right steps to escape the path dependency of the typical problems of their type of welfare regime, through: social pacts in order to achieve wages restraint and flexibility; growing use of activation measures; and an integrated action involving different policy areas and social actors in the fight against poverty and social exclusion (Ferrera, Hemerijck and Rhodes, 2001).

A new idea came to the fore – flexicurity –, inspired by Dutch and Danish experiences, to combine flexibility in the labour market with social security, particularly as social and employment policies became increasingly coordinated, namely at the EU level. The argument was that while labour flexibility allowed businesses to adapt to global competition, social policies could protect workers from the consequences of this flexibility. According to Lima (2015), this led to the slow dismantling of industrial relations and collective labour rights through a series of policies such as the individualization of the labour contract, the flexibilization of workers' dismissal, the increase of employers' power, wage moderation and reduction of some social benefits, and pressures upon collective bargaining.

Since the Treaty of Amsterdam, the EU reinforced the capacity to influence social and employment policy in the member states and overcome the difficulties of coordination, particularly in matters of welfare and work where member states retained strong autonomy.⁸ The Open Method of Coordination (OMC) was a soft law instrument for achieving convergence in matters of working conditions, workers' welfare and participation, labour market inclusion and equality. It consisted on the agreement and setting up of guidelines, common objectives, common indicators, national action plans, periodic national reports, joint reports from the Commission and the Council, country recommendations, programmes of action, and peer review meetings. The first area included in the OMC was the European Employment Policy (of 1997) and had goals such as: improving employability (eg. through active labour market policies and training); developing the entrepreneurial spirit; encouraging workers and enterprises adaptability (through modernization with flexisecurity) and strengthening policies for equal opportunities (namely with the expansion of social services). In 2000 the OMC was put in place to struggle against poverty and social exclusion; in 2001, the pensions were added and, in 2004, health care and elderly care were also added. In 2005, under the Renewed Lisbon Agenda, the European Employment Guidelines merged with the Broad Economic

⁷ Available at http://www.europarl.europa.eu/summits/lis1_en.htm, accessed April 2018.

⁸ The Treaty of Amsterdam was signed on October 2nd 1997.

Guidelines for Growth and Jobs, which included macroeconomic, microeconomic and employment guidelines. The Renewed Social Strategy (revisited in 2008) merged previously separated areas in a single strategy for modernizing social protection and social inclusion (poverty and social exclusion, pensions, healthcare and long-term care).

The 2008 crisis brought important changes, less apparent discursively. Although the EU kept the discourse of the knowledge society and economy it put in place economic and social policies countering the notion of social investment and placing the OMC in suspension or at a secondary plan.

1.2. Welfare State heterogeneity and differences in social investment

Although created to explain the emergence of welfare states and in reference to an industrial model of Keynesian welfare state, Esping-Andersen (1999) typology of welfare regimes, evidencing similarities with an analytical perspective on clusters of countries (Castles and Obinger 2008), seems to retain explanatory capacity in the context of the changes in welfare states. The two key indicators used by Esping-Andersen were decommodification and defamiliarization. In brief, in Europe, the main regimes identified were:

- i) a liberal regime (eg. UK and Ireland) with low, residual and means tested social protection with low decommodification which prioritized the role of the market in providing welfare;
- ii) a social-democratic regime, present in the Nordic Countries, with generous and universal protection, with high decommodification, which prioritized the role of the state in guaranteeing welfare;
- iii) a conservative-corporative regime, present in continental Europe (eg. Germany, Austria, France), with generous social protection for those in the labour market and gaps of protection for those outside, with low levels of defamiliarization, relying in the social reproduction work done in the household.

Later on other authors have included other regimes, namely:

- iv) a Southern European regime (Italy, Spain, Greece and Portugal), with gaps of protection and residual social protection for those outside the social insurance schemes, benefits designed not to discourage participation in the labour market and a strong role of the family without active state policies to promote it (Andreotti et al. 2001);
- v) Central and Eastern European welfare regimes (eg. Poland, Hungary, Latvia) shaped by their past as planned economies and neoliberal regime changes towards a market economy and described as recombinant welfare state with a mix of labour market-orientation, residualist targeting and socialist universality, with different combinations in different clusters of countries (Cerami, 2008).

Welfare regime studies are also being carried on for other parts of the world. Authors are mapping the regimes existing in Middle East and North Africa region, with debates regarding whether Turkey, with its expanding welfare regime, can be framed within a Mediterranean/Southern European model or inside the more heterogeneous Middle East and North Africa regimes (Powell and Yörük, 2017).

Paul Bernard and Guillaume Boucher (2007) identified a parallel between Esping-Andersen regimes and varieties of social investment state. By analysing institutional competitiveness, social investment, and welfare regimes, these authors argue that

- i) the workfare/activation policies in the social-democratic model is a high social investment activation, promoting a well-educated and healthy population and the participation of women in the labour market;
- ii) the liberal model also promotes high labour market participation but only a part of the population can afford to buy quality education, health and child care in the market, while the others must accept low quality public services.
- iii) in continental Europe one finds the weakest social investment state, with lower participation in the labour market, strong weight of passive labour market measures and benefits which assist mostly the workers in the core of the labour market.

For the case of Southern European countries, they share the same type of low social investment state, but the dualization of the labour market is deeper and state support to the role of the family through social services is lower. For instance, in the case of Portugal, although family services are provided by non-profits and the dual breadwinner model is dominant given the low wages, user fees are costly and this creams out low income families (Hespanha et al., 2014).

While initially the Netherlands have been placed between the conservative Calvinist traditions and the social democratic regimes, its evolution towards flexicurity, which we will refer later to, has moved its regime closer to the social-democratic values. Here, following an agreement between the social partners and the Dutch government, new legislation on flexicurity entered into force in 1998. However, a stronger position for flexible employees was only partially achieved. This generated new debates and a new agreement, in 2013. This agreement produced the new Act on Work and Security (WWZ),⁹ which entered into force on 1 July 2015. This recent legislation aims to establish a new balance between employees with permanent contracts and the very diverse group of flexiworkers.¹⁰

1.3. Employment regimes

Employment regimes (Gallie, 2009) varied in terms of the labour relations and working conditions (coverage of collective bargaining and labour union density), employment protection (limitations to dismissals and resource to temporary work) and unemployment protection (access, duration and amount of unemployment subsidy). Here too, several regimes can be identified, namely:

- i) Anglo-Saxon countries, of the *liberal regime*, are typified by very low levels of coverage of collective conventions and of low labour union affiliation, lower level (replacement rate), good coverage (proportion of unemployed in receipt of subsidy) and lower time unemployment protection. This model is also typified by low levels of protection from unemployment (norms regarding fire and precarious employment forms).
- ii) Nordic countries, of the *inclusive model*, have high coverage of collective conventions and union density, high coverage and high levels of replacement rate of unemployment subsidies, medium levels of unemployment protection compensated in collective bargaining and social protection (flexisecurity).

⁹ Available at <https://www.surplus.eu/en/wwz-unemployment.html>, accessed May 2018.

¹⁰ To be mentioned that in the past year (2017), the economic debate has also included self-employed workers.

- iii) The countries of *continental Europe* are characterised by a *dualist regime* with high coverage of collective conventions, but medium labour union density, and unemployment protection generosity depending on the employment status (permanent/temporary), and high coverage rate and the highest levels of protection in unemployment.
- iv) *Southern European* employment regimes are characterised by a low labour union density but high collective conventions coverage, low unemployment coverage rate like the liberal regime, but higher income and duration and high unemployment protection.
- v) The *East European* countries have low level of coverage of unemployment protection and of coverage rate and low level of labour union conventions and low union density, like in the UK (Gallie 2013; Campos Lima 2015).

As Berndt Brandl and Barbara Bechter (2018) point out, although collective bargaining systems were generally targeted within the flexibilization strategy and external influence to change these systems imposed by the EU institutions, these met the national old institutions and social partners so that the predominant structure of collective bargaining was not radically altered. However, there is an increasing hybridisation: systems with different independent layers or subsystems of collective bargaining with different actors at different layers (national, sectoral, company), loopholes in some sectors due to the opt-out possibilities created to employers, and dynamical instability due to the pace of changes in these systems, and the possibilities of temporary agreements or opt-out by employers.

1.4. Neoliberal nuances

Bob Jessop (2012) argues that, since the 1980s, countries all over the world went through four different types of neoliberal transformations, identifying four key groups:

- 1) the countries of the former Soviet Bloc that went through *neoliberal system transformations* with a radical shift from the previous communist regimes (eg. Russia and Poland);
- 2) the Anglo-Saxon countries (Australia, Canada, New Zealand, the United Kingdom, United States) that experienced *neoliberal regime shifts* which rolled back the Keynesian welfare state;
- 3) the crisis-hit countries that had to make resource to the financial assistance of the IMF and World Bank went through *neoliberal structural adjustment* associated to the conditionality of this assistance and;
- 4) the Nordic and continental European countries that proceeded through *neoliberal policy adjustments* intended to safeguard the core achievements of welfare states, which did not change substantially the statist and corporatist features of these models.

As mentioned above, since the 1990s there has been a reframing of the welfare state – assessing it, reforming it and valorising it – as a tool for competitiveness and economic growth, opening the path for growing penetration of market logics and priorities inside welfare institutions, agents and citizens. These neoliberal transformations, as we will see, were different in different European countries, with the countries of Southern Europe – particularly those that had to make resource to financial rescue - closer to a trajectory of neoliberal structural adjustment.

As has been demonstrated by historical institutionalist researchers, one should not expect the total dismantling of welfare institutions (Pierson, 1994). Instead, usually there are combinations of past legal frameworks, organisations and cultures with new institutional designs, and changes that are typically more incremental than disruptive. In this regard, it is useful to have in mind that not adapting institutions to contextual changes and challenges is also a form of institutional work, which may lead to their erosion in the medium to long term (Streeck and Thelen, 2005). In the next pages we will pay attention to the different ways institutions have been changing, whether through disruptive austerity and structural adjustment policies at the critical juncture provided by the global crisis to the neglect of adjusting certain institutions to the social needs and demands. The way this is reflected in the different countries also varies, as a result of a combination of exogenous pressures such as the effect of the EU governance and the global crisis, and endogenous path dependency features and national institutional work of maintaining or changing institutions. As stated above, this analysis will combine the analysis of the legal discourses (national and EU level framework) with the narratives at use in political and advocacy discourses and by social movements.

Part II | European reaction to the 2008 crisis

1. Institutional policies and law in books: from European to national scale

1.1. The European governance

There are different moments during the crisis that started in 2008. Initially, there was the impression that one could witness the return to demand-side economic policies to promote economic recovery. In December 2008, the European Commission approved the Economic Recovery Plan with expansionist measures to prevent the recessive consequences of the financial crisis on economic activity and employment (European Commission, 2008). This Plan would complement the rescuing of the failing banks by promoting demand, through public spending, tax reductions and direct support to families and SMEs. These were supposed to be exceptional measures that would allow returning to the budgetary targets of the Economic and Monetary Union once the return to economic growth and job creation was guaranteed (Costa e Caldas, 2014). This period lasted until February 2010, in the context of an increasing tension between budgetary stimulus and budgetary consolidation policies.

In March 2010, a 10-year strategy for the economy of the EU - the Europe 2020 strategy - was proposed by the European Commission,¹¹ with the motto "smart, sustainable, inclusive growth". The strategy indicated three key priorities for sustainable growth and job creation: knowledge and innovation, green growth and an inclusive high-employment society. These key priorities aimed at building a competitive and sustainable economy through raising employment rates, fighting poverty, promoting active ageing and raising skills. However, Europe 2020 included three integrated pillars: 1) macro-economic surveillance (growth and employment); 2) thematic coordination (innovation, employment, education and social inclusion, R&D, resource-efficiency, business environment) and 3) fiscal surveillance under the Stability and Growth Pact.

So, although it was presented as a follow-up of the Lisbon Strategy, many aspects were different from the previous period: many components of the Social OMC (i.e. national reports, joint reports, indicators) were suspended; there was a bias toward fiscal consolidation and economic recovery; and strong control mechanisms were put in place not just on fiscal and economic policy but also on wages and collective negotiation. It should be mentioned that the struggle against poverty and social exclusion was not included and social reporting was diluted, with tolerance to non-compliance. Another area stalled with the austerity measures was gender equality, basically ignored from measures and priorities and affected by the cuts in public jobs and wages and in social welfare and healthcare services (European Women's Lobby, 2012¹²).

For the Heads of State or Government of the Euro Area the priorities became competitiveness and budgetary discipline, to be achieved through structural reforms oriented to economic growth, such as labour market flexibilization and liberalization of the goods and services markets. In December 2011, the economic governance

¹¹ Available at https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester/framework/europe-2020-strategy_en, accessed May 2018.

¹² Available at <https://www.womenlobby.org/-2012-?lang=en>, accessed April 2018.

was strengthened through the budgetary pact, with a rule for all member countries to be included in domestic legal systems, preferably national constitutions, that the structural deficit cannot be superior to 0.5% of GDP, under threat of automatic sanctions, as well as a target for the reduction of the public deficit to 60% of GDP. The Sixpack (2011) and the Two-Pack (2013) included measures to reform the Stability and Growth Pact and greater macroeconomic surveillance to reduce public deficits and macroeconomic imbalances and provided the legal basis for the European Semester. This is a system of enhanced fiscal and macroeconomic surveillance associated with an automatic procedure imposing financial sanctions on those countries that fail to comply with the policy recommendations. In the European Semester, the EC analyses each country plans for budget, macroeconomic and structural reforms, as well as its efforts to achieve Europe 2020 targets, and provides country-specific recommendations endorsed by the Council. It includes a set of mechanisms such as the Annual Growth Survey, the Alert Mechanism Report, which monitors potential macroeconomic imbalances (eg. deficit, bubbles), the Joint Employment Report, which assess the employment and social situation, employment guidelines, the compatibility of the national budgets with the Stability and Growth Pact and recommendations for the Euro area.¹³

Since 2015, with more positive indicators, the new European governance returned to the social pillar of the EU. This became evident with increasing introduction of recommendations on social and labour dimensions in the country-specific recommendations of the European Semester. The concern with societal and social challenges reappeared, namely in the Five Presidents Report, Completing Europe's Economic and Monetary Union (Juncker et al., 2015) and the Communication from the Commission On steps towards Completing Economic and Monetary Union (European Commission, 2015).

Convergence towards best practices in the employment and social policy field should contribute to a better functioning and legitimacy of the EMU project. In the short term, such upward convergence could be achieved through the development of common benchmarks along the components of the 'flexicurity' concept, such as flexible and reliable labour contracts that avoid a two-tier labour market, comprehensive lifelong learning strategies, effective policies to help the unemployed re-enter the labour market, modern and inclusive social protection and education systems and enabling labour taxation. The Commission also confirmed its intention to put forward a European pillar of social rights, which would build on the existing "acquis" and serve as a compass for the overall convergence process. (European Commission, 2015: 5).

The concept of flexicurity returns both to strategies and to the country-specific recommendations. The return to the social pillar and particularly to flexicurity does not mean, however, a clear concern with the expansion of social policies. For instance, Bekker (2018) notices that the numerous references to pensions on country reports are often about making pension systems sustainable, including increasing retirement age.

¹³ See *European Commission Memo*, "'Two-Pack' completes budgetary surveillance cycle for euro area and further improves economic governance", of March 12th 2013, available at http://europa.eu/rapid/press-release_MEMO-13-196_en.htm, accessed June 2018 and *European Parliament Press release*, "EU Economic governance 'Six-Pack' enters into force", of December 12th 2011, available at http://europa.eu/rapid/press-release_MEMO-11-898_en.htm, accessed June 2018.

1.2. The austerity and structural adjustment measures

The answer of the European institutions to the international financial crisis and economic recession, namely after the 2010 financial crisis, combined aggressive austerity, and politics of privatization, internal devaluation, labour market deregulation, fragmentation of labour relations and erosion of the welfare state. Two trends took place. On one hand, austerity and structural adjustment in Southern countries (public sector wage cuts, minimum wage cut or freezing, collective agreement systems fragmented, privatization of public services and infrastructures). On the other hand, a reinforcement of budgetary discipline in all EU countries, enforced by the new governance mechanisms, shifting emphasis from a competitiveness strategy based on a knowledge infrastructure to promote innovation (KBE) to a competitiveness strategy based on low wages, worsening working conditions, cuts in public services and social benefits. The structural reforms adopted during the crisis more or less go in the same direction. The cuts in social benefits and pensions, the promotion of atypical employment and the erosion of employment protection, as well as the decentralization of collective bargaining and the weakening of workers' interest representation are all proposed to 'free' markets from allegedly harmful constraints. An interesting finding is that the reforms are similar even though the causes for the crisis differed in the member states (Hermann, 2017: 58).

Austerity implied reduction of public expenditure through cutting personnel expenses and social expenses, tax raises to reduce income and consumption to reduce budgetary deficit, privatisations, internal devaluation, cuts in the minimum wage and cuts in the public sector (Campos Lima, 2015). At a structural level, EU policies targeted particularly social and employment protection and collective bargaining systems, through labour market deregulation, fragmentation of labour relations and erosion of the welfare state. A focus on austerity measures concentrated on the flexibility while eroding social security (Campos Lima, 2015; Hermann, 2017).

In terms of employment protection, flexibilization affected labour rights and working conditions through various measures, such as: increased working hours and reduction in supplementary work pay, atypical contracts, increase of the maximum length of fixed-term contracts (in Czech Republic, Greece, Portugal, Romania, Spain) (Bekker, 2018) or the maximum renewal of these contracts (Netherlands, Poland and Slovakia), severance pay to ease layoffs, redundancy rules relaxed, challenging dismissals made harder (eg. UK, Turkey and Hungary) (Leite *et al.* 2014).

A short overview attempting to systematize the diversity of situations present in Europe is in the next pages. Turkey, a non-EU country, also experienced the impact, in labour laws, of the economic crises that have shaken the world. Turkey is one of the EU's main partners in the Middle East and both (EU and Turkey) are linked by a Customs Union agreement. Aiming to be a member of the EU, Turkey has attempted to merge its legal structure with the EU;¹⁴ hence, over the last years the Turkish government attempted to comply with EU legislation, to create the political and economic conditions for the merging. In this sense several important changes in its legal framework have been occurring, for example in terms of labour law (2003). Hit by a profound economic crisis in 2001, the study carried out in Turkey suggests that this crisis hurt labour disproportionately (Dereli, 2014), in line with similar situations present among EU countries, as discussed below.

¹⁴ Turkey has been an applicant to accede to the EU since 1987. European Commission's long-term budget proposal for the 2021-2027 period released on 2 May 2018 includes a Western Balkan Strategy for further enlargement, but it omits Turkey. As several analysts suggest, EU is treating Turkey more as a neighbouring country than as a candidate country (Ahval, edition of May 6th 2018, available at <https://ahvalnews.com/eu-turkey/eu-plans-cut-financial-assistance-turkey>).

a) *The specific case of Troika and IMF interventions*

The EU countries which signed a Memorandum of Understanding with the International Monetary Fund, the European Central Bank and the European Commission (the Troika) for receiving emergency loans (Cyprus, Greece, Ireland and Portugal) or those which were under Stand-By Arrangements with the IMF (Hungary, Latvia and Romania) were the ones where these changes were most acute as the loans were conditional to the implementation of radical neoliberal programmes. The Troika and the IMF support was associated to conditionality of structural reforms in the labour market and the collective bargaining systems, (Bechter and Brandl, 2018) including also wage moderation (Schulten and Müller, 2012). In the case of Italy and Spain, the intervention of the European Central Bank in purchasing bonds was conditional to labour market deregulation policies (Prosser, 2017). For other countries, new economic governance, namely the European Semester, also implied direct pressures to change the national collective bargaining systems. The Portuguese example, one of the case studies of this research, is illustrative of the legal effects of Troika Intervention (see Box 1).

Box 1 – The Troika intervention in Portugal (from Portuguese Report)

In 2011, facing a very serious economic crisis, the Portuguese government announced the decision to ask for external help and come to apply to a bailout program. As a result, short time after that a group of representatives of the European Commission, the European Central Bank and the International Monetary Fund – the Troika – arrived in Lisbon to promote a rescue plan.

In order to receive an international loan of € 78 billion, the Portuguese government signed with the Troika a Memorandum of Understanding in May 17 2011.¹⁵ This document defined the settings of public policy that had to be followed by the Portuguese State as a condition to receive the loan. In practice it was agreed a government programme that would last until 2014 (Abreu *et. al.*, 2013: 63-75). A group of 8 Portuguese economists express in three words the matrix of the Memorandum: austerity, liberalization and privatization. They argue that far from being a new receipt, the strategy used is in line with the adjustment and stability programmes that were implemented by the IMF in different parts of the world during the 1980's following the Washington Consensus (Abreu *et. al.*, 2013: 71-72).

Differently from the other subjects of the Memorandum, the references on labour market were highly detailed, leaving no margin for discretionary on unemployment benefits, working times and wage fixing. Also impressive was the effort of the Portuguese government to implement the measures. Contrasting other chapters of the memorandum, labour measures were translated into legislation with no flaw. In some cases, the government went even further that required (Caldas, 2015: 12-13).

The key measures of the Memorandum of Understanding and translated into the Portuguese law included:

¹⁵ The original Memorandum was initially composed of five documents, that suffered changes as a consequence of the trimestral Troika evaluations, namely: the Letter of Intent of the government of Portugal to IMF (policies that Portugal intended to implement in the context of its request for financial support from the IMF); the Letter of Intent of the Government of Portugal to the European Institutions (Eurogroup, Council of the European Union - ECOFIN, European Commission and European Central Bank); the Memorandum of Economic and Financial Policies directed to the IMF (MEFP); the Memorandum of Understanding on Specific Economic Policy Conditionality; and the Technical Memorandum of Understanding (TMU).

a) **Unemployment benefits:** reduction of the maximum duration of unemployment benefit (Decree-Law no. 64/2012); reduction of the amount of unemployment benefits (Decree-Law no. 64/2012); reduction of the tax period required to access unemployment benefit (Decree-Law no. 64/2012); extension of eligibility for unemployment benefits to self-employed persons, who regularly provide services to a single employer (Decree-Law no. 65/2012);

b) **Employment protection:** reduction of compensation for termination of employment contract (Law no 53/2011); individual dismissal made more flexible (Law no 23/2012);, reduction of remuneration for the provision of additional work (Law no 23/2012);

c) **Work Times:** Work time made more flexible (Law no 23/2012); reduction of remuneration for the provision of additional work (Law no 23/2012);

d) **Wages fixation:** freezing of the minimum wage update; review the criteria for the extension of collective agreements (Resolution No. 90/2012 of the Council of Ministers); reduction of the validity of expired contracts, replaced by new ones (Law No. 55/2014); decentralization of collective contracting (Law no. 23/2012).

As Lima puts it, when faced with the escalation of unemployment it would be expected that the measures would focus on job creation. However, the option of the Memorandum and the PSD-CDS party coalition in government (right-wing neoliberal alliance) was to focus on reduction of social protection. This strategy, combined with the politics to facilitate dismissals, embodied a flex(in)security strategy in the logic of "internal devaluation" (Lima, 2015: 19).

Besides these laws directly related to the labour market, many other austerity measures impacted very strongly on citizen's security and quality of life: tax raising, reduction of civil servants and their wages, cuts on pension reforms and other social benefits.

The Stand-By Arrangement signed between Hungary and the IMF already under the effects of the financial crisis included the reinforcement of structural adjustment measures with government expenses cuts including wage freeze and elimination of the 13th monthly salary for public sector employees, elimination of the 13th monthly pension for early retirees, a cap of the 13th monthly pension for other pensioners, postponement or elimination of indexation of social benefits. Focusing on family protection, box 2 illustrates the legal consequences of the European and the IMF austerity mood for the case of Hungary.

Box 2 – Protection against Dismissal and Part-time Work (from Hungarian report)

The aim of the new Hungarian Labour Code was to create the most flexible labour market in the region by all means, including internal, external and wage flexibility. However, no additional measures were adopted to increase employee security (Kollonay Lehoczky, 2013). Moreover, some of the previous provisions relating to security were changed to the detriment of employees. The 2012 Labour Code¹⁶ aimed to increase the role of agreement concluded between employers and employees. Taking into consideration the highly limited bargaining power of individual employees, it means that employer has unilateral discretion on working time arrangement while statutory law offers little protection for employees.

¹⁶ Act No I of 2012 on the Labor Code.

Working Time

Increasing internal flexibility was one of the declared aims of the 2012 Labour Code. The flexibilization of working time adversely affects employees working in non-standard working arrangements, like on-call and standby duty, shift workers, and employees with flexible working time arrangement. These flexible working time arrangements puts heavy burden on families, especially in cases when both parents are affected by them. As mentioned above, there are very limited protection measures offered by statutory law for mothers of young children against the employer's unilateral will on working time arrangements.

The Labour Code provides for only two distinct protective measures concerning the working time arrangement of pregnant women and single parents. One provision is restricting the employer unilateral will in cases when the employer wishes to temporary reassign employees to workplaces other than agreed in the employment contract. The other one is limiting the employer's discretion when deciding on working time and rest periods for pregnant women from the time when their pregnancy was diagnosed until the child reaches the age of three, and for single parents until the child reaches the age of three. These employees cannot be scheduled for irregular work without their consent; their weekly rest days must be allocated according to the standard work pattern, overtime work and stand-by duty cannot be ordered for them, and they cannot work in night shift.

However, the Labour Code has no further restrictions regarding other working patterns to protect young women with children or their spouses. The most vulnerably are those who work on duty or have flexible working time arrangement. The regulations on working time for employees working on duty were amended in 2016, abolishing the legal protection that had prohibited employers to schedule regular working time for Saturday in case an employee was on duty on Sunday as well. The amendment does not specify how many weekends an employee could work on both Saturdays and Sundays. The lack of statutory limits regarding scheduling of working time on weekends has an adverse effect on work-life balance and may also frustrate parents who cannot spend sufficient time with their children on weekends. It also means that one of the parents – usually the mother – has to stay with the child, which is restricting her capacity to take salaried jobs. Moreover, single parents may need to have somebody to look after their children, even if it is financially burdensome for them.

The Labour Code was recently amended regarding flexible working time arrangements. The new regulations allow the employer to order the employee to perform a task at a specific time without any statutory limitation. As flexi-time employees are responsible for scheduling their own working time they are not entitled to guarantees and benefits regarding overtime (and overtime allowance), daily and weekly rests, and public holidays. Moreover, it is the employer who can unilaterally decide which employee has flexible working arrangement; thus if the consent of the employee is not required for such an arrangement, it means that the employee's choice is restricted to whether or not she/he takes up the job. In this case, the above mentioned protective measures are not applicable either.

Protection against Dismissal

The 2012 Labour Code significantly reduced the protection of employees in case of termination of their employment contract. On the one hand, the personal scope of employees whose employment contract cannot be lawfully terminated was limited; still, pregnant women, women on maternity leave, parents taking unpaid childcare leave and women who go under IVF treatment remain protected by law. On the other hand, the process of termination by the employer was simplified to lower the costs of dismissal. Therefore, the legal consequences of unlawful termination were eased. In case of unlawful dismissal, the employer is liable to provide compensation for damages resulting from the wrongful termination of employment. However, the compensation for loss of income from employment payable to the employee may not exceed twelve months' absentee pay. In lieu of damages, the employee may demand payment equal to the sum of absentee pay due for the notice period when his employment is terminated by the employer. In addition to damages, the unlawfully dismissed employee may

apply to the court for reinstatement; however, the cases on which such an action could be based were narrowed down. This combination puts a heavy burden especially on vulnerable employees, as their job insecurity has increased and their possibilities to seek justice for unjustified dismissal are limited.

Part-time Work

The flexibilization of the work force could be further enhanced by a range of atypical forms of employment. The most common atypical employment for women is part-time work. Part-time work is arguably ideal for mothers with young children, as it helps to balance family and professional life. The Labour Code provides for the opportunity for mothers to modify their full time job to a part time one until the age of three of their children. Even though the employer shall not refuse the request of a mother to amend the employment contract in such a way, employers are only obliged to amend full time contract for a four-hour part time position. Thus, if a mother wishes to have any other working arrangement (eg. a 6h/day part-time, to fit kindergarten or school schedules), she has to bargain with the employer, and the final decision remains at the employer's discretion.

Despite increasing social needs, cuts in social protection were felt in most countries during the crisis, and particularly in countries of Southern and Central and Eastern Europe after 2011 (Greece, Latvia, Lithuania, Hungary, Portugal and Romania). Social protection systems were unable to reduce the impact of the crisis and, instead, countries like Portugal and Hungary experienced cuts in unemployment benefits, reduced duration of the benefits, and reduced access. Freezes or pension cuts were also experienced in Portugal and Greece.

b) Country-Specific Recommendations and legal consequences

The rationale behind many Country Specific Recommendations (CSRs) is very similar to that of the Troika and followed the path of decentralization of collective bargaining (European Commission, 2015b). The CSRs included for example the introduction of a wider scope for opportunities to derogate from sectoral or national collective agreements for companies, and the limitation and reduction in the scope for the extension of collective agreements to non-signatory companies. In any case, the new EU economic governance framework has already led to various significant changes in collective bargaining systems at the national level (Bechter and Brandl, 2018).

Measures reinforcing the obligation to work for unemployed people, reducing the amounts of the unemployment protection and reduction of the rules of access to unemployment protection took place in Belgium, Denmark, France, Greece, Ireland, Italy, Portugal, Spain, United Kingdom (Hermann, 2017). Wage restraint has been a significant tonic for EU and IMF as a measure to promote competitiveness, both for the countries under international bailout, where it is conditionality for support, and the European Semester Country-Specific Recommendations. For instance, Belgium, Cyprus, Luxembourg, Malta had recommendations on reform or even abolition of automatic wage indexation; France, Slovenia were recommended moderation of minimum wages; Bulgaria, Finland, Italy, Slovenia were recommended moderation on wages in general; Germany was recommended to align wages with productivity growth; finally, Sweden was recommended to addressing high wages for the lower wage scale (Schulten and Müller, 2012).

Besides the impact that the European Semester has on the different countries, one must also bear in mind how the national differences are played in this context. For instance, whereas the UK government was substantially aligned

with austerity and soon started the implementation of austerity, others (such as France) had a more moderate approach to austerity. Box 3 addresses the case of the UK, a case that illustrates the combination of both national and European orientation to austerity whereas Box 4 shows how, in some countries it was possible to lift the burden on citizens through compensations measures assumed by the state, not only protecting citizens but also the economy. Box 5 addresses the case of Turkey, a clear example of a country hit by the financial crisis earlier than Europe. Aiming to merge with EU Turkey sought to comply with EU legal and economic requirements, thus approving a new labour law (2003), more protective of the workers; however, labour came to be disadvantaged. In the following boxes we provide two examples (UK and Austria) on how the financial crises affected EU-regulated rights.

Box 3 – Post-2008 restrictions in UK (from UK report)

In the aftermath of the financial crisis and particularly after the formation of a Coalition government under the leadership of Conservative prime minister David Cameron, both EU-derived and UK-specific rights in the area of employment and social security were weakened as part of a broader agenda of deregulation and austerity.

Many of the setbacks in EU-regulated rights took place in anti-discrimination. For instance, the Enterprise and Regulatory Reform Act 2013 repealed provisions in the Equality Act 2010 holding employers liable for harassment of their employees by third parties and enabling employees to obtain information through a questionnaire procedure for anti-discrimination proceedings. In the field of social security, most non-contributory benefits for the working-age population have been reduced and/or tied to new work-related conditions. Since 2012 income support for lone parents is withdrawn when the youngest child turns five, down from 16 until 2008 (Hills, 2015). Child benefits were limited to two children and frozen from 2011 to 2014, losing 15% of their value during the Coalition Parliament. Housing benefits were cut to cover only the lowest 30% of local rents, and penalties dubbed the ‘bedroom tax’, are imposed on social housing tenants considered to have spare rooms. Exemptions from council tax have been left to the discretion of local authorities, but central funding for such exemptions has been reduced. Jobseekers Allowance, Income Support and the housing component of Universal Credit are now conditional upon an increasing number of reporting, job search or training duties, enforced through sanctions of benefit withdrawal (Hills, 2015: 16-17¹⁷). These duties include work placements whereby employers are paid by the state to ‘activate’ claimants, with the least favourable claimant profiles drawing higher amounts of funding (Bradshaw and Bennett, 2016: 20-23). Workfare participants enjoy limited freedom to choose their placement and are not covered by minimum wage legislation (meaning they may earn less than a third of the minimum wage), and the scheme has been the object of judicial litigation on the grounds that they amounted to forced labour, in violation of Article 4 of the European Convention of Human Rights. British courts rejected these

¹⁷ See also National Audit Office (2016), *Benefit sanctions*, 4-5.

(footnote continued)

arguments in 2013 but obliged the Government to modify the Jobseeker's Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011 to detail claimants' specific obligations (Paz-Fuchs and Eleveld, 2016).

Another far-reaching measure that came under judicial scrutiny was the £26 000 cap on the total benefits working-age families could receive in a year, reduced to £23 000 for those living in Greater London and to £20 000 for those living outside in 2016.¹⁸ A claim against the cap was brought by the mothers and youngest children of three lone parents families in 2013 on the grounds that it discriminated against women and large families, but was rejected by the Supreme Court in 2015.¹⁹ In June 2017, another case brought by four lone parents and three of their children under the age of two was successful in the High Court, which ruled that the revised cap was indeed discriminatory and unlawful.²⁰ The Government has appealed the decision.

At a more fundamental level, access to Employment Tribunals has been curtailed by the restriction of state-funded legal help (provided before hearing) and legal aid (provided during hearing) to discrimination cases²¹ as well as by the introduction of fees ranging from £400 to £1200 for a hearing at first instance and appellate levels, allegedly to reduce the burden on taxpayers and businesses and encourage alternative forms of dispute resolution. The fees could be reimbursed in full or in part for successful claimants or those who satisfied disposable capital and gross monthly income tests (Mangan, 2013; Ministry of Justice, 2017). Following a protracted legal battle waged by Unison, a large trade union, the Supreme Court suppressed their request on July 2017 citing access to justice rights.²²

Box 4 – The more balanced situation in Austria (from Austrian report)

Collective agreements

Collective agreements hold a prominent role in Austrian labour law, over 98% of the working contracts are subjected to a collective agreement; this puts Austria in a leading position in the EU. Collective agreements form the “most important collective means of design” (wichtigsten kollektiven Gestaltungsmittel) and are qualified as separate legal sources of labour law.²³

Collective agreements in their set-up could manage to even out imbalances in the process of negotiations between employers and employees. They are negotiated between representatives of employers and employees. The state does not intervene in those negotiations.

¹⁸ Benefit Cap (Housing Benefit and Universal Credit) (Amendment) Regulations 2016/909.

¹⁹ See *R(SG and others) v. SSWP* [2015] 1 WLR 1449.

²⁰ See *DA & Ors, R (On the Application Of) v Secretary of State for Work and Pensions* [2017] EWHC 1446 (Admin).

²¹ Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012; see CORBY, 2012, 90.

²² See *R (on the application of UNISON) (Appellant) v Lord Chancellor (Respondent)* [2017] UKSC 51.

²³ See Arbeitsverfassungsgesetz, BGBl. Nr. 22/1971 last amended by BGBl. I. Nr. 104/2017, at <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008329>, accessed 12 February 2018.

(footnote continued)

The Chamber of Commerce (Wirtschaftskammer) and the Trade Union (Österreichischer Gewerkschaftsbund, ÖGB) conclude most of the collective agreements, which are generally valid for one year. This short time of duration allows for quick reactions to economic changes. The wages in the collective agreements are adapted based on productivity and inflation. Even in the times of the crisis between 2008 and 2010 the wage-raises lay above the inflation.

In the times of the crisis, enterprises in Austria reacted to the changed conditions by using mainly measures of internal flexibility, i.e. short-time work, flexible working hours, education leave (Bildungskarenz). Those measures were financially subsidised by the government of Austria to make it possible to keep persons in their employment contracts.²⁴ In other countries, external measures like dismissals were conducted. Through these possibilities opened up by the annual collective bargaining, the results of the crisis could be embanked in comparison to other countries. The collective agreements proved to be a valuable tool concerning softening the impact of the economic and financial crises in Austria.

The Tariff Wage Index (Tariflohnindex) is a tool measuring the changes of minimum wages in collective agreements, minimum wage tariffs or minimum wages laid down by law. It acts as an indicator of development of minimum wages in Austria and is published monthly by Statistics Austria following the ÖNACE system of economic actions. It is based on the average of 2006 as 100 and tracks the developments of minimum wages.

Fiscal policies

Compared to other EU Member State rates of persons endangered of poverty and exclusion did not rise during and after the crises. From 2008 to 2014 the number of persons at risk of poverty decreased by 90.000. This was (among other factors) because of the fact that the advanced fiscal reform 2009 foresaw a number of changes to lift the burden regarding taxes on salaries and wages. The fiscal reform 2009 was part of a larger strategy of the federal government in Austria. As only the fiscal reform concerns the income of individuals per se it will solely be discussed at this point, while the other areas (namely the Konjunkturpakete I and II) are not discussed in the course of this report.

The explanatory remarks on the fiscal reform 2009 mention, that it could not contribute to development of consumption, investments and employment in the global economic situation of regression. The actions described below should lead to strengthening the spending power of the individuals and shall lift the burden on families.

For example, the unemployment insurance fee was reduced for low wages; furthermore, the kilometre allowance and the commuter tax relief were increased already in 2008. To revive private consumption, the tariffs regarding taxes on wages and income were changed. The minimum amount regarding tax liability was raised. Furthermore, all wage and income taxes apart from the top income tax rate were reduced. This led to a decrease of taxes in the amount of 2.3 billion Euros a year.

Furthermore, a family package was introduced, which led to a decrease of taxes in the amount of 510 million Euros. Through these changes, more money should be made available for the individuals, who then can invest this money in the economy. The deductible amount for children (Kinderabsetzbetrag) was raised from 50,90€/month to 58,40€. Additionally, a tax-free amount for children of 220€ annually was introduced and the tax deductibility for childcare costs up to 2300€ was introduced. Also, other benefits from the employer regarding child-care of up to 500€ were made tax-free.

²⁴ See, for example, Verordnung des Bundeseinigungsamtes beim Bundesministerium für Arbeit, Soziales und Konsumentenschutz, mit der der Mindestlohn tarif für im Haushalt Beschäftigte für Österreich festgesetzt wird, StF: BGBl. II Nr. 345/2016, <<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20009702>> last accessed 12 February 2018.

Through this fiscal measures the burden on those persons with lower wages and those persons having children were eased. These fiscal policies following the start of the financial and economic crisis can, therefore, be rated as contributing to foster a fair income distribution at that point of time.

1.3. Turkey and the Labour law changes in the aftermath of the economic crisis

As mentioned above, the post-1980 era witnessed several severe financial and economic crises around the globe, the vast majority affecting low- to middle-income countries. In 2001, Turkey experienced one of the worst crises in its recent history. To rescue the country from a political chaotic situation, a new minister responsible for the economy, previously a senior executive from the World Bank (WB), was appointed. Under his coordination Turkish government developed and applied a program of “Transition Toward a Strong Economy” (Walker, 2002). This program, which introduced radical economic and legal measures paved the way for obtaining, in return, loans from the IMF.

As Dufour and Orhangazi (2009) underline, this crisis had several consequences. As in the case of Portugal addressed above (Box 1), the burden of crises has fallen disproportionately on labour in general, particularly in low-income segments of Turkish society. Following this crisis, wages and labour share of income fall, the rate of unemployment increased, and income inequality and rates of poverty increased. These cases illustrate how ‘a crisis’ presented the opportunity for deregulating and liberalizing the economy as well, a true example of how to “economize on justice” is detrimental to realizing justice (Caldas, 2017).

Box 5 – Post-2002 labour reforms in Turkey (from Turkish report)

Labour law of 2003 - the context

The Labour Law of 2003 is the main law governing employment relationship in Turkey. With few exceptions,²⁵ it covers all blue-collar and white-collar workers in private and public sectors (Sur, 2009). Civil servants,²⁶ on the other hand, are governed by special legislation of public law and they enjoy significantly stronger tenure and job protection rights (Dereli, 2014). In 2016, civil servants represented 11% of the total employment, corresponding

²⁵ The biggest exception is in the agriculture, as the Turkish labour law does not apply to the agricultural enterprises employing a minimum of 50 employees, corresponding to %99 of the agricultural employment.

²⁶ Civil Servants Law was enacted in 1965 and had very few and insignificant amendments in recent years.

(footnote continued)

to 16 % of the total number of the employees (including the informally employed).²⁷ However, Turkey shows high numbers of informal, unregistered workers, as a consequence, around one fifth of the workers in their daily routine work under loose protection of the labour law at best. A Turkish citizen, who works unregistered, can potentially bring his/her case before the court, but is not easy to win the case, as Özdemir and Yücesan-Özdemir underline (2006: 311).

Increased job security, but...

The increase in job security has been presented as one of the outcomes of the 2003 labour law. The coverage of the “increased job security” (Sural, 2005) was reduced by the business pressure and it only included the workers with a minimum seniority of six months working in a premise employing 30 or more workers (Çelik, 2003). According to the Social Security Institution, the ratio of registered workers (civil servants not included), was of 49,6% in 2016.²⁸ For workers under coverage, the employer must have a valid reason to terminate the employment contract. The worker who claims that there was no valid reason for his/her dismissal can apply to the labour court. If the court concludes that the termination was unjustified, it orders the employer to reinstate the worker. However, the employer has the right not to reinstate the worker, by paying him/her a special compensation not less than the worker’s 4 months’ and not more than 8 months’ wages. Workers excluded from the coverage of increased job security continue benefitting only from the relevant articles on notice terms and severance pay if they are eligible (Dereli, 2014: 140).

Flexibility measures

The flexibility measures introduced by Labour Law of 2003 are related to the working time and the atypical employment contracts (Özdemir and Yücesan-Özdemir, 2006; 323-326; Sur, 2009: 333). According to this labour law working time may be distributed over the days of the week in different modalities, on condition that the daily working time must not exceed 11 hours (Dereli, 2014: 150). However, the new law does not have any penal sanctions for overtime work done more than the 270-hour maximum. Therefore, the maximum ceilings are usually violated. This law also brought an opportunity for the employers to “socialize the responsibility to pay wages in times of recession” (Özdemir and Yücesan-Özdemir, 2006: 325). In Dereli words, “in cases where work is suspended or short-time work is performed for at least 4 weeks due to a general economic crisis or force majeure, employees shall be paid short-time work benefits from the Unemployment Insurance Fund corresponding to the time not worked” (2014: 153). The last measure of flexitime introduced by the 2003 law is compensatory work. It refers to the work time provided by the worker to compensate for times without work, and it is not considered overtime.

The other strand of flexibility measures is on three types of atypical employment: fixed-term, part-time and on-call employment. Fixed-term contracts may be used for work requiring a specified term or may be based on objective conditions like the “completion of certain work or the occurrence of a certain event” (Dereli, 2014: 144). An employer cannot sign two fixed-term contracts with the same worker unless there is an essential reason. Part-time work is both encouraged and relatively protected by the new law in a way consistent with relevant EU

²⁷ As in other European contexts addressed in this report, in Turkey is present a high level of unregistered employment, which do not find echo in the official statistics. The statistics can be accessed from the Institute’s website. See <http://www.tuik.gov.tr/>.

²⁸ Available at <http://www.sgk.gov.tr/wps/portal/sgk/tr/kurumsal/istatistik>.

norms (Dereli, 2014: 146) On-call work is a special, irregular form of part-time employment, where both working time and wage are flexible. The new law introduces on-call work while providing some protective measures. However, the official inspection mechanism in Turkey falls short of implementing a sufficient monitoring of such work (Dereli, 2014: 148). As the Turkish report sustains, the 2003 law did not permit the newly established temporary employment agencies to hire out workers to other firms. After years of consistent lobbying by business, AKP government made an amendment in 2016, which authorized temporary employment agencies to hire workers to other firms. Accordingly, temporary work relation can be established for four months and it can be only renewed once. This labour law also introduced a high degree of flexibility related to the working time (Süral, 2005:266; Özdemir and Yücesan-Özdemir, 2006: 323-326). As in other European cases, this is generally more beneficial to the employers and it leads to a greater management prerogative (Sur, 2009: 333). Scholars that are more critical claim that the new law marks an important shift in the Turkish labour law from a concern to protect the worker to a concern to protect the enterprise (Özdemir and Yücesan-Özdemir, 2006: 316).

Other minor improvements

The 2003 law revised the issue of occupational safety and health considerably and foresaw detailed regulations on the employer's duty to protect workers, partially under EU influence. As Sur (2009: 319) emphasizes, compliance with EU directives was "insured in large part in the texts, but problems arose as to their effective application." The law also introduced more detailed provisions on the prevention of discrimination.

The European Union directives had a considerable influence on the Turkish 2003 labour law. As noted by the European Commission (2003) with the new labour law "some steps have been taken towards transposing the *acquis*". However, this influence is quite selective, as the Turkish reality unveils. Business and government representatives are eager to refer and transfer EU provisions which legalize and extent flexible employment forms. However, much shorter working hours' provisions and provisions on the freedom of association and collective agreement are not being referred or transferred. In some cases, the Turkish government has sought to go further than the Directive in protecting the fixed-term worker, as noted by Dereli. This author refers that while most EU jurisdictions have not required the presence of essential reasons for the first-time conclusion of fixed-term contracts, the Turkish Labour Act requires an objective justification for making the fixed term contract (Dereli, 2014: 145). The provisions of the labour law on part-time work are also mostly consistent with relevant EU norms. Where there is no written employment contract, the labour law of 2003 brought the requirement for the employer to provide the worker with a written document that sets out the general and special working conditions. This is also a provision foreseen by EU law. However, the divergences are obvious also. For example, provisions on working time in Turkish labour law are very contradictory with EU directives, with the workers working overtime frequently (Dereli, 2014: 151). In addition, Turkish law is clearly non-compatible with EU norms in terms of collective rights and the limitation in the right to strike (Çelik, 2014: 285).

2. Law in action. Consequences of the crisis and the austerity

ETHOS seeks to provide building blocks for the development of an empirically informed European theory of justice. Among some of the project key goals are the need to deepen the knowledge on the European foundations of justice - both historically based and contemporary envisaged and to enhance the awareness of the mechanism that impede the realisation of the justice ideals that live in contemporary Europe.²⁹ In order to get informed material on the non-realization or limited realization of distributive justice claims experienced by the most vulnerable and marginalized groups in society, it becomes fundamental to understand how the legal structure had experienced the consequences of the crisis.

The crisis had devastating effects in employment and economic security with loss of jobs, increased precariousness and in-work poverty affecting countries in different ways and intensities. Social groups were also being hit in different ways with loss of jobs and worsening working and living conditions. Southern Europe and Central/Eastern European countries were moving away from the Europe 2020 targets with high levels of unemployment of adults and young people adding to the already high levels of temporary contracts and in-work poverty (Dietrich, 2012; CEC, 2009).

2.1. Global overview

2.1.1. Employment rates

Since 2013 there was an employment recovery in the EU, particularly for higher-paid jobs, which in any case, were the less affected. In 2016, several countries were in compliance with the Europe 2020 target employment rate of 75% (Cyprus, Czech Republic, Denmark, Germany, Netherlands, Sweden and UK) and others were getting closer (Austria, Latvia, Lithuania, Spain). However, several countries lost an important percentage of employment, namely due to a loss of population for migration, such as Romania (10.2%), Bulgaria (10%), Latvia (16.3%), Lithuania (4.5%) and Portugal (10.6%). In some countries there was a destruction of employment, namely in core employment, partly replaced by an increase in part-time work (Spain and the Netherlands³⁰) and self-employment (Finland). The UK experienced employment recovery both in core and self-employment (Eurofound, 2017b). In the Turkish case, as revealed by the Household Labour Force Surveys of Turkish Statistical Institute (TUIK) the ratio of unregistered employees in Turkey used to be around 30% until mid-2000s, but it reached 32.5% in 2016.

The crisis hit the manufacturing, construction, agriculture sectors the most, and these jobs seem not to have been recovered. Therefore, the services sector was 71% of employment in the EU, in 2016, with less weight in Austria, Germany and Hungary. Increase in consumption promoted the recovery of lower level, non-tradeable services, particularly in Austria, the Czech Republic, Denmark, Hungary, Lithuania, the Netherlands and the UK. Most job growth in lower-paid jobs was in personal care work or service work in the food and beverages sector (Eurofound, 2016).

²⁹ From ETHOS - Towards a European Theory Of Justice and fairness, Project Number 727112, Annex 1 (part A).

³⁰ As Vries, Safradin and Sijmons (2018) refer in their country report, the Netherlands has the highest proportion of people in part-time employment in the EU (50.4 % in 2014). For women this percentage is 76.9 %, i.e. 44.1 % higher than the EU28 average.

Cyprus, Greece, Spain and, to a lesser extent, Ireland, which experienced major job losses in the manufacturing and construction sector until 2013, had employment growth above the EU average but in different, low-paid jobs. Germany, Poland and the UK as well as Sweden and Portugal experienced increases in high-paid jobs. Between 2011 and 2013, Greece, Portugal and Spain experienced employment destruction in mid-paid jobs. Fifty percent of the growth in high-paid jobs took place in media, ICT, consulting, legal and accounting services as well as in financial services in the private sector, but public-sector knowledge-intensive service employment also counts for this increase. Those that experienced downgrading of employment in terms of the incidence of job growth in lower-paid jobs were Hungary, Ireland, Latvia and the Netherlands as well as Italy and Malta. Polarization in job growth was experienced in Austria, the Czech Republic, Denmark and Romania, with both lower end and upper end jobs being created (Eurofound, 2017b).

Although labour market and employment protection deregulation measures targeted particularly permanent employees in the core labour market, an assessment of the consequences of austerity/structural reform measures in the core and peripheral EU countries finds, for instance, that the insiders in the core countries were not affected, contrary to what happened in the peripheral countries. In these, both the permanent and the temporary workers were affected by deregulation of employment protection. Here, where protection of the outsiders is also weak – for instance, weak active labour market policies – reducing protection has much harder effects than in central countries (Prosser, 2017).

Therefore, recovery is not taking place in the same jobs and in the same way in the different countries. The losses in the mid-paid jobs, namely in manufacturing and construction indicate a polarization of the labour market overall, with the consequent increase in inequalities.

The Better Life Index is a multi-dimensional index comparing well-being across OECD countries on 11 topics such as housing, income, jobs, community, education, environment, governance, health, life satisfaction, safety and work-life balance. The latest data (OECD, 2017) indicates that there is only a modest recovery from the crisis which is not equally shared by people: In comparison with 2005, although there are gains in number of jobs, average household income, life expectancy and housing conditions, job insecurity has risen, long term unemployment increased, the growth rate of household income slowed down, average life satisfaction is lower, voter turnout has decreased, trust in government decreased, household debt increased, and the share of people who feel supported by friends and family has fallen.

2.1.2. Precarization and flexibility

The crisis also had an effect in furthering labour precarization, although this is also a trend from the previous years, a consequence of flexicurity measures. However, the fragility of these situations only became clear during the crisis when job insecurity became evident with temporary job losses (Eurofound, 2018). During the crises there has been a reduction of workers in full-time permanent dependent employment (58.2% of EU workers in 2016 Q2 compared with 59.5% in 2009), except for the higher-paid jobs, and an increase in part-time employment. After 2013 permanent jobs have been responsible for the biggest share of employment growth but only in the high-paid jobs. Part-time employment and temporary employment is growing, and self-employment is growing moderately and mostly in the high paying jobs (Eurofond, 2017).

In 2016, temporary employment was lower than before the recession (14.2% in 2016 to 14.5% in 2006). This is because the increase in temporary contracts took place before the recession, since 1985. Even during the crises some countries, like, for instance Germany, were not affected. Those countries where temporary employment rates are above the EU are the Netherlands, Portugal, Spain, Croatia and Poland (above 20%), Italy, France, Sweden, Finland, Slovenia and Cyprus. The lowest temporary employment rates, below 5% were experienced in Romania, Lithuania, Latvia, Estonia and Bulgaria (Eurofound, 2018).

a) Part-time work

One indicator of labour flexibility is part-time work, a trend that has been taking place before the crisis. Table 2 shows the proportion of workers in part-time work that is of persons who usually work less than 30 hours per week in their main job, by sex, in 2006, 2013 and 2016, that is, before the crisis, at the peak of the crisis and after the crisis in Europe. It also shows involuntary part-time workers, i.e., those working part-time only because they could not find a full-time job. In terms of part-time work, it is important to distinguish between voluntary and involuntary and, in this regard, countries vary sharply. Part-time work has been increasing in the EU since long (for instance, from 16% in 1996 to 20% in 2015). In Turkey subcontracting of activities, which does not involve any technological expertise, is quite common in both public and private sectors. Turkish labour law enforcement is generally quite lax; however, the problem at hand is beyond that. AKP government does not carry out numerous Supreme Court rulings, which declare cases of public subcontracting as illegal and order the government to directly employ the related subcontract workers. Another prevalent way of subcontracting in the private sector is via fake firms, as the Turkish report underlines. Some employers establish fake firms and transfer a group of their workers to these new firms. As declared by the Minister of Labour as an answer to a parliamentary question the total number of formal subcontract workers in Turkey was nearly 0.4 million in 2002 and rose to 1.6 million in 2011. This means that one out of every nine employees in Turkey was a subcontract worker in 2011. While percentage of subcontract workers grew, collective bargaining coverage fell from 10 to 5 percent from 2002 to 2011.³¹

In the EU, during the crisis, part-time kept increasing, namely the involuntary part-time work, from 22.4% of all part-time work, in 2007, to 29.1%, in 2015. This was particularly so in the countries with the highest levels of unemployment (Greece, Spain and Cyprus). Part-time work increased both in the lower-paid service jobs (retail sales assistants and personal services workers in the food and beverages sector - 57% of all involuntary part-time employment), particularly among men and an increase of female part-time work in the high-pay jobs, particularly in the health and education sectors (Eurofound, 2017a). However, these data only refer to citizens. For example, as mentioned above, for the case of Turkey the official surveys only apply to citizens, which mean that the migrant workers from other countries, (including nearly half-a-million Syrians) almost all of which work in an unregistered way, are not included in the official data.

³¹ At the end of 2017, AKP enacted an executive order, which will make most of the subcontracted workers of public institutions to be directly employed by the state. In Turkey, the number of subcontracted workers is estimated to be nearly 2 million, half of them employed by the public institutions, while private firms are employing the other half. Therefore, AKP's new attempt seems to impact around half a million subcontracted workers of public institutions, a transfer which has just begun in 2018.

Table 2 – Share of employed in part-time employment, by sex

	2006				2013				2016			
	Global		Involuntary		Global		Involuntary		Global		Involuntary	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
Netherlands	15,5	59,8	1,3	4	19,2	61,1	2,7	5,8	18,7	59,8	3,1	5,6
Austria	5,1	31,2	1	4,4	7,9	33,4	1,5	4,8	8,6	34,7	2	5,3
Belgium	6,2	33,8	1,4	5,6	6,6	31,4	1,2	3,6	6,9	30,0	1,3	3,2
Germany	7,6	39,0	2,7	8,6	9,0	38,1	2,1	6,2	9,1	36,9	1,7	4,7
France	5,0	22,6	1,8	8,6	6,2	22,5	2,6	11,4	7,0	22,0	3,5	12,4
UK	9,7	38,5	1,6	2,7	12,2	38,7	4	5,9	11,6	37,5	3	4,7
Ireland	7,2	34,3	1,2	2,1	13,1	36,2	7,4	11,6	11,9	34,8	5,5	7,8
Sweden	8,4	19,0	4,7	11,6	10,6	18,4	5,8	11,2	10,1	17,8	4,4	7,5
Finland	8,1	14,9	2,3	5,7	9,6	16,7	2,7	4,7	10,6	17,7	3,4	6,9
Denmark	12,0	24,6	1,5	5,7	14,2	24,7	2,3	6,9	17,3	26,7	2	5,4
Italy	5,5	29,3	2,2	9	8,3	32,8	5,6	18,4	8,5	32,6	6,5	19,1
Greece	4,0	12,8	1,3	4,4	6,6	15,6	3,7	8,1	7,2	16,1	5,1	9,2
Portugal	5,9	13,5	1,2	4,5	9,9	14,1	3,3	7,2	6,8	11,5	2,8	6,3
Spain	3,8	20,4	1,4	7,9	7,3	23,4	5,7	15,8	7,1	22,3	5	14,7
Czech R.	1,6	5,6	0,4	1,8	2,5	8,0	0,6	2,5	2,6	8,0	0,4	1,6
Estonia	3,3	10,3	0,7	2,5	4,9	11,3	1,1	2,6	5,6	11,9	0,6	1,3
Hungary	1,6	4,4	0,6	1,4	3,5	6,5	1,9	3,7	2,6	5,5	1,1	1,9
Latvia	3,4	7,3	2,3	2,4	5,4	9,9	2,3	3,8	4,8	9,7	2,3	3,8
Poland	6,5	16,3	1,9	3,5	4,5	11,8	1,3	3,2	3,4	9,0	0,9	2,4
Slovenia	6,1	9,8	0,3	0,7	6,4	11,2	0,6	1,4	5,2	11,1	0,6	2,1
Turkey	4,2	17,3	0,7	0,7	7,0	24,5	0,8	0,9	5,8	17,8	1,1	1,1

Source: data extracted from Better Life Index, OECD

One aspect, which stands out, is that the proportion of women in part-time jobs is much higher than men in all countries, which has consequences in terms of social protection, particularly in those countries where benefits are more connected to the employment trajectory, such as in the case of the conservative/corporatist and the Southern European welfare models. There are different reasons for these differences amongst countries (see boxes 6 to 8 and for an illustration of different reasons for part-time work). The Netherlands, often pointed out as the most successful case of flexisecurity, stands out as the part-time ratio represents more than half of women, but the proportion of women in involuntary part-time employment is, together with Turkey, the lowest. Austria, Belgium, Germany, Ireland, Italy and the UK also stand out for women part-time employment, representing around one third, but these countries differ in terms of the nature of this part-time work. For the countries which typically rely on the role of the family for care, like Austria, Belgium and Germany the percentage of involuntary part-time, between 11% and 15% in 2016 was amongst the lowest and decreasing, standing between countries of the liberal model and of southern Europe. As Aiginger and Leoni argued, before the crisis “in countries such as Germany, France and Austria the typical male breadwinner household model has given way to a model where the main (male) income is integrated by the part-time income of the (female) partner” (2009: 23). In the liberal model of the UK and Ireland, where the market is the first solution for care, women part-time is also high, but the weight of involuntary part-time is lower, particularly for the UK. In the case of Ireland, there was a sharp increase of involuntary part time after the crisis.

Compared to the overall EU countries studied in this report, Turkey shows some specific traits. The country, women’s labour force participation rate is one of the lowest among the OECD countries. In 2017, labour force participation for women (+15) was of about 32.5% (72% for men) while the employment rate was about 28% (65.1% for men) drastically below the OECD average of 59.5%. When labour force participation rate by education status is analysed, it becomes clear that women with higher education participate more in the labour market. Data available indicate that labour market participation rate is of 15.2% for illiterate females, 27.2% for females who graduated from less than high school, 33.6% for females who graduated from high school, 41.4% for females who graduated from vocational high school and 71.3% for females with higher education. As the data suggest, the socio-economic class intersects with gender, making less educated women more vulnerable in the labour market.³²

Box 6 – Part-time work in Netherlands (from the Netherlands report)

Compared to other EU Member States, in the Netherlands women work substantially more part-time than men (i.e. less than 35 hours per week). Among the Dutch female workers, 73% is doing so on a part-time basis compared to 15% of men.

Apart from the unconscious choice leading to more part-time employment is the conscious decision of (young) women to do so. One of the most pressuring reasons why women decide to work part-time is related to their family-life. Women with young children almost unanimously give childcare as their decisive reason to work less.

³² Data available from TurkStat (2018) “Women in Statistics, 2017” *Monthly Statistical Bulletins*, March 6, 2018 available at <http://www.turkstat.gov.tr/PreHaberBultenleri.do?id=27594>, accessed May 2018.

Couples tend to distribute the increased workload of being parents unequally. That is because, from the focus group interviews, women feel themselves more inclined to be responsible for their household and childcare. This may be linked to many deep-rooted cultural dichotomies. Other reasons to work part-time such as the fact that their male counter-part has a higher hourly salary - possibly due to area of work; and possibly more experience - contribute to this imbalance.

More controversial factors that contribute to a single full-time employed per household, are fiscal benefits. This is the infamous 'aanrechtssubsidie' (also known as kitchentop-subsidy), which technically is not a subsidy, but the transfer of a tax exemption - or tax return - normally only available to people with an income. In order to qualify, one must have an income of which a benefit can be deducted. The hypothetical exemption is transferred from an unemployed person to a full-time employed person within a household. This could lead to the result that women would not feel encouraged to work because they receive this benefit due to their partner working full-time. This measure is being phased out by 2024. Its existence and its repeal are both contested. Its repeal is challenged because it would deprive households of their principal choice in workload distribution - paid and unpaid mandatory activities such as volunteering and childcare - and force both parents to take up full-time employment. The impact of the fiscal measures itself is also not uncontested, as part of the broader critique of the general approach of economics in which citizens are seen as rationally acting subjects - *homo economicus*. People tend to not be influenced as much by fiscal impulses as normally assumed by economics. The particular influence of this measure to withhold women from working full-time can hence be nuanced in practice. Nevertheless, there are indications that lower-educated women are more sensible for financial impulses than higher educated women. A large share of women working part-time does not fall within this situation. Multiple studies and interviews held with (young) women representatives indicate that young women, before or without having children also work significantly more part-time. Recently graduated young women and men have a preference to balance work and free time better to spend on care for their household; time for themselves; hobby's and social contacts. Important to mention here is that their level of ambitiousness and their desire to be financially independent is not contested, but their hours are.

In addition, official statistics of the Social Cultural Planning Agency (SCP) show that almost all women indicate that the choice for working part-time was voluntary. Some even say that they experience the option to do so as a luxury. Only 7% did not choose to work part-time and would have preferred to work on a full-time basis, especially younger women (16%) and older women without children. This might be due to the preference of the employer to have a flexible labour force. The choice of women to work part-time with the reliance on their partners' income, may be based on deeply rooted traditional patterns in which the woman is still viewed as the primary care-taker and the main responsible actor for the house-hold. The latter is also in line with the phenomenon that young women, especially lower educated women, are generally less satisfied with their career and see limited career opportunities, even though the majority still prefers to work part-time.

Working part-time has major consequences for a woman's labour position: it offers less salary, and the chances for promotion are slimmer. From previous research, it is clear that working part-time does indeed offer less career perspective, either because the employer does not view part-time employees as ambitious, or because employees that have worked part-time lack working experience to be considered eligible for a promotion. The huge part-time ratio of women in the Netherlands also leads to a payment gap between men and women. In 2015, male employees earned 16.1% more than women per hour according to Eurostat figures. That is the unadjusted difference in pay. If differences between men and women in age, education, work experience, sector and job level are taken into account, a difference of 5% remains at government level, and 7% in the business sector, according to national statistics.

In short, young women, especially mid and lower level educated women, work significantly more part-time than their male counterparts. This is due to a complex variety of factors, but can mainly be ascribed to women's choice for working in specific sectors in which part-time employment is more common, and generally their own

preference. This preference may be rooted in a conceived responsibility for duties of care and their household. These factors can lead to the problematic situation, again especially among young lower educated women, in which they miss out in the long run on valuable working experience and compromise their (future) financial independence.

In fact, in the Netherlands only 52% of women are economically independent, whereas over one third of marriages end up in a divorce. In 2016 the divorce ratio was 39,1% in total. Research from Atria, a women's rights organisation based in Amsterdam, shows that there are women who for various reasons such as family duties or health problems prefer not to work at all. There is also an important intermediary group that needs to be assisted in their journey to finding a job: women who have the perception that 'nobody is waiting for them' - who have little self-confidence and may have been discouraged by experiences from the past, but who are increasingly eager to work. These women need an incentive, for example in the form of a short training or course, which makes them feel 'valuable' again. In addition, there are women who think that there is no harm in not working for a few years. After that period, these women still think they can easily integrate on the labour market. In this context, Minister of Education, Culture and Science Jet Bussemaker has indicated that when women are financially dependent on their husbands this could lead to catastrophic consequences. She argues: "many married, non-working women do not seem to realize that if the income of their husband falls away, the family has nothing to fall back on."

An interviewee representing women within the EU gender legal network adds the following on this matter:

One in three marriages end up in a divorce. What do you do when you are divorced, and you have young children and you are not financially independent? On who can you count? On welfare assistance. That is absolutely not fun. That is also something that a lot of young people do not realise at all. I used to teach this, and for example if we look at the marriage property laws. In what way do you need to arrange your marital agreements? And some students just said to me: 'yeah but, ma'am, you focus on the money right away, but you love each other and that is the reason you are getting married'. At the end of the course, they said they learned at least one thing and this is the importance, from many different aspects, to think and talk about this. How are we going to arrange this? (interview NL6.2.08)

Box 7 – Part-time work in Austria (from Austrian report)

Already before the economic crisis in 2008, the labour market in Austria was characterised by a rise of atypical forms of labour. In 2015, almost one third of the Austrian labour force worked in atypical forms (33.5%). There is an unequal gender representation in atypical work: 52.1% of all working women and 16% of all working men work under such circumstances. However, interestingly, research shows that some factors are not relevant in explaining the size and distribution of low wages. One of these factors is part-time work, as, for example, while the Netherlands have a high part-time rate in women compared to men; the low wage sector is small. In Germany and Austria, the part-time rate in women is also high compared to men, but the low wage sector is big too.

In the Southern European countries, Italy stands out for the high number of part-time employment by women, its increase during the crisis and, particularly, for the fact that more than half of this work is involuntary, particularly in 2016. Greece and Spain also had an increase in part-time and in involuntary part time. Portugal, with lowest

numbers of part-time employment for women had a decrease from 2006 to 2016, although not in involuntary part-time. The situation of Portugal when compared with the situation of Netherlands illustrates how numbers say very little by themselves. Higher rates of full time employment are not equivalent to a lower gender gap. It is rather a sign of low wages implying a dual breadwinner model (Portugal and Hungary reports) or of lack of adequate part-time job opportunities in a context of lack of affordable childcare (UK report). Finally, the Turkish reality is analysed, a context where the presence of women – a vulnerable group – in the labour market manifests itself at two levels; the obstacles in entering the labour market / accessibility to the labour market and the possibility of continuing in the labour market (Yilmaz, Akkan, Birema and Simla (2018 report)).

Box 8 – Women full-time work in Portugal (from Portuguese report)

In the last decades, Portuguese employment numbers has shown high rates of women full-time employment when compared to the global European numbers. After democracy was (re)installed in 1974, equality between men and women was incorporated as a fundamental principle in the Portuguese Constitution. The combination of this with a process of rapid economic and social transformation within which the mass entry of women into the labour market was crucial was translated into a massive entrance of women in the labour market. With a rate of 13.1% of women's participation in the labour market the 1960s, the feminization of the Portuguese labour force reached 40% in 1991, and increased to 47% in 2008 (Ribeiro et. al., 2015: 72). This does not necessarily mean more gender equality. As studies show, differentiated gender roles within the family and asymmetric housework division still prevail in most families (Ribeiro et. al., 2015 Coelho, 2016). "Women's role still relates to household and care work, in spite of their massive participation in employment. Therefore, women mostly endure a 'double workload', as time devoted to family work adds to paid work time" (Ribeiro et. al., 2015: 72). They are the great artisan of welfare society and it is mainly on their shoulders that fall the responsibilities of family care (Santos, 2012: 77; Ferreira, 2013).

Economic crises produce differentiated effects for men and women and austerity policies produce detrimental effects to advancements in gender equality.³³

Box 9 – Part-time in Hungary (from Hungarian report)

³³ This topic is addressed below in Box 22.

(footnote continued)

The flexibilization of the work force could be further enhanced by a range of atypical forms of employment. The most common atypical employment for women is part-time work. Part-time work is arguably ideal for mothers with young children, as it helps to balance family and professional life.³⁴ The Labour Code provides for the opportunity for mothers to modify their full time job to a part time one until the age of three of their children. Even though the employer shall not refuse the request of a mother to amend the employment contract in such a way, employers are only obliged to amend full time contract for a four-hour part time position.³⁵ Thus, if a mother wishes to have any other working arrangement (eg. a 6h/day part-time, to fit kindergarten or school schedules), she has to bargain with the employer and the final decision remains at the employer's discretion.

This might be one reason why part time work is not common among women in Hungary. Generally speaking, the ratio of part time workers is very low in Hungary compared to other Member States of the European Union. It is argued that the low wage a part timer could earn explains why employees prefer full time jobs. If the pay difference could be covered by social security for parents, more families may choose this option to achieve better work-life balance. However, it should be also remembered here that part time workers do not enjoy adequate guarantees at workplaces and are often discriminated compared to full time employees (Burri and Aune, 2013).

Box 10 – Part-time in UK (from UK report)

For single parents, conditionality often creates an 'impossible bind' between paid employment and childcare. A 2017 qualitative study with mothers of children aged 2 to 4, who were about to be imposed new job-seeking requirements, showed that most were interested in taking up flexible or part-time work, but the majority of positions advertised within reasonable travelling distance were full-time or required late-night or early morning availability. Few of the remaining ones matched their skill profile or paid enough to cover the cost of childcare, which was in short supply and of uneven quality. Like the homeless respondents, young mothers unanimously criticised the inadequacy of Universal Jobmatch, and several saw jobcentre personnel as more eager to pressurise them into paid work than to propose suitable training and openings. The lack of facilities for children also emerged as an obstacle for attending interviews.

Box 11 – Women full-time work in Turkey (from Turkish report)

³⁴ In Hungary, only 5.7 per cent of employees work part time, compared to 19.6 per cent of the EU-28 average. See Hungarian Bureau of Statistics (2015), available at Statisztikai Tükör 2015/55, National Bureau of Statistics (2015) at http://www.ksh.hu/docs/hun/xftp/stattukor/kisgyerm_nok_mpiac.pdf.

³⁵ Section 61 para (3) of the Labor Code.

In terms of sectoral distribution of labour for women, they are primarily employed in the service sector and then in the agriculture sector. Agricultural disengagement and migration from rural to urban areas resulted in women, who previously worked as unpaid family workers, withdrawing from the labour market, becoming unemployed or working in jobs with no social security and being paid low wages. In addition, jobs and occupations are separated and socially accepted as “woman jobs” and “man jobs” in the labour market, women employment concentrate in jobs traditionally dominated by women and this prevents women to access other jobs which are relatively better paying and have social security.

Part-time employment is not a common in Turkish labour market. In 2016, the proportion of part-time workers in employment was 10.3%.³⁶ However, the rate is higher for women: if in 2016 the rate of male part-time work was 6.5%, it reached 19.1% for females.

Informal employment with the lack of social security and poor and unregulated working conditions is a significant issue for the labour market in Turkey, particularly for working women. Although it is decreasing over the years, the informal employment rate was 44.3% for women in 2016 while this rate is 29% for men.³⁷

In 2016, new labour market regulations and flexible working hours were introduced, including part-time work for women with children. All women in the labour market (civil servants and employees in the private sector alike) can opt to work part-time for up to two months following the birth of their first child, four months after the second child, and six months after the third. Women working in the civil service do not lose their full-time earnings at the end of their statutory maternity leave, and women working in the private sector are compensated for their non-worked hours by the state through unemployment insurance payments. Working parents (both men and women) are allowed to work part-time until the child starts primary school, and the same rights are granted to adopting parents.

The picture inside EU countries shows various scenarios regarding part-time employment. The sharp increase of women in involuntary part-time employment occurred in Italy, Spain, Ireland, Greece and Hungary, that is, countries severely hit by the austerity measures. Other countries, however, saw a decline of involuntary women part-time work until the peak of the crisis in 2013, such as Belgium, Denmark, Finland, Germany and Poland. After 2013 until 2016 there was a reduction in Portugal, Spain and Sweden, but the numbers were kept high.

As for male part-time employment, the numbers seem not to follow a pattern with correspondence with welfare models. What is noticeable is that there is an increase in male part-time work in almost all countries and, although in some cases there was a decrease from 2013 to 2016, the numbers remained higher than in 2003. Some countries already had a high percentage of involuntary part-timers before the crisis, namely Sweden, Italy, Latvia and Finland. Most countries experienced an increase in involuntary part time due to the crisis, some of them experiencing a very

³⁶ Data available from *TÜİK Labour Force Statistics* (2016) available at http://www.tuik.gov.tr/PreTablo.do?alt_id=1007, accessed March 2018.

³⁷ Data available from *TÜİK Labour Force Statistics* (2016) available at <http://www.tuik.gov.tr/PreHaberBultenri.do?id=21579>, accessed March 2018.

sharp increase in 2013 such as Ireland, Sweden, Spain, Italy, UK, Greece and Portugal. In 2016, with the exception of Italy, Greece, France, Finland, Netherlands and Turkey the rates of involuntary part-timers continued to increase.

b) Self-employment

Self-employment is another form of atypical employment and it seems to not have been affected particularly by the recent crisis. Own-account work is officially recognised by the ILO as contributing to vulnerable employment, alongside the status of family workers.³⁸ They are less likely to have formal work arrangements and, therefore, a decent employment provided by social security protection and a voice at work. In this regard, it should be noted that various EU countries have no trade unions for self-employed persons, such as in the case of the Netherlands.³⁹ At the EU level it remains at 15% of all employment, although with country variations. Due to the decline in the primary sector, it has declined in Greece, Spain, Croatia, Italy, Portugal and Romania, whereas it has increased in the UK and Netherlands. Self-employed in the UK is promoted with tax advantages, which explains the interest for this form of work. The growth in self-employment in the UK since 2009 happened in advertising, public administration and banking (60%) and the remaining in construction and cleaning (Eurofound, 2018). The UK, with its liberal employment and welfare regime is paradigmatic in terms of the way the typical industrial model of work is changing, with an increased diversity of employment and work statuses, and uncertain boundaries between the different forms of work, sometimes to be clarified in courts.

Box 12 – Types of workers in UK (from UK report)

Due to the contractual nature of much British labour law and the consequent variety of employment relationships obtaining in the labour market, one of the fundamental challenges faced by courts has consisted in establishing material criteria that claimants must fulfil to obtain legal protection. Statutory instruments establish a hierarchy between three types of workers, 'self-employed', 'workers' and 'employee', with the self-employed enjoying the most limited set of rights, employees the most extensive and 'workers' falling somewhere in between. However, they offer very limited guidance as to how to distinguish the three categories.

In other words, the self-employed are defined as a 'profession or business undertaking carried on by the individual' and providing services to clients or customers; employees are individuals who work under a contract of employment; and 'workers' are those who work either under a contract of employment or any other contract to do work personally but are not self-employed. This leaves open to judicial interpretation the question of how to distinguish a contract of employment, entered by an employee, from other contracts of service entered by 'workers' and contracts for services which govern the relationship between the self-employed and their clients.

³⁸ See ILO webpage <http://www.ilo.org/wesodata/definitions-and-metadata/vulnerable-employment>, accessed May 2018. Additionally, it should be noted that various EU countries have no trade union for self-employed persons, such as the case of Portugal or Netherlands.

³⁹ For the Netherlands, for example, the number of self-employed is increasing and amounts to more than 800.000 people. In the country, of the working population, one out of ten is self-employed (Vries, Safradin and Sijmons (2018)).

Own-account self-employed is an ambiguous category, which may indicate an erosion of the labour status as workers are usually dependent on a single client and are more vulnerable due to its usual small size and the low coverage by social protection. They are 18% of the total number of self-employed and experienced an important increase in many countries: Luxemburg (43.8%), Netherlands (45.3%), Slovakia (40.1%) and UK (30%) (Eurofound, 2018). Since the financial crisis the UK has seen the third-highest absolute growth in temporary employment and the highest growth in the number of self-employed in the EU, which increased from 3.8 to 4.6 million between 2008 and 2015. The growth on self-employment in some countries like Germany and the Netherlands may be an indicator of preference for new forms of work, with more autonomy, better opportunities and challenges or work-family balance. In Germany, the percentage of people that resourced to this type of work for not having better alternatives (32-40%) is higher than in the Netherlands (22-31%) (Eurofound, 2018).

In the last trimester of 2013 self-employed where 20.4% of all employed population and, although in the beginning of the crisis there was a reduction in the number of the self-employed it began to grow again (Moreira, Marques and Gillot, 2014). In Portugal self-employment is not the outcome of a choice for new form of work but a structural feature of precariousness. Since long the so called false self-employment (*falsos recibos verdes*)⁴⁰ has been a feature of the Portuguese labour market, and not just in the private sector. This implies that although the worker fulfils all the criteria of an employee (eg.: a single employer, a workplace, a constant payment) the labour relation is under the form of self-employment. Thus, the worker is extremely vulnerable in terms of employment protection, labour rights and social protection. This situation is facilitated by the legal framework and the enforcement instruments as employers are exempt of the fiscal and legal obligations of dependent work, dismissal happens without penalty and contributions for social security are significantly lower. Attempts at changing this situation have been timid and, more recently, legitimising the situation of false-self-employees. For instance, an unemployment subsidy was created in 2013 for self-employed workers who work for a single company and are economically dependent of this company (80% of its total income).

2.1.3. Increased insecurity

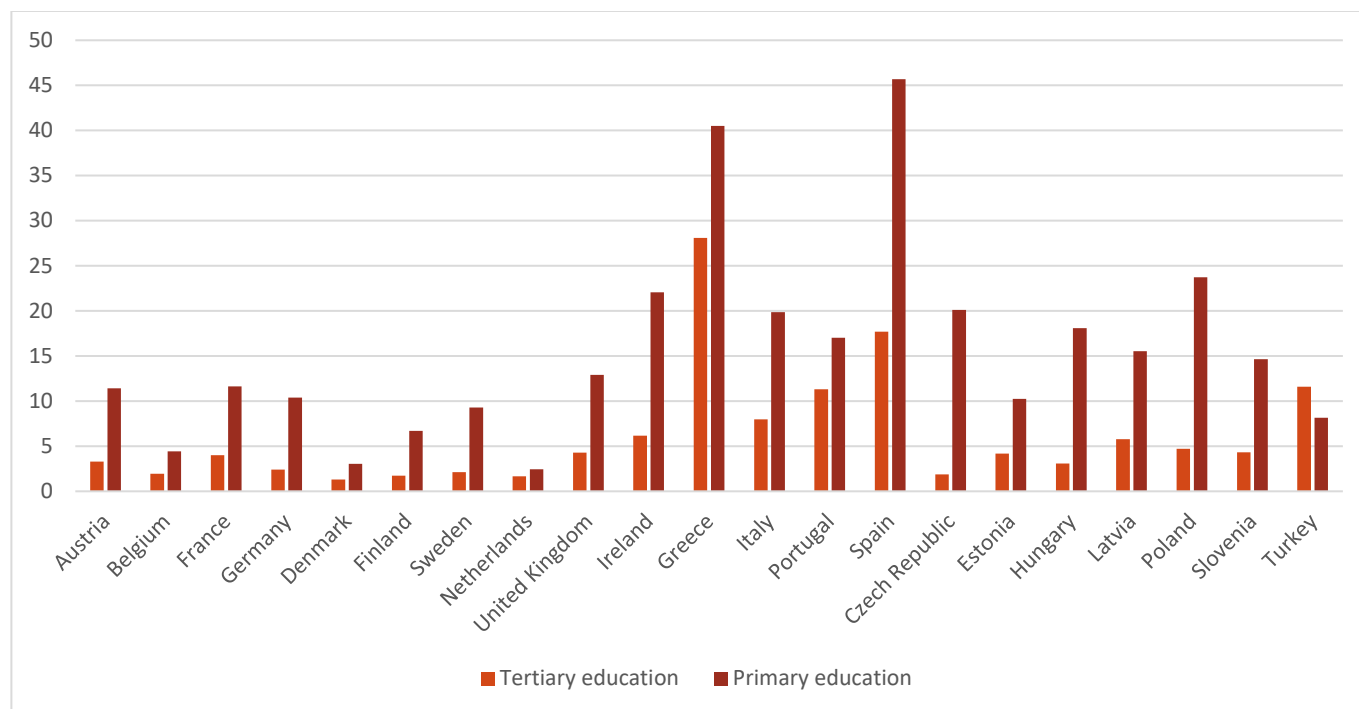
Although austerity and changes in welfare and employment regimes took place in all countries, the Scandinavian countries demonstrated more resilience of their welfare states and the Southern European demonstrated their extreme vulnerability.

Figure 1 extracts data from the Better Life Index of the OECD comparing labour market insecurity, defined as the expected earnings loss associated with unemployment, which depends on the risk of unemployment, the expected duration of unemployment and the expected degree of mitigation that unemployment subsidies provide against the earnings loss. We can see that labour market insecurity is higher in Southern European countries, particularly in Greece and Spain, and lower in the Nordic countries and the Netherlands, followed by the countries of the conservative-corporatist model and Turkey. Most of the Central/Eastern European countries are the second cluster with the highest labour market insecurity. The graphic also includes a measure of inequality. High socio-economic

⁴⁰ The false green receipt (*recibo verde*) is an expression used in Portugal to refer to a form of precarious and illegal work, in a situation when a worker is officially referred to as a service provider, when in fact he/she is a full ordinary employee of a company, but without benefiting from the rights inherent in this statute. Information available at <http://www.precariosinflexiveis.org/>, accessed May 2018.

status is defined as the group of the population with a tertiary education degree while low socio-economic status is defined as the group of the population with a primary education degree.

Figure 1 - Labour market insecurity in European countries, in 2016 (%)



Source: data extracted from Better Life Index, OECD

Box 13 – Flexicurity in the Netherlands (from the Netherlands report)

As of 1 January 2015, the Dutch Participation Act entered into force. The Participation Act offers income support for everyone who is legally resident in the Netherlands and is not able to provide for his/her own maintenance. This law is especially adopted for those who are able to work in principle, but who are not in a position to find a job without any legal and administrative support from third parties. This also applies to people with an occupational disability. The aim is to guarantee that they find a job with a regular employer.

With regard to refugees with a status who live in a municipality, but who do not work and are not also supported by for example COA or family, they can submit an application for assistance as stipulated under Article 11(2) of this Act. This is in line with the standards laid down in the EU Qualification directive. Under Article 29 of this Directive, a status holder in the Netherlands is entitled to the same social assistance as Dutch citizens receive. The Netherlands may grant a status holder a benefit other than a 'regular' social assistance benefit, as is also the case during their stay in the asylum centres. This is enshrined in Article 15 of the Participation Act. How this is done differs per municipality. If municipalities offer a certain trajectory, recipients of social security benefits are obliged to cooperate. As of 1 January 2016, a language requirement has been adopted in the Participation Act under Article 18(2)(b), which obliges refugees to make an effort to learn the Dutch language in such a way that

they are able to work in Dutch. In the case of refusal to cooperate, the municipality can impose a measure in the form of a deduction on the social benefit. The Participation Act does not contain any provisions that make a distinction between status holders and other recipients of a social benefit. Research indicates that the practice of receiving a social benefit could deprive benefit holders of the motivation to remain active and participate on the labour market. As will be shown in the law in action section hereafter, interviews with representatives have indicated that a bespoke approach in which municipalities examine the individual wishes of status holders, depending on their socio-demographic characteristics such as level of education and family status, is recommended.

Before the Participation Act entered into force, no formal duty existed for employers to take positive action. Companies are now being encouraged to investigate the possibilities of hiring employees who have a vulnerable situation with regard to labour market access, including refugees.

Precarity is more often associated with deficient social protection in many countries, showing that despite the rhetoric, flexicurity seems not to be working in most countries and the model of the Netherlands and Denmark is not easily exported. This is particularly so since austerity and fiscal consolidations became the drive of all EU policies, particularly labour and social policy. The case of the Netherlands is, in this regard, exemplary, particularly as under current migration challenges it extended its approach of universal minimum protection.

On the other hand, the UK with its liberal welfare model privileging market solutions has seen an increasing casualisation of employment relations, with the proliferation of all sorts of atypical status, including sham self-employment, zero hour contracts and temporary work (see UK report). In the UK “the national minimum wage and national living wage do not apply to several categories of workers, such as interns, volunteers, prisoners, live-in domestic workers or au pairs who are treated like a member of the family, family members who perform work for a family business, residential members of religious communities, members of the armed forces and share fishermen. Payment of the national minimum wage can be enforced either by HMRC or by workers themselves through employment tribunals, though penalties for non-compliance remain low and enforcement patchy” (Collins, Ewing and McColgan, 2012: 248).

Box 14 – Insecurity in UK (from UK report)

As we have seen, subsisting outside paid employment has become increasingly difficult, in part due to the decline in the real value of welfare benefits and in part because eligibility requirements often mean engaging in time-consuming work-related activities in return for a fraction of the minimum wage. An estimated 800,000 recipients of Jobseekers Allowance had their benefit withdrawn due to breach of conditions in the year up to March 2014, against an average of 200-300,000 per year in the decade before 2008. Single parents of young children, most of whom are young mothers, have endured the most of such restrictions. According to a 2017 report, 15% of all single parents claiming Jobseekers Allowance were sanctioned in 2015, up from around 5% a decade earlier. In the vast majority of cases, the reason for referral was failing to participate in the Work Programme ‘without good reason’, not actively seeking employment and failing to attend or participate in an adviser interview ‘without good reason’. Between October 2012 and June 2016, single parent claimants lost around £40 million due to sanctions, before taking into account compensatory hardship payments and reimbursements following overturned decisions.

In the case of Portugal, like other Southern European countries, labour precarity and lack of protection are considerable, with the distinctive feature that it also affects workers with tertiary education. One of the cases that have been high in the political agenda is the case of scientific researchers with scholarships. Contrary to the idea that scholarships are a temporary status in a training process, they became a significant part of scientific labour, with many researchers working as fellows in research projects for many years. These are highly qualified workers fulfilling a significant role in the scientific system which, however bear almost no social and labour right: social insurance for retirement is voluntary and calculated on a low amount (minimum wage), health and maternity protection is also voluntary, they are not entitled to unemployment subsidy, fellows have no right to paid vacation and any other subsidies, scholarship amounts are usually below of the wages of similar employees.

Box 15 – Flexicurity in Portugal (from Portuguese report)

With Troika Memorandum of 2011, flexibility became synonymous with vulnerability, as stated by one of the interviewees:

The flexibility model in contexts of high labour insecurity, high precarity and with absence of consolidated rights means vulnerability. The same concept may have opposing meanings, depending on the agreement with the normative framework, but above all, how the effectiveness of law that is observed in the respective society. Flexi-security ... means nothing. Often, the activists in southern Europe said 'no! This should be the other way around. First security and then flexibility'.

The Troika memorandum has weakened the power of the unions, made unilateral expiration much easier, challenging collective contracts. Another aspect is a set of changes in multiple issues of destruction of collective rights and of overvaluation of individual rights. One of such instruments, now widely discussed, is the time banks. Labour legislation, which changed in 2003, 2009 and in particular in 2011, practically gave the whole possibility of establishing a bank of hours for individual commitment of the worker to the employer. Faced with the fragility of employment in Portugal, the precariousness, a significant part of the workers has become available to work at any time, under very conditions of precariousness.

If schedules are overly flexible on the basis of individual commitment, the worker is not on an equal footing; for this collective representation is required. Now we see a facility for the boss in submitting, through power, the worker to change the contract, the workplace, the time shifts, the conditions and the rights associated with the labour market (PT6.2.02 – Former trade union leader, researcher, male, seventies).

2.1.4. Dignity and autonomy threatened

Precariousness, flexibility and insecurity directly or indirectly affect people on their dignity. Not only people are easily humiliated when have no individual resources and power to react but the instability inhibits the possibility of making plans and deciding about private matters. As we read in the UK report “people living precarious lives also found their personal autonomy severely curtailed by power imbalances that allowed not only employers but also jobcentre officials to discriminate or otherwise dominate them with impunity” (see Box 16). When a couple, in their late thirties, testify they have to submit the decision of pregnancy to the time frame of a fixed term labour contract

and how stressful it might be, we realize how many different forms violence may assume and that European young citizens are submitted to situations that are not compatible with values of freedom and equality (see Box 17). Also precariousness and insecurity associated with the new technologies may result in an assault on citizen's private lives and the absence of defined leisure or rest moments (see Box 17).

Box 16 – Precariousness consequences on dignity in UK (from UK report)

What is clear from our interviews with young mothers and domestic workers is that the sense of economic injustice (i.e. justice as distribution) cannot be disentangled from feelings of misrecognition and domination. A domestic worker described how prospective employers drove past her when she came to meet them with her headscarf, and her irritation at being carelessly rejected after travelling long distances and paying for a tube top-up. Similarly, a young mother who worked as a teacher was frustrated by her employer's limited appreciation of her contribution to the good functioning of the workplace:

I've been working there for two years and every time we have a meeting, I have to point out things that need to be done. To be honest, even if I didn't go into maternity leave, I was going just to leave that place because you know when you don't feel appreciated in the place that you're working at, your views are not valued in that place. Whatever input that you put, no one just sees that or no one takes it into account (interview UK6.2.07).

As this quote shows, misrecognition is also often bound up with misrepresentation in decision-making structures, an issue that was directly addressed by the Occupy activist:

In the further education college that I was part of, we always felt that decisions were coming down from the top, and we had little say in how our work was organised. Not just issues such as pay, but how we organised our department, that kind of thing. How we organised our work. And I felt it was demotivating to always feel that the active decisions, you know, the consequences of decisions, you don't have a say in making them (interview UK6.2.01 – male, 50).

People living precarious lives also found their personal autonomy severely curtailed by power imbalances that allowed not only employers but also jobcentre officials to discriminate or otherwise dominate them with impunity. Verbal abuse or harassment was frequently mentioned as a key manifestation of such domination:

At the jobcentre, you can feel - I think when I go inside the jobcentre and I know I'm on benefits I feel intimidated. I don't feel like I'm treated as a genuine human being. You know, because they make you feel shame for things that you don't have control in your life (interview UK6.2.07 - female, 30).

Invasion of privacy was another recurring theme:

When I go to Jobcentre, people can hear all your information, they can hear all your personal details. Where's data protection? [...] I went to the manager and I said this isn't right, this is against human rights. You can't be sitting there and somebody's listening, what is this, my details and everything. And secondly I don't feel comfortable discussing my life in front of strangers, why should I go... And the manager asking, would you like to come in some other place to speak to me and everything. And I said this ought to be like normal practice, not exclusion out of these rules, you know? But well, I said, because lots of people they don't know their rights and everything, so they never ask for this. I know my rights, that's why I asked for it. Why do I have to sit like this? I can't discuss my things in front of this bloody, whatever they call it, like work coach or something. I don't have to discuss this in front of a complete stranger, why? (interview UK6.2.09 - young mother activist).

Another constraint on individual autonomy was the impossibility to control one's use of time due to the imposition of appointments or unpredictable working hours, which made it difficult to discharge childcare responsibilities or plan personal activities.

Box 17 – Precariousness consequences on dignity in Portugal (from Portuguese report)

Interview to a couple of well-educated activists that were in their twenties in the beginning of the crisis and are now in their thirties:

Women - If my parents help pay up the house, decisions about the house (how to sell or not in a situation of income breakdown) can no longer be my decision [...]. After the Troika intervention, during the period that followed, we didn't even think about having children. Even if we wanted to, it wasn't even a possibility. Now it is a possibility, more due to age than to an actual improvement of our conditions [...]. I have a time frame to get pregnant, which is how long my contract lasts. At the moment, I am in a relatively friendly context, people like me, it is not a hostile environment, but even so, with these one-year contracts, we always do the maths in the attempts to get pregnant so that the baby is born and I can take a four month leave and return within the contract. I can't be on leave at the time of contract renegotiation, because they may think that I am in limbo, am I with them or am I not, they need someone and they choose someone who's available.

[...]

Men - You not only have an extremely precarious employment relationship, but the very work organisation is structured differently. You have email now, you have smartphones, you're always working. The last thing Cristina do before falling asleep is check her email. We're always working [...] With precariousness, with unequal power on which the precarious working relationship is based, you are always running, you are a little soldier.

(PT6.2.06 – Group interview with a couple of young activists)

Precarity also affects dignity, autonomy and work-life capacity of women, as the reports from the Netherlands (Box 18) and Austria unveil (Box 19). As the Austrian report stresses, these limitations are interconnected: "having time-autonomy is as precondition for a functioning work-life balance. The (low) income does not play such a strong role, neither on the job, nor in influencing career choices of girls" (Meier and Apostolovski, 2018 report).

Box 18 – Precariousness consequences on dignity in Netherlands (from the Netherlands report)

Research data from 2017 of the Dutch Central Statistics Office (CBS) indicate that women who have a permanent contract prefer to start a family sooner than women with a flex contract. Having an uncertain contract therefore not only creates an uncertain income, but also has major consequences for the future life choices of women and therewith for the society as a whole. In fact, national statistics prove this trend among women, in particular with regard to family choices at a later age: the average age on which women get children in the Netherlands has increased to 29,8 years. In this respect, an interviewee representing the Institute for Human Rights argues:

Women tend to wait with getting children until they have a fixed term contract. We like to trace that back to the fact that women are afraid to lose their job when they get pregnant - that is a sobering approach.

Temporary contracts indeed create a source of uncertainty. In fact, a legal professional argues in this respect:

I think that labour contracts for definite periods of time are also problematic, well, look around you. Look at yourself, you probably have a labour contract for a definite period of time. In that time you would like to show how much you are capable of, because you hope that possibly, adjacently, well not adjacently because that would not be possible under the Act on flexible working, but that maybe within half a year or a year you can go on to a different project at the same employer. The pressure is much bigger. The competition at your age, for young women, but also for young men is really high. Sometimes you are in high demand, and you like it. You do it all. But your health is also important. Let alone the situation in which you have a child. How do young women solve this? When their child is sick, the father does not stay at home, but the mother does so. And that has again disadvantages (interview NL6.2.08)

Box 19 – Autonomy and work-life balance in Austria report (from Austrian report)

When asked about the features of fair working conditions, interviewees emphasize on two aspects, which are not related to wages. They mention time autonomy and work-life-balance as most important features of fair work. An interviewed scientist stated:

Exactly. Yes, fair working conditions. I believe regarding working conditions it is extremely important for women, but also increasingly men, that they also can dedicate themselves to the family. And if they only / if they have the feeling, that they are only there for the employer and has to / there is consideration of their lives, they live apart from work, especially in relation to the children, then this is received as unjust. Alternatively, flexibility, which only works from the employers' side, yes? When the employer says, no and then and then / this is received as unjust, yes that I would say. Apart from that I cannot think of anything else at the moment (Interview AT6.2.03).

Thus, when it comes to perceptions of justice in the labour market, the income does not play such an important role as time autonomy and work-life-balance do.

2.2. Experiences of vulnerable groups

2.2.1 The situation of women

We referred above to gender inequality in the labour market by showing how part-time work, and particularly involuntary part-time work affects mostly women, with consequences on their careers and welfare. This is one of the many aspects of gender inequality, which range from the pay gap to the unequal distribution of care.

The case of participation in the labour market varies, however, from country to country, such as the gender related critical aspects. Some countries, such as Turkey, is characterised by low levels of participation. In Turkey, when the crisis hit the society and many families migrated from rural to urban areas, many women, who previously had worked as unpaid workers in agriculture, found it hard to find work. Thus, the option become to be unemployed or

to work in jobs with no social security and with low wages, as exemplified on the Turkey research about the so-called care economy (Yilmaz, Akkan, Birelma and Serim (2018)).

Box 20 – Mother’s participation in labour market in Turkey (from Turkish report)

The vulnerability of women and particularly young women with respect to participation to the labour market manifests itself at two levels; the obstacles in entering the labour market, accessibility to the labour market and continue to stay in the labour market. The difficulties of access and continuity regarding young women’s participation in the labour market could be explained by the difficulties that pertain to work and family reconciliation and current and changing labour market structure that will be elaborated in the report. Hence “young women’s labour force participation is not a problem in itself, but should be understood in relation to economic, political, social as well as cultural issues” that needs to be tackled as an interviewee asserted.

Another fundamental issue related to women’s employment is the gendered division of labour within the house and the childcare responsibilities of women. In 2016, 55.3% of economically inactive women stated their reason not to engage in paid work as “being a housewife”. According to the Time Use Survey (2014-2015), women spend 4.17 hours (per day) performing care activities, whereas men spend 0.51 hours (per day) on household and family care. The Family Structure Survey demonstrates that day care of children aged zero to five is undertaken by mothers at a rate of 86%, followed by grandmothers at 7.4%, while the percentages are remarkably low for paid day-care/kindergarten (2.8%) and nannies/child-minders (1.5%).

On the other hand, according to the OECD data, Turkey is by far the country with the highest proportion of people working very long hours, with 76 hours per week. Long working hours put women in a more vulnerable position. While women are engaged in longer working hours, they also have house related burdens due to unshared care responsibilities and housework.

Therefore, structural problems of the labour market intertwined with work and family imbalance emerge as the main obstacles in women’s labour market participation, in a context where women’s labour force participation rate is one of the lowest among the OECD countries.

EU policies have been, since long, oriented to tame these inequalities, namely with anti-discrimination policies, pregnancy and parental protections and the orientation to the social investment state put emphasis on promoting participation of women in the labour market, namely through investment in family services for children and the elderly. The increased participation of women in the labour market came often associated with labour market segregation. There is a substantial concentration of women in low-paid jobs (about 68%) and the lower weight of female work in the other jobs (less than 40% in medium-paid jobs and above 40% in high-paid jobs) in 2015 (Eurofound, 2016). The substantial percentage of part-time work in the EU is made by women (four out of five). Among the voluntary part-time workers, 78.2% are women whereas men are only 21.8%. Involuntary part-time work by men occurs mainly in the accommodation and food services sector (Eurofound, 2018).

Box 21 – Women’s labour conditions (from Austrian report)

Findings clearly show, that the low wage sector is female dominated. The position of female employees is generally weakened by the burden of reconciling paid and unpaid work – and the unequal gender distribution of unpaid work. In an intersectional manner, the position of migrant women, who are third country nationals, is weakened furthermore, due to their vulnerable legal position (i.e. residence permit is connected to work in the case of third country nationals, non-recognition of their education achieved abroad, etc.) and their low degree of information about their rights. The position of migrant women from Eastern neighbouring countries, which are part of the EU, is weakened by the low rates of unemployment and the low salaries in their countries of origin, i.e. Hungary, the Czech Republic, Slovakia, Romania. Both types of migrants (EU and TCN) are excluded from political participation, i.e. the right to vote. These situations of vulnerability in employees explain why atypical work forms, under assessment, weak representations, bad working hours all distribute to a special precariousness of women. The feminization of the low wage sector cannot only be verified for women up to the age of 35 but remains valid also for older age groups. Women are overrepresented in the low wage sector in all age groups, with even rising numbers up to the age of 55. Other vulnerabilities, such as disability, sexual orientation or religion do not play a prominent role regarding injustices in the low wage sector in Austria according to interviewed experts and literature. However, low qualifications play a role indeed.

The crisis had several effects in this landscape. A disinvestment in policies and agencies promoting gender inequality combined with the effects of the crisis and of the austerity measures, some of these with impact in public and non-profit social services providers.

The erosion of the European welfare state model has strong impacts on the family and kinship support networks as the reports of the various countries address. The diminishing of family incomes and the dismantling of the welfare state create an extra burden on families where women play a significant role. In addition, the welfare state is compensated by what was called a “welfare society” (Santos, 1999), i.e., public responsibilities of care are moving from the public sphere to the private sphere (eg. child-care, house work, elderly care) and the private sphere is still predominantly a women responsibility. The participation of women in labour market is variable in Europe (see above the differences between Portugal, Hungary and Turkey). While in Portugal women have the heavy burden of combining family care and jobs in Hungary and Turkey they are encourage to stay at home, as it is very difficult to conciliate both tasks and are in a very disadvantaged situation when comparing with men.

Box 22 – The Portuguese welfare-society (from Portuguese report)

In the last decades, Portuguese employment numbers has shown high rates of women full-time employment when compared to the global European numbers. This results, as stated above (Box 8) from the constitutional (re)introduction of equality between men and women after 1974, together with a process of rapid economic and social transformation. These realities combined produced a massive entry of women into the labour market (Santos, 2012; Ferreira, 2013).

The effects of the recent crisis and the associated austerity policies have had differentiated effects upon men and women, generating detrimental effects to advancements in gender equality. In fact, the recent Portuguese

crisis and the austerity measures affected families' well-being in different ways. It not only reinforced class disparities but also gender inequalities. Women were particularly affected "both by decreasing female employment and by widening gender pay gaps" and "in spite of their higher average levels of education, Portuguese young women seem to be in a particularly vulnerable situation, which creates gloomy perspectives for the future". On the other side, "cuts in public provision lead to a reprivatisation of care and to a shift towards a more familialist welfare system, thus reinforcing the traditional informal welfare society, whose main pillar is the unpaid work of women". The cuts in the household budget demand for a cut on domestic help. This means a decrease in job opportunities for uneducated women and more domestic work for middle class women, as the uneven distribution of power and resources between women and men in the household is still a reality. The expansion of women's unpaid domestic work may also imply a relative disinvestment in professional careers, threatening their occupational status (Ribeiro et. al., 2015: 72, 73; Ferreira, 2013: 224).

The study of Ribeiro et. al. on the impact of unemployment on the gender division of household showed that [...] unemployed men regularly did cooking, house cleaning and grocery shopping in less than a quarter of the households, and in just over 37% they took children to school. Notwithstanding, their full-time employed female partners continued to carry out most tasks: in 77% of the cases they did the laundry, and in over 40% all other housework. Contrariwise, female unemployment appears to significantly increase female work in the abovementioned domestic tasks, while male prevalence becomes drastically reduced, to negligible figures. Results partly support the explanations given by both the time availability and the relative resources theories for the unbalanced division of household labour. For unemployed women, increased time availability and less monetary resources lead to higher participation in housework and childcare. Diversely, for unemployed men that relation is only verified on weekdays while imbalance continues to prevail on weekends [...] Results thus appear to confirm that gender ideology plays an important role in participation imbalance, as has been shown in studies on feelings of justice by partners in what regards house division (Ribeiro et. al., 2015: 80).

As the researcher Lina Coelho puts it:

[...] the networks of informal solidarity seem to have been reactivated, the main protagonists of these networks are women. These networks of solidarity go through many exchanges in goods, unpaid work. Women mainly perform unpaid work in all countries. For example, 40% of people tell us that they started to bring a lunchbox to work. Who usually cooks in Portuguese families? It's women.⁴¹

Not only young women in the labour market were affected:

The workloads falling upon older women have arisen, with the crisis, in Portugal. And, at the same time, the society is not prepared for the increase in life expectancy that it had, first, the older ones are seen as a burden. But not only, the crisis has led to breaches between generations. The older generation, which was the fruit of the advances achieved in the society, such as the right of all to have reform and some protection, had little anchor and in a situation of deep rupture; however, this is the generation that had to come to the rescue of the children and the grandchildren. Much more to the grandchildren. This has produced unforeseen new behaviours. There is a very concrete aspect: hundreds of thousands of Portuguese youth have emigrated. Their grandparents suffer from it, there are ruptures that have taken place in relationships between generations. There have been tremendous advances, but for a certain type of structuring and organization of society and a certain framework of values. Because today education and training have new demands and we are going to analyse the recomposition of relations between generations, in a society that naturally tends to increase life expectancy and

⁴¹ "A sociedade portuguesa caracteriza-se pela insuficiência do Estado social", interview to Lina Coelho by Camilo Soldado, Público, August 31 2015, available at <https://www.publico.pt/2015/08/31/economia/entrevista/a-sociedade-portuguesa-caracterizase-pela-insuficiencia-do-estado-social-1706436>, accessed May 2018.

the goal of living healthier in the future because this is an effective possibility. In the world of work, as long as the clearly sexist structure of our society is maintained, as long as the domain masculine power is not recomposed, there is no change.... every day there is news that women are payed wages are lower than men's, working longer hours ... it was an achievement, at a certain point, that men shared some tasks. The culture was made only for a sharing of some tasks, for a help, the concept was help. Sharing today will place itself in another dimension (PT6.2.02 – Former trade union leader, researcher, male, seventies).

In EU countries, the crisis initially had a more negative effect in male dominated sectors such as manufacturing and construction but, in a second phase, women also started to lose jobs mainly in service sectors affected by household expenditure cuts and welfare services cuts, for which unpaid work is a substitute. The expected outcome of this was the intensification of the unpaid work performed by women (European Union, 2012).

The gender employment gap decreased 2.5% from 2008 to 2016. However, the main reason is not related to improvement in women working situation but with impact of the crisis in male dominated sectors. Still in 2011-2013 women experienced less job losses than men (Eurofound, 2016).

In the EU, in the return to job growth women are also gaining as this recovery is taking place in the types of jobs women usually occupy at the lower end, namely low-end wage in the service sector (the so-called care economy). Women also seem to be gaining more jobs in medium to higher paid jobs, namely in ICT, whereas men are starting to occupy what are predominantly women jobs, namely in health and residential care (Eurofound, 2016).

Thus, in 2013-15 male job gains took place in the low-paid jobs while female gains took place in the high-paid jobs. This, however, is still not sufficient to reverse the substantial concentration of women in low-paid jobs (about 68%) and the lower weight of female work in the other jobs (less than 40% in medium-paid jobs and above 40% in high-paid jobs) in 2015 (Eurofound, 2016). The substantial percentage of part-time work in the EU is made by women (four out of five). Among the voluntary part-time workers, 78.2% are women whereas men are only 21.8%. Involuntary part-time work by men occurs mainly in the accommodation and food services sector (Eurofound, 2018).

Although inequality between men and women in the labour market persists, there are signs that the gender gap is reducing, as men occupy low-paid typical female jobs, and in a more precarious situation, due to the disappearance of typically male dominated jobs and women increase their presence in high-paid jobs. That is, the reduction of gender equality is not the outcome of the improvement of women conditions but of the worsening situation of men. On the other hand, austerity measures worsened the situation of women in terms of economic independence with the reprivatisation of care due to cuts in social and health services, increasing costs of care services, reductions on maternity and parental leave benefits (European Women's Lobby, 2012).

Box 23 – Mother's and day care system in Hungary (from Hungarian report)

According to the leader of an NGO fighting for the economic independence (interview HU6.2.02), fulfilment and equal employment opportunities for women, the organizational culture in Hungary should be "much more women oriented". The preferences of women with young children are 4-6 flexible working hours during the day, but companies are not able to organize their operations around mothers with young children. Alongside, in the

vast majority of households, almost all the domestic work and the handling of family and children issues are the mother's responsibility and as a result, "mothers cannot be as available as men in the workplace and they cannot get to work in the same way as men and they cannot relate to a workplace like a man". The young mother with two small children under age of three says that working 8 hours is impossible in Hungary if the children are under 3 as the day care institution closes at 5 PM at the latest.⁴² A human resources leader, who cannot work in flexible hours, states:

[...] my greatest anxiety that how I can do quality work if my children attend such a rigid day care system. Actually, I need to hire a whole "army" to compensate the dysfunction of state day care system to fulfil my job (interview HU6.2.04).

The vulnerability of women and particularly young women with respect to participation to the labour market manifests itself at two levels; the obstacles in entering the labour market, accessibility to the labour market and continue to stay in the labour market. The difficulties of access and continuity regarding young women's participation in the labour market could be explained by the difficulties that pertain to work and family reconciliation and current and changing labour market structure that will be elaborated in the report. Hence "young women's labour force participation is not a problem in itself, but should be understood in relation to economic, political, social as well as cultural issues" that needs to be tackled as an interviewee asserted.

Box 24 – Mother's rights in UK (from UK report)

One of the most significant gaps between EU and UK standards is the doctrine of illegality, which effectively strips undocumented workers of most of their employment rights on the grounds that the contract on which they rest was invalid from the outset. By contrast, UK legislators have been more proactive when it comes to promoting female employment through pregnancy and parental protection, part-time work (which is disproportionately undertaken by women) and anti-discrimination. As we will see, however, many of these progressive measures have been seriously undermined by the austerity agenda and its disproportionate impact on family carers. It should also be noted that the restrictive transposition of the EU directive on temporary agency work can be expected to have greater impact on young and migrant workers, who are more likely than others to take part in casual employment relationships [...].

For young mothers, post-crisis austerity offered a stark reminder that family-provided childcare was not considered as genuine work, worthy of legal protection and financial compensation. Cuts in welfare benefits disproportionately affected single parents, who were expected to take up paid employment ever more rapidly after the birth of their children. On the ground, this expectation was embodied by jobcentre officials whose exhortations to undertake work-related activities, backed by threats of benefit sanctions, were experienced as a time-consuming burden, a manifestation of disrespect and a violation of privacy. Those who attempted to escape the paternalistic coercion of the social security system through flexible employment instead found that insecure jobs that did not match their professional aspirations (in other words, that provided neither a route out of poverty nor a positive identity) were the best alternative on offer. The young mothers interviewed responded by resisting the commodification of their basic means of subsistence, such as housing, and by putting forward philosophies of care that valued the long-term bonds between children, their parents and other family members. For some,

⁴² In fact, kindergarten staff usually expects parents to pick up the kids between 3 and 4 pm, and express disapproval when parents come later (Hungler and Kende, 2018 report).

this could only be achieved by ending capitalism itself, and therefore by creating grassroots coalitions that would challenge this system's monopoly on parliamentary representation.

2.2.2. Younger workers and elder people

The proportion 55 years and older workers have been increasing (from 55.4% in 2007 to 63.4% in 2016), which is related to the fact that they remain longer and retire later – partly due to the changes in the retirement age in several countries. From 2008 to 2016 all countries experienced an increase in the percentage of older workers, with some experiencing an increase above the EU, 4.6% (Czech Republic, Italy, Lithuania, Poland, Belgium, Finland, Hungary, Slovakia, Bulgaria, Denmark and the Netherlands) (Eurofond, 2017a). However, while there was a substantial increase in 50-64 years-old workers, the employment rates of the other age groups are still below pre-crisis level (Eurofound, 2017b).

Young people were the most affected by the crisis. The employment rate of young people, between 14 and 24 years was 33.7% in 2016 against 37.2% in 2007 (Eurofound, 2017a). The unemployment rate increased from 15.6% to 23.7% from 2008 to 2013. In 2011, the hardest hit were the Southern European countries and the Central/Eastern European – Latvia, Lithuania, Slovakia and Croatia - most of which also hardly hit by adult unemployment. The recovery in employment impacted in youth unemployment, which decreased to 18.7%, with 19.4% young men and 17.9% young women unemployed.

From 2008 to 2013, youth long-term unemployment grew from 23% to 34% and to 30% in 2016. In 2016 long term unemployment rates were still above the 50% in Greece and Spain, and above 40% in Slovakia, Romania, Bulgaria and Slovenia. It was lower than 20% in UK, Austria, Netherlands and Cyprus and particularly low in Denmark, Finland and Sweden (Eurofound, 2017a). Another concern of policy makers is the NEET (not in education, employment and training). Following the general trend, the NEET decreased from 13% in 2013 to 11.5% in 2016. However, there are sharp differences among countries. Denmark, Germany, Luxembourg, the Netherlands and Sweden record NEET rates below 8%, whereas Greece (22.2%) and Italy (24.1%) record the highest.

Youth unemployment and underemployment presents us with the paradox that under an economic growth strategy based in knowledge and innovation the most qualified generation cannot find a proper place in the labour market due to vertical and/or horizontal skills mismatch (BusinessEurope, 2012). Youth unemployment, and particularly long-term youth unemployment, has been a major concern in the EU for a long time, even before the crisis, leading to policies aimed at promoting longer education or training.

When one considers the age and gender gap in employment/population ratio, for the countries under scrutiny, and their evolution in the recent years, affected by the crisis, one notice, first, very different situations both concerning the participation of young man and young women in employment, with the lowest participation in Hungary, Portugal and Turkey, and the gender gap being substantial in Turkey, which goes through all the life cycle, worsening in the ages of 25-54. Portugal has a more balanced participation of women and man in the labour market but young people is highly affected by lack of employment.

As for the changes during the crisis, there is a general trend of reduction of the employment rate from 2006 to 2013 in the age groups 15-24 and 25-54, at the peak of the social effects of the crisis and then some recovery in 2016.

This is due to loss and then recovery of employment, while in the age group 55-64 the resilience or even increase in employment during the crisis can better be explained with changes in early retirement conditions and retirement expectation and the more structural trend for the ageing of the population. It is noticeable that women employment in this age group increased significantly in Austria, Hungary and the Netherlands. In the age group 15-24 women employment ration increased from 2006 to 2016 in Austria, Hungary, Netherlands and Turkey, thus reducing the gender gap.

Table 3 – Evolution of the employment ratio by age group and sex

		15-24			25-54			55-64		
		2006	2013	2016	2006	2013	2016	2006	2013	2016
Austria	Men	55,8	56,4	52,9	88,4	87,5	86,6	41,9	52,8	57,6
	Women	48,8	49,8	49,0	76,0	80,5	80,6	24,5	35,2	41,1
Hungary	Men	24,6	23,0	31,5	81,3	81,4	88,2	41,2	44,8	59,7
	Women	18,6	17,0	24,6	67,8	70,0	76,2	26,6	32,1	41,5
Netherlands	Men	64,1	61,8	59,6	90,5	86,4	88,1	56,2	70,2	72,8
	Women	61,5	62,8	62,1	75,1	78,3	77,8	35,1	50,0	54,2
Portugal	Men	38,7	22,9	25,5	87,5	77,1	83,0	58,2	53,5	58,5

	Women	30,7	20,4	22,2	75,2	72,2	77,6	42,8	41,0	46,3
Turkey	Men	41,8	43,1	44,9	80,7	83,2	83,1	41,6	45,2	49,1
	Women	19,3	21,5	23,2	25,5	34,8	36,7	14,8	18,2	18,1
United Kingdom	Men	58,7	48,5	53,3	87,8	86,5	89,2	66,0	66,5	69,3
	Women	56,7	48,4	54,2	74,8	75,2	76,9	48,9	53,0	58,0

Source: data extracted from Better Life Index, OECD

The data available indicates a steady trend in the rise of elderly people in OECD countries. If in 1960 one out of twelve people was aged 65 and over on average, by 2005 this proportion had increased to one out of seven (Lafortune and Balestat, 2007). The problems of older people become more prevalent with the impact of crisis upon the families. Together, the occurrence of disability and its effects on living conditions are major factors that determine the quality of life of elderly people. These trends are important, as by 2030, in OECD countries, more than one person in five is expected to be 65 years and older on average, and this share is expected to increase further to more than one out of four by 2050.

Families with 'new' dependent members often experience a 'compression' of their living standards due to two main factors. The first is the reduction of the financial capacity of the family when the younger adults move back because unemployed; the second is the burden that falls upon elder, retired members of the family. These factors significantly affect both the organization of the families, and the household's overall income.

Moreover, in countries where welfare benefits are linked to the contributive capacity of citizens, the low activity rate of dependents and their family members, or the presence of family members with low wages, also reduces welfare payments. Therefore, lost earnings resulting from dependence are scarcely compensated by welfare measures targeted on unemployed persons.

As mentioned above, the crises that have shaken Europe have provoked, over the last decade, serious challenges to the three pillars of society: work, family and welfare, as European societies are progressively losing its capacity to provide for the well-being and security of many citizens. As Esping-Andersen (1999) underlines, those threatened are both citizens at the extremes of the age bands (children and the elderly) and the middle class.

Box 25 – The positions of the elderly in Portugal (from Portuguese report)

The crisis hit the elders in various forms. As one of the interviewees stated, various situations have been identified:

The case of elderly people living in nursing homes. There were many elderly people who went to nursing homes because their children, working all day long, could not care for their parents, living with them at home. With the crisis, and faced with unemployment, many children lost their jobs and had to go to nursing homes and get their parents back to live with them. Why? Because the parents' pension was the only money coming in. This has created a very complicated situation: the entrance of a father or a mother in the nursing home is already a

sensitive situation for the elderly person and for those who leave there; and now they are brought back to stay with their children, quite often pending all day alone at home.

This brings the question of caregivers. The bill regarding the recognition of informal caregivers has already been to the National Assembly. I think it will pass, and we will have the caretaker's statute. Informal caretakers ... but we have so much more to accomplish! The situation cannot be solved with the children, it has to be solved with social support, continued care. Integrated care ...

Another issue was the question of unemployment, which in some cases brutally affected the return of disabled elders to the children's home to compensate for some lowering of their children's earnings - even if the children were not unemployed. This also caused problems for older people because were already in an environment of some socialization, the nursing home; then the person returned to their children's house and stays alone. Children and grandchildren go to school and people spend all day alone. And many elders are losing family ties because of migration. Many younger people have migrated; this is a very big drama, many children left and with them took the grandchildren. The grandparents who would be in time to need the support of their children and grandchildren began to live alone again.

And older women generally have lower pension values because they, in most cases, also cashed less. In several professions, the difference in earnings between women and men is because women have discounted less and some less time because they started working later, and are left with lower pensions.

Our parents did everything they could to give us a life better than theirs and we are now not giving a better life to our children, better than the one we had. That's terrible. Anyone would like to pass on to their children better conditions than the ones they have and this is not happening (PT6.4.04 – President of the Portuguese Association of Retired People, female, sixties).

2.2.3. Persons with disabilities

Before 2001, when the International Classification of Functioning, Disability and Health (ICF) was endorsed by the World Health Organization (WHO, 1992), the most commonly used general definition of disability presented it as “any restriction or lack of ability (resulting from an impairment) to perform an activity in the manner or within the range considered normal for a human being” Currently, the definition of disability has been broadened, so that the term is now used as an umbrella to refer to various components: impairment, activity limitation and participation restriction, as influenced by environmental factors (WHO, 2001).

As Giuliana Costa and Costanzo Ranci (2010: 159) underline, serious disability is one of the most critical events that a human being can experience. The loss of the capacity to take care of oneself and the need to rely on the constant help of another person to perform the most basic of everyday activities compel profound redefinitions of material, organizational and symbolic aspects of life. Dependency is a factor that indubitably places those who experience it in a situation of vulnerability. However, adequate assessment of this effect requires consideration of the situation of the whole household in which the dependent person lives. According to the data presented by Costa and Ranci (2010: 164), share of households with at least one dependent person is greater in Southern Europe (11.5%) and substantially lower in the Nordic countries (6.3%), with intermediate levels in continental countries (9.9 % in the Germany, 8.4% in France and 8.6% in the UK). The data from Turkey indicate that almost 8.5 million, which equalled

more than 12% of total population were considered persons with disabilities.⁴³ These differences mainly result from the fact that dependent persons are more frequently placed in residential facilities in the countries of Northern Europe.

Disability offers a new lens through which to view the effectiveness of access to justice, and the inclusiveness of the justice system as a whole. Amartya Sen argues that health equity not only requires the achievement of good health and access to health care services, but also the capability to achieve good health (Sen, 2002). In a broader sense, Sen defines capability as the opportunity an individual has to achieve good health. Using Sen's approach, dependency (meaning one person's reliance for constant help from another in order to lead a dignified life) diminishes both the functioning and the capabilities of individuals and families (Sen, 1996). Severe chronic diseases, disabilities and the forms of dependency that derive from them restrict opportunities for everyday living and reduce people's capacities in numerous spheres of their lives (such as good nourishment, good health, self-respect, and social integration). Although they do not necessarily give rise to individual and social breakdown, they nevertheless entail a reorganization of material and symbolic resources that requires support from public policies.

The right to be cared has been called an "incomplete social right" still contested (Leira and Saraceno, 2006: 9) because it is rarely granted as an enforceable right. In countries where care provision is a right, such as the analysed case of Turkey, it takes various forms, as we will discuss below. The impact of welfare policies on the vulnerability of the dependent person must therefore be carefully evaluated, taking both the quantity and types of benefits into consideration.

In Turkey, the situation is rather complex. As the country report illustrates, parallel to worldwide trends, in Turkey persons with disabilities constitute a vulnerable group with respect to their labour market access and employment. Low level of employment among persons with disabilities increases their risk of living under income poverty and limits their participation in social life, which exacerbates their vulnerable position. Second, there has been a considerable policy effort in Turkey to increase labour market participation and employment of persons with disabilities especially in the last decade. In the country, the first policy measure taken to increase the employment level of persons with disabilities dates back to early 1970s, which involved the introduction of minimum employment requirement (Altan, 1976: 219). The Labour Code of 1971 made it compulsory for employers hiring more than 50 employees to hire at least 2% of their employees from people with disabilities. There is sufficient historical evidence to suggest that this policy measure succeeded in increasing the employment of people with disabilities (Yilmaz, 2011: 54). Nevertheless, sustainability of this success could not be secured mainly as a result of the low level of fines in the case of non-compliance that failed to function as a strong deterrent factor (Altan, 1976: 316). Later on social security legislations have included references to disability, mostly in the form of occupational illnesses, work accidents and invalidity pensions. According to the social security legislation, a person who acquired

⁴³ Devlet İstatistik Enstitüsü and Özürlüler İdaresi Başkanlığı, 2004.

(footnote continued)

disability due to a work accident or an occupational illness has a right to benefit from invalidity allowance, the amount of which is calculated based on medically determined loss of work capacity.⁴⁴ Causes of disability acquisition in adulthood determines if the person can benefit from invalidity benefits. One can only claim invalidity benefits if his/her disability is not a result of his/her 'unruly' lifestyle or she/he did not acquire disability intentionally.⁴⁵ The Labour Law lists the abovementioned causes of disability acquisition as valid reasons of rightful contract termination by employers.

Almost three decades later, social and economic problems of persons with disabilities once again became part of the political agenda. The introduction of the Law on Persons with Disabilities (2005) was a historic step. This legislation is a framework law on disability rights that amended other fundamental legislations in various policy domains including social security, social care and employment to integrate disability rights approach in all these. In addition, the law openly prohibits all forms of discrimination in the labour market on the grounds of disability.⁴⁶ Turkish legislation imposes imprisonment (ranging from one to three years) on those preventing the recruitment of a person with disability with a motivation of hate in relation to disability.⁴⁷

Inspired by the European Union Law, Law on Persons with Disabilities introduces two different but complementary definitions of discrimination: direct and indirect (art. 3). Direct discrimination is defined as all forms of differential treatment of persons with disabilities hindering their enjoyment of all rights and freedoms on equal terms with others. Indirect discrimination occurs where a prima facie neutral provision, criterion or practice put persons with disabilities at a disadvantage compared to others, unless that provision, criterion or practice is objectively justified by a legitimate objective. With these definitions codified, Law on Persons with Disabilities has the most sophisticated legal understanding of anti-discrimination in the Turkish law. Nonetheless, while Turkey has a strong anti-discrimination legislation protecting persons with disabilities from discrimination in employment, a few discriminatory laws still exist blocking the entry of people with disabilities into the specific professions or positions (Yilmaz, 2011).

Box 26 – Persons with Disabilities in Turkey (from Turkish report)

The legal framework

⁴⁴ Republic of Turkey (2006), *Social Security and General Health Insurance Law*, art. 14-19.

⁴⁵ Republic of Turkey (2003), *Labour Law*, art. 25.

⁴⁶ Republic of Turkey (2005), *Law on Persons with Disabilities*, art. 14.

⁴⁷ Republic of Turkey (2004), *Turkish Criminal Law*, art. 122.

(footnote continued)

Conducting a comprehensive job and occupation analysis for people with disabilities reflects a discriminatory mind-set assuming that people with disabilities cannot perform certain jobs and/or occupations due to their physical, mental and/or intellectual differences. Amendments to the Law on Persons with Disabilities in 2014 renounced this approach by repealing the article on job and occupation analysis and introducing a new article recognizing disabled people's freedom to choose their occupation without imposing on any restrictions.

For example, the Labour Law (2003, art. 30) proclaims that all employers hiring more than 50 employees must hire at least 3% of their employees from people with disabilities in the private sector. For public sector workers, the minimum rate of employment requirement is 4%. Persons with disabilities are protected in the Civil Servants Law in relation to the determination of daily working hours.⁴⁸ The law allows for flexibility of working hours and lunch break for civil servants with disabilities, the terms of which are to be defined by the local administrative supervisor. In addition, the law prohibits night shifts and duties for civil servants with disabilities unless they are willing. Private sector employers with a legal responsibility of hiring people with disabilities as part of the abovementioned minimum employment requirement benefit from certain state subsidies. Most important of these subsidies is the full exemption granted to employers from paying the private sector employers' contribution to social security fund per each employee with disabilities hired as part of the minimum employment requirement (2003, art. 30). Private sector employers hiring more than the required number of persons with disabilities are granted partial exemption (50 %) from paying the employers' contribution to social security.

Finally, Turkish disability legislation offers an official status to sheltered workshops (Law of 2005, art. 14). Sheltered workshops are defined by law as state-supported and specially designated workplaces introduced to provide occupational rehabilitation and employment for people with disabilities (2005, art. 3). In practice, the target group of sheltered workshops include persons with intellectual disabilities and mental health issues whose chances of employability is low in the open labour market.

The Turkish reality

With respect to educational attainment, almost one-third of disabled persons are illiterate (Yilmaz, 2011). For chronically ill people, the illiteracy rate was double the rate of general population, but lower than that of disabled people. Concerning that literacy is a necessary but not a sufficient condition for employment, it could be argued safely that the high rate of illiteracy among disabled persons and to a less extent people with chronic illnesses result in this sizeable group's exclusion from the labour market.

In Turkey, given the key importance of employment in accessing health insurance and pension coverage, high unemployment rate and low rate of labour market participation resulted in more than half of persons with disabilities left out of the social security coverage.

A recent report has demonstrated that overwhelming majority of enterprises employed persons with disabilities despite the overall rate remained below the legally required rate (Republic of Turkey - Ministry of Family and Social Policies, 2011). Overall rate of employment of persons with disabilities was 2.1% ranging from 2.8% in culture, arts, entertainment, recreation and sports sector to 1.3% in construction sector. Findings show that the share of non-compliant enterprises increases as the size of the enterprise decreases. This report also identified gender

⁴⁸ Republic of Turkey (1965), art. 100.

inequality in employment outcomes of persons with disabilities. The report suggests that the low level of employment rate among women with disabilities can be explained on the basis of low level of female employment in general. Similar to the sectoral distribution of female employment trends, three sectors – namely manufacturing, information and communication and finance and insurance services sector- together employed almost half of all women with disabilities in the labour market. This report signals that disabled employees were mostly concentrated in elementary occupations (35.5 %) and clerical support work (31.3 %). Only 7.9 % of disabled employees are employed in professional work, which almost reflects the share of university graduates. Finally, according to the report, the majority of employers reported that they prefer to employ persons with orthopaedic disabilities (40.9 %). The least preferred groups by employers were persons with intellectual disabilities (4 %) and persons with mental health problems (3.8 %).

Evaluation of the disabled justice

The overwhelming majority of the interviewees stated that current policy developments serve disability justice. Respondents mostly referred to the introduction of the Law on Persons with Disabilities in 2005 as a milestone policy development, which then initiated a series of improvements in the legal framework concerning disability rights and laid the groundwork for new policy initiatives. Most of the interviewees also referred to the national adoption of the United Nations Convention on the Rights of Persons with Disabilities (2009) as another historic step in improving the domestic legislation on the rights of people with disabilities.

Many problems remain to be solved, so that persons with disabilities can labour sharing equal conditions. As stated by one of the interviewees,

Injustice starts at the disabled person's journey to the workplace. Then it continues in her office table. She faces problems in lunch breaks or when she wants to grab a tea, etc. (interview TR6.2.12 with a trade union representative).

Regarding discrimination another one added:

We know a co-worker of a person with disability. The person we know benefit from private insurance and all other social benefits. But that disabled person, who is a university graduate by the way, is subjected to differential treatment like she gets minimum wage etc. just because she is employed through the disability quota (interview TR6.2.15 with a representative of an NGO specialized in providing employment services for persons with disabilities).

Among the major obstacles to the realization of social justice for persons with disabilities in the labour market, six major problems were identified: 1) low level of educational attainment among persons with disabilities, 2) accessibility problems, 3) discrimination at the workplace, 4) segregation in the labour market, 5) gender inequality in disabled persons' participation in the labour market and employment outcomes, and 6) impact of cash assistance schemes on employment decisions.

2.2.4. The situation of migrants

One of the effects of the crisis and of the current recovery is the increase in migration, particularly intra-EU migration. However, other phenomena, such as the refugee crisis, also contributed to this increase. Intra-EU migrants increased from 5.7 million people in 2008 to 7.3 million in 2016 and non-EU workers in the Member States now account for 13 million (Eurofound, 2017b). Migrant workers are now about 12% of all workers in the EU (Eurofound, 2016).

Migrants tend to occupy the lower-paid jobs. Between 2011 and 2015 there has been an increase in non-native employment in these jobs and some replacement effect of the native workers in these jobs, while natives have advantage in better-paid jobs (Eurofound, 2017b). Half of this growth took place in Germany, where it has grown over 1.2 million since 2011. Austria, Cyprus, Germany, Ireland, Luxembourg, Sweden and the UK account for about 15% of non-native workers whilst Bulgaria, Czech Republic, Hungary, Poland, Romania and Slovakia account for less than 4%. Intra-European migration has been typified by a movement from East to West. In Austria, Denmark, Italy and Sweden, new employment in lower paid jobs is accounted for by non-natives (Eurofound, 2016). Turkey also has a significant migratory population, composed both of migrant workers from other countries and nearly half-a-million Syrians refugees almost all of which work in an unregistered way (Yilmaz, Basak, Birelma and Serim, 2018 report).

In this section, we explore the situations bringing vulnerability and exploitation in the labour market through a broad-reaching analysis of the lived experiences of vulnerability and exploitation in different geographical contexts across Europe. In the case of migrants, the analysis crosses the economic context with migrants' mobility and the structural production of migration statuses, a condition that reproduces migrant exploitation. The result of the crisis that shocked the euro-zone, resulted in increasing situations of unemployment, especially among the younger generation and migrants. Specifically, for the case of migrants, the financial and economic crisis have deepened exploitation, with negative consequences for vulnerable migrant workers, who may lose their jobs in the current downturn or may remain in work facing worsening conditions and reductions in pay (IOM, 2009). For example, the recent revelations in the UK of rising numbers of 'zero hours' contracts are symptomatic of such deepening exploitation (Dupont and Anderson, 2018 report).

The term precarity is often used when attempting to describe these growing global levels of vulnerability and exploitation (Lewis *et al.*, 2014). In a literal sense, precarity is generally used to invoke lives characterised by uncertainty and instability. The notion of vulnerability⁴⁹ is another key concept that includes aspects that are not connected exclusively with income level and the security of the well-fare states: it includes housing conditions, employment, the management of care for children and dependent persons, the models of family organization and the difficulties arising in the transition through different phases of the life-course. It does not concern individuals facing severe hardship or social exclusion, but people who are permanently exposed to instability and weaker

⁴⁹ As Lourdes Peroni and Alexandra Timmer underline (2013: 1056), the concept of vulnerable groups has gained growing visibility in the European Court of Human Rights. Initially it was used in relation to the Roma minority, "a specific type of disadvantaged and vulnerable minority" [ex. D.H. and others v. the Czech Republic (GC), App. No. 57325/00, 47 Eur. H.R. Rep. 3, ¶ 182 (2007)] in need of special protection. More recently, the concept was broadened to refer to people with mental disabilities and asylum seekers.

integration into society. In Martha Fineman words, the experience of vulnerability “is greatly influenced by the quality and quantity of resources we possess or can command” (2008: 20).

Two key dimensions regarding precarity of labour and migrants can be identified, dimensions that shape migrants’ vulnerability: from one side, a rise in insecure employment emerging from the prevailing neoliberal labour market model that renders migrant groups vulnerable to exploitative and insecure working conditions, particularly in the contexts where one witnesses a move towards deregulation of markets (Fantone, 2007). Those who work in the unprotected and precarious lower echelons of the labour market (representing the uncivil civil society – Santos, 1999) routinely face uncertainty over continuity of employment, a lack of individual and collective control over wages and conditions, limited or no social protection against unemployment, discrimination and insufficient income or economic vulnerability, as the research at the core of this report by the country partners illustrates. The lack of, or highly conditional, access to legal support and/or welfare for asylum seekers therefore often renders them susceptible to severe exploitation and to remain ‘outside’ the national political community (as addressed in the Netherlands report). Additionally, vulnerable minority groups experience insecurity beyond the labour market, such as regarding political participation (case of Roma in Hungary – see Hungary report on Roma on public work contract case study). Indeed, migrants suffering the discretionary criteria of the State to obtain residency, undocumented immigrants, refugees, second and third generation immigrants, and vulnerable minorities (such as the Roma) which are perceived as ‘foreigners’ under the narrow identity of the nation-state, are some of the main forms of emergence of the uncivil civil society.

Box 27 – Work related conditionality of residency and unfree labour (from UK report)

The threat of absolute poverty faced by the unemployed is magnified in the case of migrants on short-term visas, who are generally barred from social security schemes. This leaves them completely reliant on employers, emergency services (such as shelters and food banks), family or friendship networks and informal economic activities (such as begging or theft) for subsistence. However, an even more determining source of precarity is the subordination of their residency to continued employment, which effectively leaves them with no other choice than obeying their formal employers, leaving UK territory or live in a state of constant ‘deportability’ that obliges them to avoid most contact with the state lest their presence comes to the attention of immigration officials. While significant numbers of undocumented migrants have chosen the latter option, it has become increasingly unattractive due to the multiplication of immigration control duties imposed on private actors such as transport companies, employers, landlords, banks and universities (Anderson, 2015). An offence of ‘illegal working’ was also created under the Immigration Act 2016 (Section 34), effectively criminalising undocumented migrants (or migrants without authorisation to work) for engaging in activities that, in addition to ensuring their livelihood, are normally portrayed as an essential component of ‘good’ citizenship (Anderson, 2013). The overall result is that migration controls work together with welfare exclusion to produce workers whose bargaining power is reduced to near zero. This makes them highly attractive to employers, who often frame their legally constructed docility and loyalty in terms of cultural traits (Anderson, 2010).

A female policy officer for EU and international relations at TUC⁵⁰ synthesizes the situation:

The whole framework of immigration law in the UK is one that just makes migrants incredibly insecure and vulnerable to exploitation. For non-EU migrants, it's very easy to become undocumented, because after you finish your studies you have a very short space of time where you have to get a job, and if you don't get a job you become undocumented. You can become undocumented if you have a bad employer here and you just can't find another job after leaving that employer, because you only have, I think it's two months to find another employer. So loads of reasons why you can lose your original immigration status. Then you become undocumented if you can't find another sponsor, and then you have effectively no employment rights in the UK, which is where we differ from other EU countries like Belgium, like Netherlands. They have an employment structure whereby employment rights are separate from immigration status. So you can always get compensation and a legal right to redress when you've been exploited. Not like in the UK. In fact, the Immigration Act 2016 says if you are undocumented and you are found to be working, then your wages count as the proceeds of crime, so you become a criminal. So you face up to 12 months in prison. The worker faces a criminal sentence and is likely to be deported, whereas the employer, if they called in the border guards, then they'll probably get off for nothing, because they gave the intelligence about this 'illegal' worker [...] All the weight of the law is against the worker. It's a situation where it's been incredibly easy, all the incentives are for employers to exploit undocumented workers. For non-EU migrants the law creates a framework that encourages exploitation, which makes a complete mockery of the government's apparent agenda against modern slavery (interview UK6.2.05).

Migrant domestic workers who are brought to the UK by their employers offer a paradigmatic example of these problems. Until 1998, they were admitted into the country on visas that explicitly impeded them to work outside of their sponsoring family, which placed them in a position of extreme subordination and exposed them to systematic abuse. After a long campaign, the law was then amended to provide them with 12-month renewable visas under which they could formally exercise their labour rights and apply for permanent settlement after five years (Anderson, 2010b). This important achievement was reversed in 2012, when the Coalition government followed up on a campaign pledge to curb 'low-skilled' immigration by limiting the duration of the Overseas Domestic Worker Visa to six months, tying it to a specific employer and making it non-renewable (Anderson, 2013). In 2015, an independent review of the regulations aimed at determining their compatibility with the Government's commitment to tackling modern slavery recommended that domestic workers be allowed to change employers and renew their visas up to a maximum of two and half years.⁵¹ The first recommendation was incorporated into the Immigration Rules but the second was abandoned, with exceptions for victims of trafficking or modern slavery.⁵²

As the research carried out underlines, lack of time to lodge a complaint, limited knowledge about the legal framework, available institutional support and informal norms of interaction, language barriers and separation

⁵⁰ The Trades Union Congress (TUC) is a federation of trade unions in England and Wales, representing the majority of trade unions.

⁵¹ Ewins, James (2015), *Independent review of the overseas domestic worker visa*, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/486532/ODWV_Review_-_Final_Report__6_11_15_.pdf, accessed February 2017.

⁵² Home Office (2017), *Domestic workers in private households*, available https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/602790/Domestic-workers-in-private-households-v17_0ext.pdf, accessed February 2017.

from family and friends combine to reduce recent migrants' capacity vindicate their rights against exploitative employers, including through by leaving them and finding a new job. When domestic workers' visas expire, employers can also use the threat of deportation as a tool to keep them confined to the home.

Box 28 – The vulnerability of migrant domestic workers and of refugees (from the Netherlands report)

EU equal treatment law provides for a fairer (re) distribution for women to some extent, in terms of better access to work and better participation of women in higher-ranking positions. However, much progress could be made in the area of women who do not participate in the 'formal' employment process. One significant group that falls within this category is the group of domestic workers, among them are many migrant women (Timmer, 2018).⁵³ As things stand, the EU legislator has not adopted any framework for recognition of the status of non-professional carers. Members of the European Parliament (MEPs) have urged the Commission to propose such a legal framework, which could offer these workers remuneration and social protection during the time they perform their care tasks.⁵⁴

Domestic work is regulated under Dutch employment law (Regeling Dienstverleging aan huis). Domestic workers do enjoy some partial protection, but their status as employees is highly questionable under Dutch law: eg. these workers can be dismissed unilaterally without permission from the Dutch Employment Agency or the District Court; they are only entitled to six weeks' pay during illness instead of 104 weeks, and they are not protected under the Dutch social security system (Bijleveld and Cremers, 2010). The Netherlands has been internationally criticized for not complying with the minimum labour standards concerning domestic work, which require equal treatment between domestic workers and regular workers (Lepianka and Martin, s/d). In particular, the European Commission and the Committee on the Elimination of Discrimination Against Women (CEDAW) have criticized the Dutch practice of reduced protection of this group of workers, but so far no concrete measures have been adopted by the Dutch Government to improve this situation (Vegter, 2015: 11).⁵⁵

Regarding third-country migrants, in particular refugees,⁵⁶ the level of participation on the labour market is rather low in the Netherlands, when compared to other groups, even after the accomplishment of the

⁵³ According to ILO, 2.5 million people are employed as domestic workers in the EU, about 88% of whom are women.

⁵⁴ European Parliament, 2016 Recognizing Rights of Domestic Workers and Carers in the EU, available at <http://www.europarl.europa.eu/news/en/press-room/20160426IPR24779/recognizing-rights-of-domestic-workers-and-carers-in-the-eu>, accessed April 2018.

⁵⁵ See <http://www.fnv.nl/sector-en-cao/alle-sectoren/flex/huishoudelijkwerk/>, accessed April 2018.

⁵⁶ This term covers all beneficiaries of international humanitarian protection – both refugees and persons with subsidiary protection.

(footnote continued)

compulsory integration procedure. In fact, recent research of the Social Cultural Planning Agency (2016) indicates that on the one hand there is an increasing level of education, improved educational performance and a better command of the Dutch language among non-Western migrant groups. On the other hand, there is a persistently large gap of participation on the labour market and a growing discomfort among migrants about their lives and opportunities in the Netherlands. In fact, unemployment is almost three times higher among non-Western migrants than among the native Dutch (15.2% versus 5.6%).⁵⁷ The precarious position of refugees on the Dutch labour market is further weakened by other factors such as language deficiencies, uncertainties with citizenship status, psychological traumas, problems related to recognition of diploma qualifications, discrimination and stigmatization.⁵⁸

Worth mentioning in this context is the newest coalition agreement (Regeerakkoord) from October 2017, in which the Dutch government adopted stronger limits on immigration and an increased focus on inculcating Dutch identity.⁵⁹ It stipulates in particular that newcomers are expected to do everything they can to integrate: they should learn the Dutch language, respect Dutch laws, embrace Dutch freedoms and equalities, and find work. For newcomers that have to learn the Dutch language, the municipalities will actively start monitoring and enforcing this obligation.

As a result of the shift in burden on immigrants themselves, an interviewee from an NGO representing young refugees in finding work highlights that the lack of a bespoke approach to integration can lead to structural unemployment:

It used to be that when you benefitted from social welfare you are handled by a client-manager and when you get work you leave that system. There is also a large group that after initial employment would be unemployed after 6 months and needed to apply for welfare benefits – did not have their client manager anymore so were forgotten about. The municipality now tries to hold on to them somewhat longer to make sure that ‘they do not get lost’. There is still a large group in Amsterdam of people that have left welfare but remain unemployed and are now completely unsupervised (interview NL6.2.03).

2.2.5. The position of Roma

Roma people constitute one of the largest and poorest ethnic minorities in Europe. Nearly 80 percent of Roma live in Central and Eastern Europe. In Hungary, the percentage of Roma in the total population is close to 6-8 %. Little representative evidence exists on the wellbeing of the Roma, but the available data indicate widespread poverty, low formal employment, low education, poor health and social exclusion in all European countries (Kertesi, 2011).

In Hungary, the at-risk-of-poverty rate for Roma is almost five times higher than for non-Roma; two thirds of Roma suffer from severe material deprivation. This is linked to the high residential concentration of Roma in areas

⁵⁷ See https://www.scp.nl/Nieuws/Hoger_opleidingsniveau_migranten_leidt_amer_tot_betere_arbeidsmarktpositie, accessed January 2018.

⁵⁸ As referred in interview NL6.2.02.

⁵⁹ *Vertrouwen in de Toekomst, Regeerakkoord 2017-2021* (Trust in the Future, Coalition Agreement 2017-2021), VVD, CDA, D66, ChristenUnie, available at <https://www.kabinetsformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst>, accessed November 2017.

characterised by lack of access to drinking water (29%) and basic amenities (43%), which remain high in regional comparison, further worsening their living conditions (Hungler and Kende, 2018 report).

Box 29 – Hidden from view: Roma, a vulnerable minority (from Hungarian report)

In 2011 the European Commission adopted an EU Framework for National Roma Integration Strategies which aims to close the gap between Roma and non-Roma in four key areas: education, employment, healthcare and housing (Communication, 2011). Grants were provided by the European Commission in 2010 to support specifically targeted programs to increase the labour market participation and social integration of Roma. One of the supported programs was 'Kiútprogram Self-employment and Microcredit Programme'. It aimed to support Roma to work into the formal economy by starting up a business. The microcredit programme intended to lend money for starting small business to generate enough revenue to service the loan and to produce additional income for Roma families. One of the explicit goals of the programme was to encourage the participation of women. The program helped to increase participants' inclusion in decision-making at a local level and presenting them as examples for their peer group.

The most important element of active labour market policy in Hungary is the public work program. Public work is an atypical form of work which is based on a fixed term contract concluded between the public worker and the public employer.⁶⁰ Public work contracts can be concluded for full time work, but six hours' part time contract are more broadly used. The wage offered for public work is lower than the statutory minimum wage and is subject to tax and social insurance payment. Public work wages and working conditions should be lower than what could be achieved on the primary labour market to attract poor (such as the Roma minority) to the program and to motivate unemployed people to seek better employment opportunities on the primary labour market instead.

The explicit aim of public works is to replace benefits. This approach removes public works from the circle of labour market measures and places public works among social provisions intensifying the obligation and local dependency criteria making people living in poverty more and more vulnerable (Koltai, 2015). The public work scheme has been used as a quasi-punishment since its introduction, in 2008, when it was stated that there is no welfare without work, and that social transfers are provided in the form of public work. The organisers of public works themselves think that these types of works do not develop skills and competencies that might open the door to jobs in the open labour market.

In 2003, employment of Roma men was at a mere 32%, and employment of Romani women remained at 17%. In 2016, the employment of Roma was one of the highest in the EU (36%). In Hungary, it corresponded to a significant proportion (41.6%) of Roma employed in the public work scheme. The labour market disadvantage is primarily a result of the dramatically low level of education of Roma in comparison to the rest of the population forming a majority in Hungary, as stated by one of the interviewees:

⁶⁰ According to the Labour Code, typical employment contracts are concluded for an indefinite time (Section 45 para (2) of Act No I of 2012).

20-21 year old Roma young people do not know to read and write. The school is totally segregated in the village, only Roma children attend the school and it does not teach them anything. Even they finish the vocational schools - but in most cases, they drop out from school - they come back here to the village and they start working in the public work. The education of Roma children is screwed up (interview HU6.2.06, Roma NGO leader).

Discrimination, combined with high costs of employment and the fact that the recession hit the classic employment sectors of Roma disproportionately hard (eg. manufacturing industry), results in the extensive exclusion of Roma from official employment, pushing them towards informal segments of the labour market. The employment of Roma deviates considerably from typical employment in that 1) it is usually irregular (casual); 2) it includes activities that are not considered as employment (collecting and trading with goods, waste recycling); 3) it is unstable; and 4) it is outside the scope of the formal and sometimes even the legal labour market (Köllő and Scharle, 2013). A significant number of Roma work outside the official, declared labour market and perform temporary jobs in the grey and black job markets, which are the lowest paid and the most vulnerable sectors. There is a wide range of unofficial work including collecting used, discarded goods and performing other undeclared commercial activities, such as selling products at local agricultural markets (Bodrogi and Kádár, 2013).

A very important factor behind the low employment rate of Roma is the extensive racial discrimination that Roma people face in Hungary. Applicants with Roma names or racial signs are rejected without further explanation. Racial discrimination is not exclusive to business employers; state employers and even stakeholders in the labour market, such as employment offices and job centres, may also act in a discriminatory way.

According to European Commission against Racism and Intolerance (ECRI - Council of Europe), Hungary has developed public employment programs providing public work opportunities at a rate lower than minimum wage but higher than social service benefits (Council of Europe, 2015: 26). According to the Labour Force Survey of 2015, the Roma rate of public workers within the rate of employment is 41.8% comparing to the rate of non-Roma public worker who is only 4.2% within the employment rate. Another complaint of Roma public worker is that they feel that non Roma public workers are placed in “invisible” places - as in the schools, in kindergartens, in social institutions or in the office of the local government -, while Roma public workers are placed in the “visible places” of the village as in the streets to do cleaning and similar works what they feel very humiliating. As the Roma NGO leader says, *“the non Roma public workers are hidden in the office of the local government, they do not go to the streets”* (interview HU6.2.06).

As the cases described show, a broad share of the migrant population is exposed to negative outcomes that do not primarily consist in the loss of a job and a wage. The various crises that have shaken Europe have exacerbated and exposed deep tensions between economic justice and the ideal of the worker citizen, the person who proves their citizenship through labour. The research carried out for this report show how the growing material and symbolic exclusions are shaping the universal basic income. Indeed, new social risks concern a much broader spectrum of negative outcomes that cannot be reduced to the loss of a job and a wage. Rather than on position in the labour market, the new risks depend on the difficult connections between the labour market, household organization and public welfare. It is precisely their positioning in the gap between the ‘classic’ element of analysis - labour market, family and welfare system.

Part III. Resistance, protests, alternatives

1. Fear and disappointment

Fear with no hope is the perfect combination for a resigned society. Focusing on the lessons of Spinoza about what he called the two basic affects or emotions - fear and hope -, ⁶¹ Boaventura de Sousa Santos argues that fear without hope takes us into paralysis, decadence and probably resignation. Fear and hope are not evenly distributed among all social groups or historical periods. According to the author, we are living in a period of growing polarization between the world of hopeless fear (great majority of the population), and the world of fearless hope (a strictly small but all powerful minority), i.e., a world where uncertainties, both downward and upward, which tend to become abysmal uncertainties which ultimately translate into unjust fate for the poor and powerless, and for the rich and powerful a mission to appropriate the world (Santos, 2017).

António Casimiro Ferreira analysis on the austerity in Europe allows for a better understanding of Santos' observation. Ferreira argues that in addition to the obvious economic and financial aspects of the austerity model, there is also a social model of naturalization of inequalities of an "austerity society" that is characterized by a) the fear as a source of legitimacy; b) the emergence of a new constellation of power that combines elected and unelected power; and c) destabilization of the normative structure with the use of a right of exception (Ferreira, 2011). Legitimacy by fear, prompted by predictions of catastrophic scenarios, asserts itself as a mechanism for converting the narrative of austerity into a dominant political-social model, assuring the absolute priority of the moral values of economic and labour neoliberalism (*idem*). The author quotes an expression of the Mozambican writer Mia Couto that poetically states that "there is more fear of bad things than bad things themselves", along with by the idea that "there are those who fear the end of fear."⁶² Then concludes that fear and dystopism are constitutive of conversion narratives (Ferreira, 2011: 132). Facing this reality young people became a very vulnerable working mass that is available to accept almost anything in order to have a job. Plans for the future are put on hold and the survival in the present is a permanent struggle between precarious jobs and family help. The ideas of fear are very clearly expressed though in different ways on the reports, as the cases of Austria, Netherlands and Portugal are a good example. The first was subjected to lighter austerity measures than the two others but in all cases fear, disappointment and a sense of hopelessness became a constitutive element in citizen's lives.

Box 30 – Lack of resistance and hope in Austria (from Austrian report)

⁶¹ "As you may remember, Spinoza had claimed two centuries before that our lives are run by two basic affects or emotions: fear and hope. According to him there should be an equilibrium between the two because hope without fear creates voluntarism and sometimes disaster. Conversely, fear without hope takes us into paralysis, decadence and probably resignation (Santos, 2017: 239).

⁶² See the full talk of Mia Couto "Há quem tenha medo que o medo acabe" available at https://youtu.be/5xtgUxggt_4, accessed March 2018.

A dominant perception in the interviews is, that there does not exist much resistance in Austria concerning the injustices at the labour market. While the disadvantages are manifold, as was presented in detail above, resistances and standing up against these injustices are not so much an issue.

As already discussed, the affected persons lack hope that resistance will be effective and at the same time, they have other sorrows, namely more existential ones (make their living, having and holding any employment, caring for their children, etc.). They simply do not have the time to organise themselves, as they are fully occupied with their daily duties in paid and unpaid labour and they lack hope. An interviewed feminist activist says:

I believe, that there is awareness for exploitative conditions, I say this using quotation marks, not that everything is unfair and unjust, but (...) there is only little knowledge, or little hope, that it will change. Because this awareness is there, that if I do not fit, then I will be replaced. [...] Ah, to become active, that is the one thing. And if we look at under which conditions, again I state this out of a feminist perspective, women, who have an extreme time pressure with their various, also unpaid tasks they have to conduct, there the problem is often the lack of time. The lack of time and also the question, how much do we have to organise on our own. But a certain awareness is existent, only I would pose the question, how much hope they have, that something will change. And this is really small. Because there are tendencies, that conditions worsen and do not improve (interview AT6.2.01).

Another explanation for – so far – lacking resistance, an interviewed trade unionist brings in, is the high share of migrants in the low wage sector. Particularly for third country nationals, having work is connected to having a residence permit. The costs of losing work because of resistance or not accepting working conditions are for third country nationals much higher than for Austrians or EU citizens. An interviewed trade unionist states:

That means, that with losing my work place I may also under certain circumstances lose my residence title. That is a permanent sword of Damocles, yes. How much will I exercise my rights in the working place, or how much am I willing to accept working conditions, if this at the same time does not only rob my base of existence but also my base of residence. Yes, this is also a central point. I cannot on the one hand partially disenfranchise the persons and then say, please exercise your rights. He will not do it out of self-interest, because he fears removal, yes? (interview AT6.2.05 - Representative of the ÖGB (Federal Trade Union), Greens).

Furthermore, interviewees point out that the government makes use of fears of social relegation and an “unjust distribution of contribution-financed social welfare between citizens and foreigners” when justifying their neoliberal measures at the expense of the working population. The interviewed activist points out how important it is, to establish counter discourses in this regard:

Because you addressed civil society initiatives, there is the necessity, to speak up against it discourse wise and show interrelations and move it stronger into the direction, that shows how much insecurity, injustice is being created and with it stronger exploitation circumstances. Risen exploitation circumstances of course then, to keep up the pressure wages and especially low wages. It is about, it was my reasoning to state, if you say bottom-up, then it is about, and much needs to be done, to get through, to get organised well, civil society together with trade unions of course, to show those dynamics and stand up against them (interview AT6.2.01 - feminist activist).

To put it short: the combination at the moment made up of the new neoliberal government and the more pressing problems of the affected persons do not lead to resistance but to resignation and fear. As collectively standing up against injustices requires time, organisation and strength such efforts simply often cannot be taken by those persons most affected by injustices at the labour market, as they have more pressing problems to tend to, as was already mentioned above. Through these factors, the vicious cycle remains spinning and those persons most vulnerable to injustices at the labour market do not manage to form a powerful movement of resistance.

Box 31 – Fear in the Netherlands (from the Netherlands report)

An interviewee working for a foundation representing working parents argues that mobilization in the form of demonstrations is difficult, in particular because young mothers do not have a lot of time as they are fully occupied with work and unpaid care duties. Their voices are being raised in different ways. She argues in particular:

Well, parents do not go to Malieveld [famous park and place common for demonstrations in the Netherlands] to protest. They are busy enough and unless you take measure like parents need to pay day care themselves and school too, etc. then you may be able to get some people to the Malieveld, but we just do not have any time for that. Mobilisation is difficult. What we do, is do research into our followers/supporters, set out inquiries, ask for opinions. We also have done petitions to raise that voice. The difficult thing is that there are so many different opinions and there is so many discretions. The voice of parents is overshadowed by all the political violence. That is why we once started, but we are relatively a small group. We do have a strong voice at the table, and the Ministry thinks we have a larger influence on politics than other parties involved do, but that has to do with a liability-factor, I think. I think it is a shame that parents are overshadowed in politics and thereby their children too (interview NL.6.2.12).

Box 32 – Fear in Portugal (from Portuguese report)

The scenario includes not only collective struggle. The other side of those protests includes individual despair. In 2014, when Portugal started emerging from recession, there was an unemployment rate of 14.1%, which compares to 9.2% in 2007. Male and female unemployment reached 13.7% and 14.5%, respectively, figures that rose from 8.7% and 9.7% in 2007 (Ribeiro et. al., 2015: 71). The figures of unemployment are fallacious as they hide a large part of the picture, like the huge numbers of young educated people that had to leave the country to find a job or the situations of very precarious jobs (Ferreira, 2017).

Portugal had the best-educated generation of all times because of four decades of democracy and investment on education. However, the unemployment among people aged under 24 and looking for work hit 36.6% in 2012. The official rhetoric was made of resignation, encouraging the acceptance of reality and focusing the solutions on the individuals. The high point of these were the declarations of different members of the then members of government encouraging their citizens to leave their comfort zones and find jobs abroad.

Facing this reality young people became a very vulnerable working mass that is available to accept unpaid internships and very precarious working conditions (Ferreira, 2017). Plans for the future are put on hold and the survival in the present is a permanent struggle between precarious jobs and family help.

The narrative of the absence of alternatives combined with the threat of a future that will certainly be worse than the present might have unexpected consequences. On one side of the coin, it is fear and resignation, on the other there is a strong perception of injustice. Europe disappointed its citizens and if no solution is being given, if the promises failed, citizens will be more open to dubious narratives of hope even if they contradict the European

project values and the idea of union. It is impossible not to see a correlation of austerity and the success of right wing populist discourses or the Brexit. The promise of a future that might be different has to collect sympathy when the discourse of democratic institutions does not overcome the idea of the absence of alternatives.

Box 33 – The Brexit (from UK report)

Beyond the contested prospect of a more worker-friendly Labour government, respondents' expectations for the immediate future of economic justice were dominated by Brexit, which was overwhelmingly viewed as a symptom and a driver of economic injustice. On the side of symptoms, respondents were nearly unanimous in blaming anxiety about immigration, fuelled by government and media rhetoric, for the Leave vote. In turn, this anxiety was seen as stemming from perceptions of economic competition in a context of decreasing protection for precarious workers:

The Brexit results, actually, there is a complete correlation between income and the vote to leave. So, for every sort of thousand pounds less you earn, you were 1% more likely to vote leave. And in the areas where people voted to leave, there was often low-skilled work areas, quite poor areas, low incomes. And there is a slight feeling there that high immigration leads to just an oversupply of labour, and whether or not they're more employed or less employed, there is a perception that it's helping drive down wages. I think it is more complicated than that. I think there is a big question of employers and the amount of their investing and things like that. But there is something in play there that I think the general public feels quite-- I think that's why they voted Brexit, basically. It feels like an oversupply of labour is suppressing wages, and I don't know that they would ever quite express it like that but it is so stark, the correlation between the two, that it feels quite important (interview UK6.2.10 - male, 39, policy advisor).

2. Public protests

The perception of injustice also led to public protests. A young and well-educated generation became adult to realize that the European promises of democracy, rights and opportunities were losing their meaning. See below the excerpt of a letter written by a Spanish organization call "Youth with no Future" (Juventud sin Futuro).

We grew up listening to how our country had entered into an age of modernity and wellbeing, that we were the better prepared generation and the one with more capabilities, and that the rights conquered by those who came before us would be extended and generalized. We have become adults now and instead we are living the collapse of the Spanish productive and political model: the model of real estate speculation and bubble effect and of a political bipartisan regime more corrupt and less democratic.

Some of us criticized this model during its good times and we fought actively against it because we believed it was economically and environmentally unsustainable, and we knew that the basis to the neoliberal reform of the state and society which is now in motion take years to be forged [...].

The majority of our generation, however, was not conscious of this situation [...].

For the first time, the crisis has shown to the generation born of those who did the transition, the weaknesses of the political and economic model we live in, the falsity in promises of more well-being,

and the vulnerability of the rights our parents passed on to us but, in most cases, have not taught us to stand for.

The time to turn this situation around has come: this is the time for the generation to whom the future was stolen to fight for its rescue (Juventud Sin Futuro, 2013).

Austerity policies in Portugal before and after Troika intervention pushed people into the streets in numbers that had no precedent in the Portuguese consolidated democracy. One of the mobilizers of the first big protest that occurred in Portugal in 2011 expressed on interview the importance of the Arab Spring as a source of motivation. Arab Spring was about major changes in non-democratic contexts, it was about contradicting an imposed fate. A message was being sent to the world about struggle and resistance. If Arab Spring was happening, it meant that citizens must not resign anywhere. We can read in the open letter to civil society written by the organizers of one the mentioned anti-austerity protest in Portugal:

*We will not neglect the structural, domestic and international problems that affect many people's lives of in the search for employment. We want to alert for the urgency of rethinking national strategies and do we do not with the arguments of the absence of alternatives to this situation. It is with a sense of responsibility that we, as the most qualified generation ever, want to be part of the solution.*⁶³

Just before that first massive protest, a political song became viral and had great relevance to raise awareness for the organizers arguments. The lyrics not only express the problems of a generation but also show the absurd of resigning to the lack of rights after growing up studying and doing everything to become a good citizen (see box 33).

Box 34 – Portuguese song “How silly I am”, Deolinda (from Portuguese report)

*Sou da geração sem remuneração
e não me incomoda esta condição.
Que parva que eu sou!
Porque isto está mal e vai continuar,
já é uma sorte eu poder estagiar.
Que parva que eu sou!
E fico a pensar,
que mundo tão parvo
onde para ser escravo é preciso estudar.*

*I'm from the generation with no remuneration
and this condition doesn't bother me.
How silly I am!
The situation is bad and will continue like that,
I am very lucky for doing an [unpaid] internship
How silly I am!
And I keep thinking
what a silly world
where to become a slave one need to study.*

*Sou da geração 'casinha dos pais',
se já tenho tudo, pra quê querer mais?
Que parva que eu sou
Filhos, marido, estou sempre a adiar
e ainda me falta o carro pagar*

*I'm from the 'parents' house' generation,
if I already have everything, what for I'd want more?
How silly I am
Children, husband, I'm always postponing
and I still have to pay my car*

⁶³Protest of the *Generation in Distress* (Geração à Rasca), available at <https://geracaoenrascada.wordpress.com/2011/03/04/convite-a-sociedade-civil/>, accessed March 2018.

*Que parva que eu sou!
E fico a pensar,
que mundo tão parvo
onde para ser escravo é preciso estudar.*

*Sou da geração 'vou queixar-me pra quê?'
Há alguém bem pior do que eu na TV.
Que parva que eu sou!
Sou da geração 'eu já não posso mais!'
que esta situação dura há tempo demais
E parva não sou!
E fico a pensar,
que mundo tão parvo
onde para ser escravo é preciso estudar.*

*How silly I am!
And I keep thinking,
what a silly world
where to become a slave one need to study.*

*I'm from the "what would I complain for?" generation
There's someone really worse than me on TV
How silly I am!
I'm from the "I can't bear it anymore!" generation
because this situation has lasted too long
And I am not silly!
And I stay thinking,
what a silly world
where one has to study to become a slave.*

Box 35 – Protests in Portugal (from Portuguese report)

From 2011 to 2013 there was a great intensification and radicalization of protests in Portugal, some of them remembering the first years of the Portuguese democracy. Not only the trade unions intensified their struggle but the strategies of protest included a combination of efforts of different trade union centrals with other social movements. Emerging social movements included in their agendas issues matching the union's agenda in relation to labour rights, social protection and general opposition to austerity and were able to mobilize citizens from different generations and regardless of their union membership (Lima, 2015: 20, 21).

José Soeiro argues that the big protests mobilized by social movements (like *Geração à Rasca* – Generation in Distress or *Que se Lixe a Troika* – Fuck the Troika) made clear that potentially active citizenship goes far beyond the more classic forms of organization of interests in contemporary societies - parties, unions, social movements and Non-Governmental Organizations. They were part of something bigger, an imagined global community, fed by the internet, through which different experiences in different countries contaminated each other. They were internationally framed in the context of the capitalist crisis and the installation of the austerity policies, as well as in the international cycle of protest that has developed since the end of 2010 with the Arab Spring and whose different expressions have simultaneously points of contact and elements of differentiation (Soeiro, 2014: 56-57).

Table 4 – National Protests and General Strikes (2011-2013) – National Protests and General Strikes 2011-2014 (based on Lima, 2015:22)

Year	National Protests	General Strikes
2011	March 12 – “Geração à Rasca” October 1 – CGTP October 15 – “M12M” November 24 – “15 de Outubro”	November 24 – CGTP and UGT
2012	February 11 – CGTP	March 22 – CGTP (Labour Law of 2012)

	September 15 – “Que se Lixe a Troika” September 29– CGTP November 14– CGTP e “Que se Lixe a Troika” (European Protest)	November 14 – CGTP and 14 trade-unions and 4 federations of UGT (European Protest)
2013	March 2 – “Que se Lixe a Troika e CGTP October 19 – CGTP e “Que se Lixe a Troika” October 26 – “Que se Lixe a Troika” November 1 – CGTP	June 27 – CGTP e UGT November 8 – general strike of the public sector – trade-unions and federations from CGTP and UGT

Referring to the first of these protests (*Generation in Distress*), Elísio Estanque defends it “was a turning point in that the trade union field ceased to have a monopoly on social and labour action, which perhaps helps explain the prominence given to the whole issue in the public agenda at the time” (Estanque, 2015: 30). No one expected so many people to show up for the first of this protests.⁶⁴ It seemed everyone was in the streets. As Estanque puts it “public discontent with the political parties and representative democracy was plainly visible”. The author mentions some of the slogans widely heard in Lisbon and Porto (though the protests happened also in other cities of the country): “precarious is what you want, rebels is what you get!”, “we want our lives!”, “wage theft!”, “the country is in distress!”, “enough with the trashy economy!”, “casual workers are no suckers!”, “the people united have no need for parties!”, “precariousness is what’s trashy”, “do not make me emigrate”, “I want to be happy”, and “who elected the markets?” (*idem*).

Protests that spread throughout Europe and movements like Occupy and Indignados defended a real democracy that is not compatible with rules dictated by financial markets or the small group of the intimate civil society that benefits from them. If European institutions and their leaders claimed that austerity was the only way and national governments ruled according to that, protesters were discussing something different. They were not looking for solutions for the crisis inside of the current model, they wanted to discuss a new model of democracy that is open to the voices of citizens and takes seriously the values inscribed in European treaties and national constitutions (see boxes 37 and 38).

Box 36 – The protesters claimings (from Austrian report)

Thereby, interviewees point out that the new government (in a neoliberal way) uses in its discourses the EU crises (the economic crisis as well as the so called refugee crises) to politically and societally justify a decrease of social welfare and a distribution from below to above. A quote from an interviewed activist brings it to the point:

As we now see looking at the measures of the government, that it uses the crisis politically and discourse wise, to worsen the conditions (interview AT6.2.01).

The neoliberal system is taken as an explanation for increased inequality and the introduction of measures to even more increase inequality. An interviewed trade unionist explains the dominance of a conservative worldview in the actors of decision making power, the EU commission and the member states governments, as

⁶⁴ According to the organizers, there were about 200.000 marchers in Lisbon and 80.000 in Porto (Estanque, 2015).

well as in the Universities. This is expressed through a competitive ideology, an export-oriented economic model, which fosters in the end the concentration of economic power, rather than a distribution. This dominant ideology in economic theory leads to an inequality of power and explains – in the point of view of this interviewee – also the policies in reaction to the crises, i.e. austerity measures, affecting the poor and those in a weak economic situation, but not those with property. The interviewee states:

The powerful of course can, also the economically strong can of course express themselves better and enforce their interests better and more easily, because they hold a certain form of extortionate potential. There is an economic mainstream at universities for years and decades and it is not broken, it also prevails in politics, at long distances. Of course, I mean, each human should say, yes wealth taxes are useful, because large wealth is dead money, which is of no use for society, and if you take something from it and invest it in education, climate protection and in fight against poverty, it pays off 100 times. But if I simply have such a property ideology, that each kind of tax is robbery, dispossession etc., and this [dispossession] works especially with those who do not have anything, then I have a communication problem and a basic political problem (interview AT6.2.05 - Representative of the ÖGB (Federal Trade Union), Greens).

Box 37 – The protesters claimings (from UK report)

The financial crisis per se did not figure prominently in respondents' preoccupations except as a pretext for cutting back on public services. The Occupy activist described the crash as the culmination of long-standing problems in the financial system and the bail out of banks as the perfect example of the privileged treatment offered to the rich, especially when contrasted with the cuts in public services intended to equalise society. For young mothers, pregnancy and the birth of their child was a much more significant trigger of economic challenges than the 2008 crisis. An interviewee, mother of three school-aged children, illustrated the economic impact of parenthood by narrating how she suddenly had to spend most of her budget on food and think twice about the necessity of all her purchases (interview UK6.2.07). For domestic workers the turning point was the change in their residence status from temporary to permanent. Several respondents also set current problems in an international and historical context, for instance by highlighting the need for a global governance of the financial system or the persisting heritage of Thatcher-era deregulation.

Boaventura de Sousa Santos analyses what he calls the 'indignation revolts' having in mind the wave of protests that includes the Arab Spring in North Africa and the Middle East, The Occupy Wall Street movement, subsequently expanding to many other cities, the indignados movement in Southern Europe and the massive wave of protests in Brazil around public transportation and public services. In this analysis, the author exposes an argument about an abyssal duality of the law that is helpful to understand the complex relationship between protesters and law (see also box 39).

According to the indignation revolts, in current capitalist societies there is an abyssal legal duality, a kind of legal pluralism that legal scholars have failed to recognize [...]. The law of the 1% is conceived by the powerful as its own; as a consequence, the application of law is ruled by the idea of who does

what against whom, rather than by the idea of what is done against no matter whom. According to the indignation conception of law, the balance articulation among the three structural elements of modern state law – rhetoric, bureaucracy and violence – is today completely absent, if it ever existed. On the contrary, there is now a structural imbalance between the three components. The law of the 1% operates almost exclusively through rhetoric. In recent years, the proliferation of soft law and forms of governance based on voluntary compliance has dramatically shown the prevalence of rhetoric in the law of the 1%. On the contrary, the law of the 99% operates through bureaucracy and violence, and in recent times more through violence than bureaucracy, as illustrated by the criminalization of social protest. Rhetoric is at most used to induce resignation by those faced with the excessive use of bureaucratic violence by state bureaucracies or physical violence by the police [...]. As there are two laws there are two kinds of illegalities: the illegality of the powerful and the illegality of the powerless [...] (Santos, 2015: 135).

Box 38 – The protesters claimings (from UK report)

In one way or another, all interview participants had engaged in strategic action to tackle economic injustice and realize ideals of justice. The specific steps taken reflected the goals they pursued, the resources they had at their disposal and the broader conjuncture that shaped opportunity structures in specific times and places. Perhaps one of the most common and interesting feature was the complex relationship they maintained with the law. On the one hand, most participants had learned, invoked and even directly availed themselves of their legal rights in the course of their work or their activism, and willingly recognised their positive contribution to the protection of workers. On the other hand, a variety of experiences and observations had convinced them that the legal framework was insufficient to achieve justice. A young mother, for instance, had reached this conclusion after seeking assistance from a solicitor to resist an eviction notice issued by her local council and being told ‘exactly the same thing that was said by the council’ namely that the only way to avoid eviction was to find a job: ‘Lawyers, what they do, they go by the Acts, Acts and laws that they have’ (interview UK6.2.07). A female policy officer for EU and international relations, despite acknowledge that ‘the law is incredibly important because that’s the framework we operate in’, went on to observe that ‘there’s the legal rights, and then there’s the unions, so it’s what can we negotiate that’s actually a decent work experience and working conditions.’ Legal rights were a bare minimum that needed to be effectively enforced, but they did not amount to decent working conditions (interview UK6.2.05).

In some cases, the law was felt to be an impediment to mobilization and solidarity. The Occupy activist described being arrested several times for participating in protests and being threatened with dismissal from his teaching position as a result. An activist for the rights of migrant domestic workers describes her frustration at being unable to provide assistance to a migrant domestic worker who was mistakenly arrested for working in a factory without authorisation:

They put her into a van and they brought her to the detention centre. And other domestic workers rang me. One of them said that was in the detention centre, she was a genuine domestic worker, this and that. So I said ‘we’ll ring VMU, and they’ll ring the detention centre and find out why she’s there and they’ll get her a solicitor.’ Which would be the normal thing to do. And she said ‘they can’t, I rang VMU and they can’t ring.’ And I said ‘that’s not possible, I mean, if they can’t phone, you know, anybody can...’ So she said she’d try again, so she rang and the staff person said no, she can’t. So I rang VMU and I said you have to ring this person. I was on the board of

management at the time. She said ‘oh, I can’t.’ I said ‘why can’t you’, ‘because under the immigration training you’re not allowed to do that.’ I said ‘that’s not possible’, she said ‘I’ll ring my supervisor and get back to you.’ She rang her supervisor and called me back within a couple of minutes and she said, ‘it was true what I said, she said I can’t make that phone call’ (interview UK6.2.04 - female, retired).

According to this respondent, regulations can constrain charities and prevent them from getting at the roots of problems, particularly when those roots are found in the law itself: ‘You have to work with the system. You become a charity, you do good work, but are you effecting change? So for me, if the root cause of the problem isn’t challenged and changed, then where’s the point?’

At this point, it might be said that the wave of protests that emerged in reaction to austerity were conducted against the social inequalities that ensured the privileges of the intimate civil society. A generation that grew up taking for granted the rights of citizenship reacted to the threat to those rights. However, Europe is a complex and diverse continent and there is more to say about inequalities. For a moment, the strange civil society had to claim what the citizens from the uncivil civil society were claiming for since long ago, without being heard. Although it is not our goal to develop this argument, we end up with an excerpt from a different letter addressed to the European White Left. The questions addressed in this letter are a good example of the complexity surrounding the democratization of the European project and the struggles for justice it entangles:

Letter to the European White Left:

We are writing these lines to you with Aime Cesaire, Frantz Fanon, Tupac Katari, Bartolina Sisa, Audre Lorde, Gloria Anzaldua, Malcolm X, Ali Shariati, Kwame Nkrumah, Steven Biko and all the other people whose struggle has preceded ours.

You might recognize some of these names, and you might know a bit about their struggle. We mention them here because we want to invite you to get thorough acquaintance with them, and with us [...]. We are not writing this letter in order to impose anything on you. What we want, however, is to argue that your struggles - the strategic goal of ending Capitalism, Imperialism and Patriarchy - cannot be achieved without a strong political alliance with non-White peoples across European territories. And in our view, the main obstacle to this alliance is the epistemological blindness you exercise towards the racial divide between White oppressed people and non-White oppressed people [...] [W]e intend to contribute to your struggles by explaining one of the fundamental issues that we think inhibits you – and us – to effect profound changes in our societies. We want to explain that our struggle is your struggle too. To understand this, it is important that you know that we are not leftist. We are the victims of those leftist politics and political views which, in essence, are no different from those of the political right. This is because both Right and Left share an idea of a ‘greater good’ that implies “democracy”, “humanism”, “anti-racism” and “gender-equality” that in fact is mobilized to dismantle our struggles. [...] [W]e write as the victims of the White ideas of democracy and humanism, these tales that the dominant White capitalist/patriarchal world elites tell to invade our countries and legitimate

paternalist practices in relation to our struggles. The tales by which they legitimate treating us as second-class citizens inside Europe [...]. Throughout history they have worked to cover over the dark side of their 'greater good' so that even you, the European White Left, are supposed not to see it. The more they can sustain your blindness, the less effective your struggles will be. They want your struggles and our struggles to be in conflict, their interest is that we do not unite. And this is a serious problem. Frantz Fanon spoke about a global racial division between those who live racial privilege (even if oppressed) and those who are the victims of the racial privilege of the first (Grosfoguel and Suarez-Krabbe, 2013).

3. Alternatives

If there is something that resistance and protest movements have shown during the crisis or even the copying mechanisms of social groups to overcome hardship or test alternative solutions is that the possibilities for the future are broader than the idea that austerity is the only way. Although there is a whole range of possibilities and not all are coherent or consensual, this plurality opens up discourses of hope where there is a discourse of fear and inevitability.

For a start, resistances and protests, and people's experience of their daily lives, continue to stress the relevance and support to social and labour rights, thus helping to maintain the pressure of the public opinion against the dismantling of these rights. It is true that the increasing weakness of representative democracy - both at national and at the EU level - made this pressure more difficult to succeed, but we still observe in some places, like in the case of Portugal, that political parties and the electorate maybe favour anti-austerity measures and prove that against the dominant European discourse they are not a hindrance to economic growth and employment.

It is also true that many people and organisations acknowledge the need for reforming extant welfare state institutions in order to make them more resilient or to guarantee better life prospects for people. Some contested ideas, such as universal income came back to the public discussion, addressing some of the most important debates such as the meaning and the future of work. Beyond the diverse and sometimes oppositional positions regarding the basic income guarantee proposal, the idea that all persons should be entitled to a basic income regardless of their work status question the workfarist orientations, particularly as these become conditionality for access to welfare benefits, and even what is socially valued and acknowledge as work.

Box 39 – Unconditional social security (from UK report)

Unconditional social security in the form of basic income emerged as a hotly contested topic. The think tank policy advisor strongly rejected it on the grounds that it would undermine work ethic:

One of the worries of this universal basic income is that it strips away everything else about work. It says that actually, work is about money. As long as we've all got enough money, it doesn't matter so much. Actually, if you've ever lost your job and not had a reason to get up in the morning, you realize that work is so much more than money, and it's about dignity and identity and purpose, and that actually, when you meet people who have never had a job, all they want is the opportunity to get a job. And it's not that they want money; they kind of want everything else as well. So I feel like it just loses the point of work and the sort of philosophical reasons why it's a good thing for humans to work (interview UK6.2.10).

For him, conditionality could be defended as a way of 'jolting' people in the right direction, 'to realize that they can do something'. Without rejecting the work ethic per se, the Occupy activist had a sharply different view on its relationship with paid employment, identity and dignity:

I tend to think that people want to give a meaning to their life through work, whatever form that would take. It might be unpaid work, it might be paid work... Universal basic income could give some people the ability to do unpaid work, volunteering, charitable work. There may be some people who would just lie around and not do much, but... I think that is a small price to pay for making sure that everybody has enough to live in dignity, essentially. But on the whole, I think most people want to work, want to contribute, want to be part of society, want to be well thought of by other people (interview UK6.2.01).

Work-life balance is a major topic in equality struggles and policies and it is widely recognised that the current model of work which favours male participation in the labour market and women responsibility for care needs to be reformed in order to allow real grounds for true gender equality. In this respect, proposals which underlie the distribution of care responsibilities seem to point out in the proper direction. We notice in the Netherlands the advocacy of civil society and political initiatives, which aim at challenging the unequal distribution of responsibilities between man and women.

Box 40 – Work and care (from the Netherlands report)

First of all, it can be argued that labour is still predominantly a male standard. According to a coordinator of the EU gender legal network, labour “[...] is full-time available, meaning working during your whole life, working without limitations, full days, available for over-time. That standard does not fit care-taking responsibilities, which are mainly conducted by women.” (interview NL6.2.08). As such, she argues that we should train companies in raising awareness on these problems. This could (partly) be achieved through the legislative process, but what is more crucial is a mentality switch in society - in which the man is not perceived as the one working and the woman as the caretaker. A current government proposal is in the making to extend paid parental leave for partners to six weeks, which could help to reconcile work with family care. An interviewee representing the Institute for Human Rights argues in this light that:

Offering is one thing, but it is also rooted. It is also a bit a manly culture that you are not working less – it is almost some kind of status symbol. I do think - I suppose - that men are prepared to do so if the possibility presents itself. With this legislation you give a clear signal. The Social Economic Council has also researched this, or gave comments on this, the first five days will be paid leave and after that it's 70% benefit. Recently a judge has said that for a low income, that 30% can make quite a difference and I do share those worries - that it can lead to growing difference between financially healthy households and others (interview NL6.2.12).

As such, the legal initiatives such as the paid parental leave act, and the closure of the payment gap between men and women should be welcomed, but education, enforcement and monitoring thereof remain an important key issue.

Another alternative, which is explored in the Austrian report is the possibility to establish universal minimum wages, below which there should be no work. This would not only benefit the groups in disadvantage such as women and migrants but society in general as it would prevent social dumping where the availability of cheap labour is used as a blackmail tool against rights and wages of the labour force.

Box 41 – Universal minimum wage and other measures (from Austrian report)

As a representative of a Trade Union stated,

[...] there are sadly really bad collective agreements, there are people, who do not work below collective agreement minimum wages and the question is, is a minimum wage something like an achievement of civilisation, and civilisation barrier, where I state, below this minimum no work shall fall. No work is worth less than this and

we agreed to this in society, regardless of in the sector, yes. So, it is also a form of socio-political debate. And not only about how strong is my negotiating power in the sector. But on the other side I see, that there is rethinking in the trade unions, that they say, that where we cannot get a collective agreement, we need a legislative solution and legal possibilities for action to fix wages (interview AT6.2.05).

The initially posed question on whether universal minimum wages are an instrument to foster distributive justice of wages can be answered as follows out of the law in action chapter: basically yes, minimum wage might act as an instrument to foster justice, BUT not as the only instrument. A combination of universal minimum wages with other measures, particularly the collective agreements and wage transparency, can foster distributive justice at the labour market. Thereby, the collective agreements need to define not only the wages, but also other measures, as working times, time autonomy, 13th and 14th wages. Furthermore, collective agreements need to be framed in a way, that women, who have children do not “suffer” from their absence from the labour market caused by their motherhood. In some sectors (eg. the metal industry) changes in this regard were already implemented (for example regarding full consideration of maternity leave time regarding the duration of the period of notice, the vacation entitlement, etc.) but need to be included in all other collective agreements.

Also, an obligation to issue income reports would act as a further useful instrument to foster justice, as wage differences would be transparently displayed. At the moment only enterprises with more than 150 employees are obliged to issue such reports. With such open display of wages a discussion on wage differences could be ignited and this could also contribute to fostering justice. Historically wages are not a topic openly spoken about in Austria. Such reports could help regarding wage comparison and identifying wage discrimination, the information could be helpful for future wage negotiations and could also be interesting for persons wishing to switch jobs, as they would then know about the wage situation in other sectors.

The consequences of the disadvantageous position of women in the labour market are also reflected in retirement. Here, several discriminations accumulate related both to an increasing scarce protection in retirement and the gender bias of social protection. Besides, the benefits of a longer life expectancy and the development of medical care in extending good quality life should not be regarded as a weight over welfare states. Increasingly elderly people expect to find not only economic and physical welfare in retirement but also a meaningful life. In this regard a set of civil society initiatives with elderly women in Portugal are worth noticing as good practice.

Box 42 – Civil society initiatives with elderly women (from Portuguese report)

Grandma Came to Work (*A Avó Veio Trabalhar*) and Vintage for a Cause are two civil society initiatives which tackle the isolation of women above 50 years old, while promoting active ageing, women empowerment and sociability of elderly women. The traditional knowledges on dressmaking which are a typical skill of elderly women are combined with design and fashion. In both cases elderly women work alongside young women designers in the co-design and co-production of clothes which are then exhibited in fairs and shops for sale. The income that is generated is used for the sustainability of the projects. Both projects contribute to the sociability of older women, which are usually isolated in their houses and their visibility in society by promoting high design up-cycled clothes.

Welfare states have become more complex since the model of the industrial work was designed in European countries. This model has been under criticism since the 1970s, not only from a neoliberal retrenchment perspective but also from a progressive perspective, which pointed out its bias for a male breadwinner model and the women role in family care and its insufficiency and tendency to standardize benefits disregarding different needs and social groups. As abundantly exemplified in the country reports, this architecture tends to generate inequality and often reinforces disadvantages. Civil society organisations have been crucial in advocating and making pressure on the state and providing solutions oriented to reduce discrimination and disadvantage. Therefore, new concepts, concerns and instruments arrive sometimes at public policy. Tackling discrimination against people with disability has been one such example, being for recognised as a policy priority both in the EU policies and in national policies. Turkey provides an example of a legal framework which addresses the definition of disability and picks up much of disability movements agenda on acknowledging the social construction of disability although, as it is also acknowledged, further changes are needed to overcome discriminations.

Box 43 – Human rights approach to disability (from the Turkish report)

Before the Law on Persons with Disabilities, disability, in the Turkish law, was solely defined on the basis of medical determination. Obtaining a medical report of disability is still a prerequisite for people with disabilities to claim specific rights and privileges (eg. tax exemption and cash assistance) attached to disability. This legal approach to disability reflected an understanding of disability in conformity to the medical model. Law on Persons with Disabilities (2005, art. 3), however, has introduced a rather different definition implying a human rights-based understanding of disability emphasizing attitudes and environmental factors limiting equal participation of people with disabilities in all domains of social life.

Human rights approach to disability in the Turkish law has been strengthened as Turkey signed the Convention on the Rights of Persons with Disabilities on the 30 March 2007 and ratified the Convention on the 28 September 2009 (Republic of Turkey, 2008). In addition, Turkey is a signatory to the Optional Protocol on the 28 September 2009 and ratified the Optional Protocol on the 26 January 2013. Parallel to these developments, the constitutional amendment on 12 September 2010 added a paragraph proclaiming that measures to be taken for people with disabilities shall not be considered a violation of the principle of equality (Republic of Turkey, 1982, art. 10). This article provides a legal basis for positive discrimination measures targeting disability equality.

While Turkey has a strong anti-discrimination legislation protecting people with disabilities from discrimination in employment, a few discriminatory laws still exist blocking the entry of people with disabilities into the specific professions or positions. For example, Law on Judges and Prosecutors (1983, art. 8) still presents disability as a condition hampering one's practice of judgeship and prosecution. In another example, according to law (Republic of Turkey, 2004b, art. 74), people with disabilities cannot serve as the secretary general of provincial chambers of commerce and industry which together constitute the Turkish Union of Chambers and Commodity Exchanges, the official representative of the private sector in Turkey.

Conducting a comprehensive job and occupation analysis for people with disabilities had been at the centre of legal and policy debates on increasing employment of people with disabilities, which was also codified in the earlier versions of the Law on Persons with Disabilities.

Immigration and the differentiated types and status of immigrants within European countries is a challenge which is increasingly pressing in European societies. These trends are both an outcome of globalization and of the

intensification of the circulation of people and of factors such as economic crisis, wars or ecological catastrophes or the promised land of a continent where relative welfare, peace and opportunities are still enjoyed. Although the welcoming of immigrants is seen by some as a vocation of Europe from a perspective of human rights or as an opportunity to rejuvenate Europe, this issue has also been exploited by far-right political groups and populist parties. The usually multidimensional disadvantageous situation of immigrants in European societies is used rhetorically to reinforce discrimination, thus creating a vicious cycle of discrimination and social exclusion. The case of the inflow of refugees challenging Europe is possibly one of the most pressing issues, both from a human rights perspective and for the cohesion of European societies. In many countries, civil society has been reacting promptly in support of refugees, creating local solidarity networks spontaneously. Integration of refugees must happen through a multidimensional perspective, which both solves the pressing issues related to the arrival to European societies and their integration. The Dutch report provides some ideas for this multidimensional approach.

Box 44 – Integration of refugees (from the Netherlands report)

Representatives interviewed for this study have indicated that many refugees want to regain their lost time in asylum centres. On this matter, a policy advisor at the Ministry for Social and Working Affairs argues that a parallel approach is preferred before a sequential approach to speed up the integration process of status holders. Approaches should be devised in which learning the language, getting housing, following courses and finding suitable work, do not take place in succession, but at the same time. Preferably, newcomers should already start with learning the Dutch language in asylum centres, including early evaluation of their education, work qualifications and work experience, which would be favourable to rapid integration and therewith economic justice (interview NL6.2.03).

The labour integration process of newcomers is predominantly focused on male refugees; the woman often stays at home to take care of the children, thereby making her completely invisible for employers. Knowledge Platform Integration and Society (KIS) together with the Ministry of Social and Working Affairs have started pilots to change this. In this light, one recommendation would be to initiate a more gender-sensitive integration process to make sure that even after the man has found a job, the labour integration process of the woman is still monitored.

Lastly, the interviewees spoken to for this study have argued that informal places where locals and newcomers congregate together, such as BOOST in Amsterdam, help them in their labour integration process in the Netherlands.⁶⁵ These informal initiatives are now predominantly located in the highly urbanized and agglomerated 'Randstad', located in the Western part of the Netherlands (consisting of Amsterdam, Den Haag, Rotterdam and Utrecht). Interviewees have argued that such informal initiatives are recommended in other, more peripheral, places as well (interview NL6.2.07).

⁶⁵ See for more information, BOOST: <https://www.boostamsterdam.nl/index.php/over-ons-2/>.

Conclusion

Europe is internally diverse, as it is subject of multiple cultural traditions and different economic situations. This heterogeneity is simultaneously a strength and a challenge. Embracing cultural diversity is a way to identify and support innovative ideas. It develops creativity and increases the ability to solve problems by suggesting multiple perspectives and knowledge that are invisible to mono-cultural eyes and silent to mono-cultural ears (Meneses; Araújo, and Brito, Portuguese Report (2018)). However, it must be kept in mind that policies and laws, even when enrolled in a common discourse, may have different results according to each country position in the European economy and citizens' position inside civil society.

European diversity challenged us to include as many voices as possible in this report. We wanted to understand how legal and policy discourses were framed (policies and law in action) and how the reality replied differently (policies and law in books). It was important to include official discourses framed by formal institutions and intimate civil society and alternative narratives and proposals raised in social struggles by strange and uncivil civil society.

Before the crisis, and as expressed eloquently in the Lisbon Agenda, Europe wanted to stand out in the globalized world as an economy able to combine competitiveness and social cohesion. The European Social Model was an anchor, which helped to distinguish Europe from North America, for the active role of the state in ensuring some levels of social protection for the population. With the program of the social investment state articulated with the knowledge economy and society framework, the EU was able to tame the pressure of the Washington consensus for deregulation and welfare retrenchment, by articulating discursively the positive role of social policies in economic growth. This, however, did not mean that welfare states were not being qualitatively transformed to abandon important elements of decommodification as the orientation to promoting labour market participation became dominant in welfare and employment policies.

As we have depicted in the first part of this deliverable, the concept of welfare state reports to diverse realities inside Europe that resulted in different levels of protection. Also, neoliberal transformations since the 1980's were less dramatic in northern countries as they intended to preserve their achievements of welfare state. The ideal of flexicurity in this context is an excellent example to understand different consequences for the same discourse. Raised before the crisis, flexicurity was inspired by Dutch and Danish experiences and proposed the combination of flexibility in the labour market with social security. Though discursively seemed an acceptable shift that would not jeopardize the equality values of Europe, in practice only a few countries could accomplish both flexibility and security. It was not an exportable idea.

Even when investment numbers seem unchanged, the changing on motivations impact countries differently. As explained, there was a continuous growth of social protection expenditure since the 1980s. But even though there were no signs of quantitative changes, there were qualitative changes in European welfare states, particularly since the end of the 1990s. These changes were a reaction to the crisis and the criticism of the 1980s and could generally be described under the concept of social investment state. Social policies became seen no longer as a remedy for market externalities or a hindrance to the economy but as a tool for economic growth. Social rights-based citizenship regimes were transformed in social investment regimes. The consequences of not having the citizens and social justice as the main motivation for social investment, but economic growth, is that distributive policies are never secured. Social and economic rights become dependent of the market's mood and its impact on each country.

The 2008 crisis brought important changes, less apparent discursively. In a first moment, although the EU kept the discourse of the knowledge society and economy it put in place economic and social policies countering the notion of social investment and placing the OMC in suspension or at a secondary plan. Since 2010, Europe has converged to a neoliberal vision on overcoming the crisis and promoting competitiveness, becoming increasingly aligned with international institutions such as the IMF in terms of structural adjustment and austerity measures. Therefore, for most countries of the EU, namely the ones under the Troika interventions, or others under IMF Stand-By Arrangements, the recipe became similar.

The crisis did not hit everyone in the same way, neither did the “one size fits all” character of the austerity and structural adjustment reforms. Countries were affected in different ways as they started from different starting points and went through different austerity levels and structural adjustment measures. There are also different forms and intensities of exclusion inside each country.

It is visible throughout the report that those countries which were more vulnerable to the crisis and its effects, and less free to opt-out from the imposition of structural adjustment policies, such as those which made resource to financial aid (eg., Southern European countries), and those which were already in a neoliberal trajectory (countries of the former soviet bloc and Anglo-Saxon countries), austerity and neoliberal structural adjustment was more intense. There is a clear divide between these countries and those that put in place neoliberal policy adjustments without fundamentally changing their welfare models, such as those of Nordic and Continental Europe.

The outcome is, therefore, the intensification of polarization both between and inside countries. Notwithstanding the effects that a general reorientation towards austerity, which appears to become a structural characteristic of EU governance, the countries which experienced more difficulties and harder deregulation policies in welfare and labour rights are those which already experienced stronger neoliberal transformations, be it the UK, the Central/Eastern European countries, Turkey or the Southern European countries under international intervention for neoliberal structural adjustment.

Within countries, some social groups were more affected than others by the crisis and austerity such as women, young people and immigrants, already typically in a disadvantageous situation in the labour market and in the economy. We watched to the deepening of uncivil civil society exclusion and large parts of the strange civil society getting closer to the uncivil civil society. The gap between the lower-paid and the higher-paid jobs deepened, the gap between the insiders with permanent work and social protection and those in precarious jobs and limited social protection increased and labour precarization increased, with flexicurity working only in a few countries. The outcome is, therefore, the intensification of polarization both between and inside countries.

The European Social Model involves among other things: fundamental social rights, social protection and social dialogue. However, the neoliberal path chosen by Europe combined with the chosen austerity reaction to crisis are endangering key elements of that model. Restoring the European project of citizenship, equality and solidarity cannot be achieved without the democratization of its political institutions. It is hard to trust a democracy whose institutions insist in the idea that there are no choices to be made. António Casimiro Ferreira argues that fear and dystopism are key elements for the naturalization of what he calls the “austerity society”. As mentioned above, legitimacy by fear asserts itself as a mechanism for converting the narrative of austerity into a dominant political-social model, assuring the absolute priority of the moral values of economic and labour neoliberalism (Ferreira, 2011). Facing this reality young people became a very vulnerable working mass that is available to accept almost

anything in order to have a job. Plans for the future are put on hold and the survival in the present is a permanent struggle between precarious jobs and family help. The ideas of fear are very clearly expressed though in different ways on the reports.

Fear is many times paralyzing and leaves citizens vulnerable to populist discourses. The fear felt by the strange civil society is many times canalized into the “other” from the uncivil civil society. When the intermedium circle shrinks and the outside circle expands, fear is easily manipulated against the external circle.

However, the perception of injustice has led also to public protests. A young and well-educated European generation that became adult to realize that the European promises of democracy, rights and opportunities were losing their meaning occupied the public space in order to be heard. Protests that spread throughout Europe to claim the rescue of the democracy that appears to be kidnapped by financial markets or the small group of the intimate civil society that benefits from them. If European institutions and their leaders claimed that austerity was the only way and national governments ruled according to that, protesters were discussing something different. They were not looking for solutions for the crisis inside of the current model, they wanted to discuss a new model of democracy that is open to the voices of citizens and takes seriously the values inscribed in European treaties and national constitutions.

Despite the modest employment and economic recovery and the return to social dimensions to European governance, namely to the European Semester and the Country-specific Recommendations, there seems to be no signs that Europe will be able to put society before the economy within the governance mechanisms which were created in the context of the crisis. Social and employment policy is more constrained than ever to competitiveness priorities and the orientations within the new questionably democratic European governance mechanisms seem to favour a perspective on competitiveness which privilege low wages and limited social and labour rights.

As the OECD reports for 2017, the recovery from the crisis is very modest, and many aspects worsened: job insecurity has risen, long term unemployment increased, the growth rate of household income slowed down, average life satisfaction is lower, voter turnout has decreased, trust in government decreased, household debt increased, and the share of people who feel supported by friends and family has fallen. In the aftermath of the crisis it remains to be seen whether the countries of Southern Europe, which went through Troika intervention, will experience the same type of neoliberal structural adjustment as other countries subject to IMF intervention. On the other hand, the cumulating effect of the neoliberal policy adjustments which have been put in place since the 1980s, and the capacity of the European new economic governance to impose a neoliberal framework focused on fiscal stability, control of public deficit, and priority to competition through labour market flexibility, may cumulate ratchet-like to produce a growing neoliberal institutional landscape. In the aftermath of the crisis it will be an interesting exercise to investigate whether the different models of welfare capitalism persist.

Europe's problems are not temporary crises, nor are they ordinary issues. Rather, they are warning signs of a structural reality that, at this rate of degradation, can very well reach a peak in which the values of freedom, democracy, equality and rule of law, principles that are the cornerstones for the EU Treaties or the Charter of Fundamental Rights of the European Union, lose their meaning and Europe becomes a caricature of itself - discredited within its borders and abroad. It is clear that Europe finds itself before a bifurcation: failure or success. The bifurcation theory proposes swift and profound - even radical - corrective measures to re-establish system stability. When systems are off-balance, even the slightest change can have a dramatic impact and a small action

can cause a crucial systemic effect. It is necessary to take action, but not in a palliative, superficial and disorderly way. Long-term solutions directed at the root causes are required. It is urgent to set new pathways that will call into question the original values of the European project and improve them, by investing in strengthening democracy based on the rule of law and on recognising, accepting and integrating differences among various groups of society in Europe.

WP6 aims to contribute to the European theory of justice by exploring the various forms of non-institutional and institutional struggles for justice in Europe and thus shedding light on the factors and mechanisms that impede the realisation of distributive justice. In D6.1 we argued that political economy is not neutral and may or may not be viewed as a mean to the end justice. D6.2 shows how European economic policy has not always been aligned with the European Social Model but rather with the rules of financial markets, i.e., in this sense economy is surpassing justice. It also showed citizens' concerns and resistance emerging from the streets. As we develop on the last part of the report, if there is something that resistance and protest movements have shown during the crisis, or even the copying mechanisms of social groups to overcome hardship or test alternative solutions, it is that the possibilities for the future are broader than the idea that austerity is the only way. Although there is a whole range of possibilities and not all are coherent or consensual, this plurality opens up discourses of hope where there is a discourse of fear and inevitability.

D6.3 (fundamental rights), D6.4 (social dialogue) and D6.5 (access to justice and ADR mechanisms) will deal with institutional resistance to injustice. The aim of these deliverables is to understand whether Europe and its Member States have common and national mechanisms to ensure distributive justice, citizens' participation and the continuity of the European Social Model, even when it is threatened by international financial conditions or the political choices of its rulers.

Bibliography

- Abrahamson, Peter (2010), "European welfare states Beyond Neoliberalism: Toward the Social Investment State", *Development and Society*, 39 (1): 61–95.
- Abreu, Alexandre; Mendes, Hugo; Rodrigues, João; Gusmão, José Guilherme; Serra, Nuno; Teles, Nuno; Alves, Pedro Delgado; Mamede, Ricardo Pais (2013), *A Crise da Troika e as Alternativas Urgentes*. Lisboa: Tinta da China
- Altan, Ö. Z. (1976), *Sakatlar ve Türkiye’de Sakatların Çalışma Sorunları* (The Handicapped and Employment Issues of the Handicapped in Turkey). Eskişehir: Eskişehir İktisadi ve Ticari İlimler Akademisi Yayınları.
- Anderson, Bridget (2010a), "Migration, immigration controls and the fashioning of precarious workers", *Work, Employment & Society*, 24 (2): 308–311.
- Anderson, Bridget (2010b), "Mobilizing migrants, making citizens: Migrant domestic workers as political agents", *Ethnic and Racial Studies*, 33 (1): 60–74.
- Anderson, Bridget (2013), *Us & Them? The dangerous politics of immigration control*. Oxford: Oxford University Press, 12–28.
- Anderson, Bridget (2015), "'Heads I win. Tails you lose.' Migration and the worker citizen", *Current Legal Problems*, 68: 179–196.
- Andreotti, Alberta; Garcia, Soledad Marisol; Gomez, Aitor; Hespanha, Pedro; Kazepov, Yuri and Mingione, Enzo (2001), "Does a southern European model exist?", *Journal of Contemporary European Studies* 9 (1): 43–62.
- Bekker, Sonja (2018), "Flexicurity in the European Semester: still a relevant policy concept?", *Journal of European Public Policy*, 25 (2): 175–192.
- Bercussion, Brian (2010) *European labour law*. Cambridge: Cambridge University Press.
- Bernard, Paul; Boucher, Guillaume (2007), "Institutional competitiveness, social investment, and welfare regimes", *Regulation & Governance*, 1 (3): 213–229.
- Bijleveld, L.; Cremers, E. (2010), 'Een baan als alle andere? De rechtspositie van deeltijd huishoudelijk personeel' (A job like any other? The legal position of part-time domestic staff), Leiden 2010.
- Bodrogi, B., Kádár, A. (2013), *Enar Shadow Report. Racism and related discriminatory practices in employment in Hungary*. The European Network Against Racism, available at <http://cms.horus.be/files/99935/MediaArchive/publications/shadow%20report%202012-13/Hungary.pdf>, accessed March 2017.
- Bradshaw, Jonathan; Fran, Bennett (2016), *ESPN Thematic Report on minimum income schemes: United Kingdom, 2015*. Brussels: European Commission
- Brandl, Bernd; Bechter, Barbara (2018), "The hybridization of national collective bargaining systems: the impact of the economic crisis on the transformation of collective bargaining in the European Union", *Economic and industrial democracy*, 39 (1).

- Burri, Susanne; Aune, Helga (2013), *Sex Discrimination in Relation to Part-Time and Fixed-Term Work: The application of EU and national law in practice in 33 European countries*. Brussels: European Commission.
- Caldas, José Castro (2015), “Desvalorização do trabalho: do Memorando à prática”, *Cadernos do Observatório*, n. 6. Lisboa: CES
- Caldas, José Castro (2017), “Economizing on Justice”, *Ethos project*, deliverable 6.1, available at https://www.ethos-europe.eu/sites/default/files//docs/economizing_on_justice.pdf.
- Castles, Francis G.; Obinger, Herbert (2008), “Worlds, Families, Regimes: Country Clusters in European and OECD Area Public Policy”, *West European Politics*, 31 (1-2): 321-344
- CEC (2009), *Commission Staff Working Document accompanying document to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Youth - Investing and Empowering* (EU Youth Report), CEC (2009) 549 final. Brussels: Commission of the European Communities.
- Çelik, Aziz (2003), “Yeni İş Yasasının Anlamı,” *Türkiye Barolar Birliği Dergisi*, 48: 41-72.
- Cerami, Alfio (2008), “Central Europe in transition: Emerging models of welfare and social assistance”, *MPRA Paper No. 8377*.
- Clark, Nich; Herman, Eva (2017), *Unpaid Britain: Wage default in the British labour market*. Middlesex University London, 40.
- Collins, H., K.; Ewing, D.; Mccolgan, A. (2012), *Labour Law*. Cambridge: Cambridge University Press
- Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions (2011), *The social and economic integration of the Roma in Europe*. COM/2010/0133 final.
- Costa, Ana; Caldas, José Castro (2014), “A União Europeia e Portugal entre os resgates bancários e a austeridade: um mapa das políticas e das medidas”, in José Reis (ed.) *A economia política do retrocesso: crise, causas e objectivos*. Coimbra: Almedina, 72-107.
- Costa, Giuliana; Ranci, Costanzo (2010), “Disability and Caregiving: A Step Toward Social Vulnerability?”, in Costanzo Ranci (ed.), *Social Vulnerability in Europe. The New Configuration of Social Risks*. Basingstoke: Palgrave MacMillan, 159-185.
- Council of Europe - European Commission against Racism and Intolerance (2015). *ECRI Report on Hungary* (Fifth Monitoring Cycle), 9 June 2015.
- Dereli, Toker (2014), “Flexicurity and Turkey’s New Labor Act: Problems and Prospects,” in Toker Dereli, Pınar Soykut-Sarıca; Aslı Şen-Taşbaşı (eds.), *Labor and Employment Relations in a Globalized World*. New York: Springer, 135-158.
- Dewar, Laura; Ben-Galim, Dalia (2017), *An impossible bind: requirements to work under Universal Credit*. London: Gingerbread.
- Dietrich, Hans (2012), “Youth unemployment in Europe: Theoretical Considerations and Empirical Findings”. Berlin: Friedrich Ebert Stiftung.

- Dufour, Mathieu; Orhangazi, Özgür (2008), "The 2000–2001 Financial Crisis in Turkey: A Crisis for Whom?", *Review of Political Economy*, 21 (1): 101-122.
- Esping-Andersen, Gøsta (1999), *Social foundations of postindustrial economies*. New York; Oxford: Oxford University Press.
- Estanque, Elísio (2015), "Middle-class Rebellions? Precarious Employment and Social Movements in Portugal and Brazil (2011-2013)", *RCCS Annual Review*, 7: 17-44.
- Eurofound (2016), *What Do Europeans Do at Work? A Task-Based Analysis*. Luxembourg: Publication Office of the European Union.
- Eurofound (2017a), *Long-Term Unemployed Youth: Characteristics and Policy Responses*. Luxembourg: Publications Office of the European Union.
- Eurofound (2017b), *Occupational Change and Wage Inequality: European Jobs Monitor 2017*. Luxembourg: Publications Office of the European Union.
- Eurofound (2018), *Statutory minimum wages 2018*. Luxembourg: Publications Office of the European Union.
- European Commission (2003), *2003 Regular Report on Turkey's progress towards accession*, available at https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2003.pdf, accessed April 2018.
- European Commission (2008), *Communication from the Commission to the European Council: A European Economic Recovery Plan*. COM (2008) 800 final.
- European Commission (2015), *Communication from the Commission to the European Parliament, the Council and the European Central Bank On steps towards Completing Economic and Monetary Union*. COM (2015) 600 final.
- European Union (2012), *Progress on equality between women and men in 2011 A Europe 2020 initiative*. Luxembourg: Publications Office of the European Union.
- European Women's Lobby (2012), *The price of austerity - The impact on women's rights and gender equality in Europe*. Brussel: EWL.
- Ewing, K. D. (1998), "The state and industrial relations: 'Collective laissez-faire' revisited", *Historical studies in industrial relations*, 5: 1-31.
- Ewing, K; Hendy, J. (2017), "New perspectives on collective labour law: Trade union recognition and collective bargaining", *Industrial Law Journal*, 46(1): 23-51
- Fantone, Laura (2007), "Precarious Changes: Gender and Generational Politics in Contemporary Italy", *Feminist Review*, 87: 5-20.
- Ferreira, António Casimiro (2011), "A sociedade de austeridade: Poder, medo e direito do trabalho de exceção", *Revista Crítica de Ciências Sociais*, 95: 119-136.

- Ferreira, Virgínia (2013), "Employment and austerity: Changing welfare and gender regimes in Portugal", in Maria Karamessini; Jill Rubery (eds.), *Women and austerity – The economic crisis and the future for gender equality*. New York: Routledge, 207-227.
- Ferrera, Maurizio; Rhodes, Martin; Hemerijck, Anton (2001), *The future of social Europe: recasting work and welfare in the new economy*. Oeiras: Celta.
- Fineman, Martha Albertson (2008), "The Vulnerable Subject: Anchoring Equality in the Human Condition", *Yale Journal of Law & Feminism*, 20 (1): 1-23.
- Gallie, Duncan (2009), *Employment Regimes and the Quality of Work*. Oxford: Oxford University Press.
- Gallie, Duncan (2013), "Economic crisis, the quality of work, and social integration: Issues and context". *Economic crisis, the quality of work, and social integration: The European experience*. Oxford: Oxford University Press.
- Giddens, Anthony (1998), *The Third Way: The renewal of social democracy*. Cambridge: Polity Press.
- Grosfoguel, Ramon; Suarez-Krabbe, Julia (Decoloniality Europe) (2013), "Letter to the European White Left", *Letters to the Europeans*. Coimbra: Alice CES. Available at <http://alice.ces.uc.pt/en/wp-content/uploads/2013/06/Letter-to-the-europeans-Book.pdf>, accessed April 2018.
- Hannah Lewis, Peter Dwyer, Stuart Hodgkinson, and Louise Waite (2014), *Precarious Lives: Forced Labour, Exploitation and Asylum*. Bristol: The Policy Press.
- Hermann, Christoph (2017), "Crisis, Structural Reform and the Dismantling of the European Social Model(S)", *Economic and Industrial Democracy*, 38 (1): 51–68.
- Hespanha, Pedro; Ferreira, Sílvia; Pacheco, Vanda (2014), *O Estado Social, Crise e Reformas*, in José Reis (org.), *A Economia Política do Retrocesso - Crise, Causas e Objetivos - Observatório sobre Crises e Alternativas*. Coimbra: CES/Almedina, 189-281.
- Hills, John (2015), *The Coalition's record on cash transfers, poverty and inequality 2010-2015*. Social Policy in a Cold Climate Working Paper 11, 26.
- IOM (2009), *The Impact of the Global Financial Crisis on Migrants and Migration*. Policy Brief March 2009, IOM.
- Jenson, Jane (2010), "Diffusing Ideas for After Neoliberalism: The Social Investment Perspective in Europe and Latin America", *Global Social Policy: An Interdisciplinary Journal of Public Policy and Social Development*, 10 (1): 59-84.
- Jenson, Jane; Saint-Martin, Denis (2003), "New routes to social cohesion? Citizenship and the social investment state", *Canadian Journal of Sociology/Cahiers canadiens de sociologie*, 28 (1): 77–99.
- Jessop, Bob (2012), "Narratives of crisis and crisis response: perspectives from north and south", in Peter Utting, Shahra Razavi, Rebecca Varghese Buchholz (eds.), *The global crisis and transformative social change*. New York: Palgrave Macmillan, 23–42.
- Jessop, Bob (2013), "Putting neoliberalism in its time and place: a response to the debate", *Social Anthropology*, 21 (1): 65-74

- Juncker, Jean Claude; Tusk, Donald; Dijsselbloem, Jeroen; Draghi, Mario; Schulz, Martin (2015), *Completing Europe's Economic and Monetary Union*. Brussels: European Commission.
- Juventud sin Futuro (2013), "Letter to the Europeans from Juventud Sin Futuro (Youth without a Future)", *Letters to the Europeans*. Coimbra: Alice CES. Available at <http://alice.ces.uc.pt/en/wp-content/uploads/2013/06/Letter-to-the-europeans-Book.pdf>, accessed March 2018.
- Kahn-Freund, Otto (1965), "Report on the legal status of collective bargaining and collective agreements in Great Britain" in Otto Kahn-Freund (ed.), *Labour relations and the law*. London: Stevens & Sons, 21-39.
- Kertesi, G. (2011), "Roma employment in Hungary after the post-communist transition", *Economics of Transition*, 19 (3): 563–610.
- Köllő, J.; Scharle, Á. (2013), "The impact of the expansion of public work programs on long-term unemployment", in K. Fazekas and G. Kézdi (eds), *The Hungarian Labour Market 2012*. Budapest: MTA KTI.
- Kollonay Lehoczy, Cs. (2013) "Génmanipulált újszülött – Új munkatörvény az autoriter és a neoliberális munkajogi rendszerek határán", in A. Kun (ed.) *Az új Munka Törvénykönyve Dilemmái*. Budapest: Károli Gáspár Református Egyetem, Állam- és Jogtudományi Kar.
- Koltai, L. (2015), "The Values of Public Work Organisers and Public Workers", in K. Fazekas and J. Varga, (eds.) *The Hungarian Labour Market 2015*. Budapest: Institute of Economics - Centre for Economic and Regional Studies - Hungarian Academy of Sciences, available at http://econ.core.hu/file/download/HLM2015/TheHungarianLabourMarket_2015_onefile.pdf, accessed March 2018.
- Lafortune, Gaetan; Balestat, Gaëlle (2007), "Trends in Severe Disability Among Elderly People: assessing the evidence in 12 OECD countries and the future implications", *OECD Health Working Papers* n. 26.
- Leira, Arnlaug; Saraceno, Chiara (2006), "Care: actors, relationships, contexts", *Sosiologi I Dag, Årgang* 36 (3): 7-34.
- Leite, Jorge; Costa, Hermes Augusto; Silva, Manuel Carvalho; Almeida, João Ramos (2014), "Austeridade, reformas laborais e desvalorização do trabalho", in José Reis (ed.), *A economia política do retrocesso: crise, causas e objetivos*. Coimbra: Almedina, 127-188.
- Lepianka, Dorota; Martin, N. (s/d), *Different shades of precarity: the case of domestic workers in the Netherlands. Analysis of stratifying mechanisms and search for solutions*. Work in Progress, Work Package 10: Insiders and Outsiders, D10.3 Country Report bEUCitizen.
- Lima, Maria da Paz Campos (2015), *A reconfiguração do regime de emprego e de relações laborais em Portugal na ótica liberal*. *Cadernos do Observatório*, 5.
- Macinnes, Tom; Aldridge, Hannah; Bushe, Sabrina; Kenway, Peter; Tinson, Adam (2014), *Monitoring poverty and social exclusion 2014*, York: Joseph Rowntree Foundation, 95.
- Mangan, David (2013), "Employment Tribunal reforms to boost the economy", *Industrial Law Journal*, 42 (4): 409–421.
- Ministry of Justice (2017), *Review of the introduction of fees in the Employment Tribunals: Consultation on proposals for reform*, available at <https://consult.justice.gov.uk/digital-communications/review-of-fees-in>

employment-tribunals/supporting_documents/Reviewofintroductionoffeesinemploymenttribunals.pdf, accessed March 2018.

OECD (1981), *OECD Economic Outlook, Volume 1981 Issue 2*. Paris: OECD Publishing.

OECD (2017), *How's Life? Measuring Well-being*. Paris: OECD Publishing.

Özdemir, Ali Murat; Yücesan-Özdemir, Gamze (2006) "Labour Law Reform in Turkey in the 2000s: The Devil is Not Just in the Detail But Also in the Legal Texts," *Economic and Industrial Democracy*, 27 (2): 311-331.

Paz-Fuchs, Amir; Eleveld, A. (2016), "Workfare revisited", *Industrial Law Journal*, 45 (1), 29-59.

Peroni, Lourdes; Timmer, Alexandra (2013), "Vulnerable groups: The promise of an emerging concept in European Human Rights Convention law", *International Journal of Constitutional Law*, 11 (4): 1056–1085.

Pierson, Paul. 1994. *Dismantling the welfare state? Reagan, Thatcher and the politics of retrenchment*. Cambridge: Cambridge University Press.

Powell, Martin; Yörük, Erdem (2017), "Straddling two continents and beyond three worlds? The case of Turkey's welfare regime", *New Perspectives on Turkey*, 57: 85–114.

Prosser, Thomas (2017), "Insiders and outsiders on a European scale", *European Journal of Industrial Relations* 23 (2): 135–150.

Rabindrakumar, Sumi (2017), *On the rise: Single parent sanctions in numbers*. London: Gingerbread, 12-13.

Republic of Turkey - Ministry of Family and Social Policies (2011), *An Analysis of the Labour Market Based On Disability*. Ankara: General Directorate of Services for Persons with Disabilities and Elderly People.

Ribeiro, Raquel; Coelho, Lina; Ferreira-Valente, Alexandra (2015), "Unemployment and gender equality within the family in Portugal", *ex æquo*, 32, 69-85.

Santos, Boaventura de Sousa (1999), *The welfare state in Portugal. Between conflicting globalizations*. Oficina do CES, n. 140. Coimbra: CES

Santos, Boaventura de Sousa (2003), "Poderá o direito ser emancipatório?", *Revista Crítica de Ciências Sociais*, 65; 3-76.

Santos, Boaventura de Sousa (2015), "Towards a sociolegal theory of indignation", in Upendra Baxi, Christopher Mccrudden, and Abdul Paliwala (eds.), *Law's Ethical, Global and Theoretical Contexts. Essays in Honour of William Twining*. Cambridge: Cambridge University Press, 3-76.

Santos, Boaventura de Sousa (2016), "A incerteza entre o medo e a esperança", *Jornal de Letras*, 14 a 27 de setembro, p. 25-27.

Santos, Boaventura de Sousa (2017), "The Resilience of Abyssal Exclusions in Our Societies: Toward a Post-Abyssal Law", *Tilburg Law Review*, 22: 237-258.

Schulten, Thorsten; Müller, Torsten (2012), "A new European interventionism? The impact of the new European economic governance on wages and collective bargaining", in David Natali and Bart Vanhercke (eds.), *Social developments in the European Union 2012*. Brussels: ETUI/OSE, 181-213.

- Sen, Amartya K. (1996), "On the foundations of welfare economics: utility, capability, and practical reason", in Francesco Farina, Frank Hahn, and Stefano Vannucci (eds.), *Ethics, rationality, and economic behaviour*. Oxford: Clarendon Press, 50-65.
- Sen, Amartya K. (2002), "Why health equity?" *Health Economics*, 11 (8): 659–666.
- Spivak, Gayatri C. (1988), "Can the Subaltern Speak?", in Cary Nelson and Lawrence Grossberg (eds.), *Marxism and the Interpretation of Culture*. Chicago: University of Illinois Press, 271–313.
- Standing, Guy (2011), *The precariat: The new dangerous class*. London: Bloomsbury.
- Streeck, Wolfgang; Thelen, Kathleen (eds) (2005), *Beyond continuity: Institutional change in advanced political economies*. Oxford: Oxford University Press.
- Sur, Melda (2009), "The Fundaments and Limits of Managerial Prerogative in Turkish Labour Law", *Comparative Labor Law & Policy Journal*, 30 (2): 183-197.
- Sural, A. Nurhan (2005), "Employment Termination and Job Security Under New Turkish Labour Act", *Middle Eastern Studies*, 41 (2): 249-268.
- Timmer, Alexandra (2018), *Het feminisme boekt winst dankzij de EU – alleen weinigen zien het*, available at <https://www.nrc.nl/nieuws/2018/01/19/het-feminisme-boekt-winst-dankzij-de-eu-alleen-weinigen-zien-dat-ook-a1589019>, accessed January 2018.
- Vegter, M. (2015), *Country Report the Netherlands: Gender Equality*, available at http://ec.europa.eu/justice/gender-equality/files/ge_country_reports_d1/2015-nl-country_report_ge_final.pdf, accessed November 2017.
- Walker, K. (2001), *Consequences of the Economic Crisis in Turkey*. Working Document, 13th Meeting of the EU-Turkey Joint Consultative Committee, Erzurum.
- WHO (1992), *ICD-10 International statistical classification of diseases and related health problems*. Geneva: WHO.
- WHO (2001), *International Classification of Functioning, Disability and Health*. Geneva: WHO.
- Yilmaz, Volkan (2011), *The Political Economy of Disability in Turkey: Disability and Social Policy Reform*. Taschenbuch: LAP-Lambert Academic Publishing.

List of National Reports

- Dupont, Pier-Luc and Anderson, Bridget (2018), *UK report on the claims, interests and capabilities of young mothers and migrant domestic workers in economic debates*. UK: University of Bristol.
- Hungler, Sara and Kende, Agnes (2018), *Roma on public work contract case study in Hungary and Young women with caring responsibilities in Hungary*. Hungary: Kozep-Europai Egyetem.
- Meier, Isabella and Apostolovski, Veronika (2018), *Universal minimum wages as instruments to foster just income distribution on the Austrian labour market?* Austria: Europaisches Trainings und Forschungszentrum fur Menschenrechte und Demokratie.
- Meneses, Maria Paula; Araújo, Sara; Brito, Laura (2018), *Portuguese report on distributive justice claims*. Portugal: Centro de Estudos Sociais da Universidade de Coimbra.
- Vries, Sybe de; Safradin, Barbara; Sijmons, Roemer (2018), *Netherlands report on the claims, interests and capabilities of young women with care burdens and refugees in their struggles for social distributive justice*. Netherlands: Universiteit Utrecht.
- Yilmaz, Volkan; Akkan, Basak; Birelma, Alpan and Serim, Simla (2018), *Young Women and People with Disabilities in the Labour Market. The Case of Turkey*. Turkey: Bogazici Universitesi and Ozyegin Universitesi.

List of Interviews

Austria

- AT6.2.01 - Feminist activist
- AT6.2.02 - Representative of the Women Section of the Chamber of Labour
- AT6.2.03 - Representative of ÖGB (Federal Trade Union) Women
- AT6.2.04 - Researcher
- AT6.2.05 - Representative of the ÖGB (Federal Trade Union), Greens
- AT6.2.06 - Member of a public authority, federal level

Hungary

- HU6.2.01 - Leader of women's NGO umbrella organization
- HU6.2.02 - Leader of women's NGO
- HU6.2.03 - Leader of women section of trade union confederation
- HU6.2.04 - Young mother
- HU6.2.05 – Group interview with young mothers, Roma public workers
- HU6.2.06 - Leader of a local Roma NGO
- HU6.2.07 - Leader of a public worker' trade union
- HU6.2.08 - Member of a public worker' trade union
- HU6.2.09 - Mayor of a Hungarian city
- HU6.2.10 - Mayor of a Hungarian village
- HU6.2.11 - Male Roma public worker
- HU6.2.12 - Group interview with female Roma public workers

Netherlands

- NL6.2.01 - Refugee and representative of various social initiatives for refugees in the Netherlands
- NL6.2.02 -Coordinator Refugee project on newcomer integration in the Netherlands VIP– Refugee Council Netherlands (Vluchtelingenwerk)
- NL6.2.03 - Policy Advisor Dutch Ministry of Social Affairs and Employment – Department Society and Integration
- NL6.2.04 - Refugee representing the newcomer generation above 35
- NL6.02.05 - Project leader Academie van de Stad – Newcomer's integration project Xandra van Hoek
- NL6.02.06 - Client manager at Municipality of Amsterdam – Department (labour) integration newcomers
- NL6.2.07 - Refugee Start Force - Ambassador

NL6.2.08 - Specialist/coordinator gender equality law of the European Legal Gender and Equality Network– the Netherlands

NL6.2.09 - Representative of Self-employed women (pregnant) - Lawyer

NL6.2.10 - Project Leader – Werkende Ouders (For Working Parents)

NL6.2.11 - Founder support group studying mothers Netherlands

NL6.2.12 - NL Equality Body, Netherlands Institute for Human Rights – department pregnancy discrimination

NL6.2.13 - Board Member VVAO – Organization for high educated women

Portugal

PT6.2.01 – Domestic worker, female, sixties

PT6.2.02 – Former trade union leader, researcher, male, seventies

PT6.3.03 – Secretary of state for equality, female, forties

PT6.4.04 – President of the Portuguese Association of Retired People, female, sixties

PT6.2.05 – Biochemist, female, twenties

PT6.2.06 – Group interview with a couple of young activists

Turkey

TR6.2.01 - Representative, Ministry of Labour and Social Security

TR6.2.02 - Labour Union Representative

TR6.2.03 - Labour Union Representative

TR6.2.04 - Labour Union Representative

TR6.2.05 - Labour Union Representative

TR6.2.06 - Representative, ILO

TR6.2.07 - Representative of Women NGO

TR6.2.08 - Representative of Women NGO

TR6.2.09 - Representative of grassroots Women NGO

UK

UK6.2.01 - Male, 50, Occupy activist

UK6.2.02 - Female, 40-50, trade union representative

UK6.2.03 - Female, 47, migrant domestic worker activist

UK6.2.04 - Female, retired, migrant domestic worker activist

UK6.2.05 - Female, 30-40, trade union representative

UK6.2.06 - Female, 40, young mother

UK6.2.07 - Female, 30, young mother

UK6.2.08 - Female, app. 45, migrant domestic worker; female, app. 60, ex migrant domestic worker

UK6.2.09 - Female, app. 35, young mother activist

UK6.2.10 - Male, 39, policy advisor