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Democracy, Inclusion and the Governance of Active Social Policies in the EU

Recent Lessons from Denmark,
the UK and France

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Mark Thomson is Research Assistant at the Europe Institute at the University of Auckland. E-mail: mr.thomson@auckland.ac.nz.

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Centre for European Studies

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P.O.Box 1143 Blindern | 0318 Oslo | Norway

Tel: +47 22 85 87 00 | Fax +47 22 85 87 10

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Abstract

Many European welfare states face challenges due to persistently high levels of unemployment. This paper discusses European responses to the tension between getting the jobless back to work and not undermining rights or the democratic legitimacy of policies. The consensus at the European level is to seek local solutions to unemployment to ensure that policy interventions are more responsive and sensitive to individual needs. The paper compares efforts to find local solutions in three distinct welfare-regime states: social-democratic Denmark, liberal UK and conservative France. Drawing on Amartya Sen's capability approach and the ideas behind deliberative democracy, it asks if decentralising employment policies has achieved its normatively democratic objectives of empowering the individual unemployed (notably through a growth in more personalised interventions) and engaging a wider set of local policy actors (in the public, private and third sectors) in finding solutions to unemployment. In light of the three national case studies, the paper offers a critical discussion of the assumed benefits for social inclusion of decentralising the governance of activation.

Keywords

Active Social Policies — Capability Approach — Decentralisation — Deliberative Democracy — New Governance — Social Inclusion — Unemployment

Introduction

One of the wider aims of democracy is to foster citizens' sense of belonging to their local and national communities. People must feel that they have a stake in, and a degree of influence over, the policies that affect their lives. Nation-states that are democratic are by definition inclusive, in the sense that they grant their citizens equal civil and political rights as a way to empower people, give them voice as well as, more broadly, strengthen social inclusion and cohesion. Social rights are a more recent feature of citizenship, being a key part of burgeoning European welfare states in the post-war decades of the twentieth century. They are seen to deepen the 'hollow' character of democracy (Giddens, 1996) by trying to ensure that people remain formally included within their communities at times of personal crisis (e.g., unemployment or illness). Social rights also try to prevent informal inequalities from adversely affecting citizens' claims to democratic voice or representation, but, in contrast with civil and political rights, vary considerably in their scope and content across different welfare-regime types: social-democratic states are seen to offer more universal and extensive social provision than insurance-based conservative regimes, and, especially, market-oriented political economies.

Yet all welfare states, irrespective of regime type, face challenges due to persistently high levels of unemployment over the past few decades. Initially designed to act as a safety net for a minority of individuals unable to support themselves (or, in some cases, be supported by their family), welfare states are financially under strain, a fact that has brought about reforms to social rights in most European countries in the form of lower unemployment benefits with stricter conditions of entitlement attached. These reforms are seen as essential for a financially viable and sustainable welfare state, but their implications for social inclusion are controversial. On the one hand, cuts in state benefits pose real risks that the most vulnerable will fall (deeper) into poverty and be further excluded from mainstream society. On the other hand, long-term dependency on state benefits is identified with diminished work skills, lack of self-respect, loss of confidence and motivation (Sen, 1997), all of which increase the likelihood of permanent exclusion from the labour market – of particular concern when considering the high incidence of youth unemployment in many European countries. Moreover, welfare dependency is seen to undermine social cohesion if citizens who pay into the system through work contributions become less willing to support the long-term jobless financially. The lack of empathy for the unemployed is profoundly divisive for society, often leading to populist calls to stop supporting people seen as exploiting the welfare system.

This poses a dilemma for policymakers about how far social rights, and their associated policies, ought to be adapted to meet budgetary constraints, to recognise the harmful if unintended consequences of long-term joblessness and to secure lasting support for the welfare state as an attribute of an inclusive democracy. This echoes concerns expressed elsewhere about how to raise levels of economic efficiency and productivity without undermining rights or the democratic legitimacy of policies (Eriksen and Fossum, 2007). One possible way to achieve this is by making the benefit system 'smarter' through reforms to assist or encourage the jobless back to work. Most European countries, for example, have introduced in-work tax credits to 'make work pay' or increased financial support for childcare to parents of pre-school children. Changes to what some people feel are social rights, such as making benefit receipt time-limited or decreasing long-term benefit rates, are then seen as more

legitimate if they contribute to enhancing welfare, for example by enabling mothers of young children to return to work and not become financially dependent on either state benefits or their male partners.

Regular paid work hence constitutes a central part of the wider democratic goal of promoting social inclusion; yet, where the unemployed face more complex barriers to work, it has proved useful to go beyond financial reforms to benefit systems and seek local solutions to unemployment as a *prima facie* way to ensure that policy interventions are more responsive and sensitive to individual needs. Decentralising the delivery of employment or 'activation' policies across much of Europe has taken two main forms: the engagement of a broader set of actors (public, private and third-sector) in policy design and implementation; and, the individualisation of activation services to the unemployed through one-stop job centres where all jobseekers (both the insured and uninsured) are entitled to receive professional help with their job searches, advice about suitable educational or training opportunities, or support with non-vocational barriers to work such as health problems.

This paper discusses these recent changes to the democratic framework in the governance of activation, focusing on unemployed groups perceived to be furthest from the labour market, most in need of employment assistance and most at risk of social exclusion. In view of their diverse and often complex needs, policy interventions (referred to here as active social policies) must be sensitive to these needs if they are not to produce new forms of exclusion. But given that unemployment benefits are increasingly conditional on the jobless demonstrating work-related activities, there is a likely tension between policies to address wider social barriers to employment and policies geared more towards a work-first approach.

To discuss how far new modes of governance in activation help resolve or at least ease this tension, the paper compares three distinct welfare-regime states: social-democratic Denmark but with a strong corporatist tradition; liberal UK; and, conservative France with a traditionally strong central state. The growing emphasis on local solutions across Europe offers opportunities to improve social inclusion for people furthest from the labour market provided that policymakers see it as a chance to understand barriers to work better and not simply as a way to devolve the costs of 'activating' hard-to-reach groups to local actors. The way to achieve better social inclusion, the paper argues, is to engage with welfare recipients in ways that adhere to broad democratic norms as exemplified in theories of deliberative democracy and Amartya Sen's capability approach. This means engaging individuals (and their representatives) as key stakeholders in the activation process by providing opportunities for their voices to be heard and for their concerns about work to be acknowledged.

The paper starts by explaining the use here of the term active social policies, instead of the more usual active labour market policies, then discusses the benefits of adopting Sen's capability approach and ideas of deliberative democracy in efforts to address employment barriers. The paper's national case studies then provide some examples of the benefits and limitations, viewed from the perspectives of the capability approach and deliberative democracy, of decentralising the governance of active social policies. The paper then draws some comparative lessons for social inclusion and democracy from the three national case studies.

Active labour market or active social policies?

In times of fiscal austerity, high unemployment and flexible labour markets, the challenge for policymakers is to find ways to reconcile economic aims with the 'avowed objective' of social policy (Marshall, 1975) – that is, the welfare of citizens. From a purely utilitarian perspective, this is simply a question of raising employment rates by improving work incentives and opportunities since in the absence of an economically sustainable welfare state, it is meaningless to speak of social rights. The risk, however, is to neglect the importance of individual welfare by subsuming it into fiscal or economic concerns; or, potentially worse, to deny people's agency in shaping their own destinies due to the use of compulsory activation measures. Admittedly, remaining dependent on state benefits is unlikely, in the long-term, to improve a person's wellbeing or health.¹ Nor, however, is work always welfare-enhancing, yet alone a panacea for social ills. It can, depending on job type and suitability, have an important role to play provided that joblessness is seen as a symptom, and not just a cause, of poverty. Hence, the perennial issue of translating formal citizenship rights into real social rights must not only find solutions in raising job incentives or opportunities, but also address socio-economic as well as individual barriers to employment such as prohibitive childcare costs, poor local infrastructures, deprived neighbourhoods or specific health issues that prevent work exits from state support. This is especially important given recent recognition of 'in-work' poverty that, for instance, has undermined efforts to end child poverty in the UK (Kenway, 2008).

From this perspective, the limitations of the two prevailing approaches to activation, the 'work-first' and the 'human capital' approaches – inspired respectively by liberal, on the one hand, and social-democratic and (to a lesser extent) conservative traditions, on the other – are evident. Both, albeit in differing ways, focus on supply-side or individual deficiencies as narrowly defined in relation to the labour market. The work-first approach takes the view that the most important aspect of raising wellbeing is employment. The focus is thus on removing barriers to work, particularly due to lack of information, transaction costs, immobility but also due to behavioural issues such as lack of work ethic, motivation or poor organisational skills. Whilst skills are clearly important, taking some job is viewed as preferable to prolonging unemployment in the hope of getting one to which the person is ideally suited.

The human capital approach focuses more on jobseekers' lack of appropriate work skills. Emphasis is on (re-)training the unemployed, hence offering a longer-term vision but, importantly, with a view to adapting their job skills to the demands of changing labour markets. In this view the chance of prolonged employment is improved sufficiently by appropriate prior training that it justifies the investment costs.

In defining social exclusion primarily as exclusion from paid work (Levitas, 2005: 26), both approaches potentially neglect non-vocational aspects in people's lives that limit their freedom to act in keeping with work norms, such as poor health or care responsibilities. Moreover, they risk disregarding job quality (hours, job security, working conditions or future opportunities) by measuring the success of activation

¹ The relationship between poor health and dependency on state benefits is a complex one which cannot be seen in isolation from broader social or economic factors (family breakdown, deprived neighbourhoods, 'failing' schools or the decline in traditional industry).

policies against employment rates only. Reports of the Dutch and Danish job miracles of the 1990s, for example, said little about the type of work created by activation measures or if individuals were able to move over time from subsidised employment into more secure work (van Oorschot and Abrahamson, 2003). Further, some regard the promise within the European Employment Strategy (EES) to deliver 'more and better jobs' as illusory: in practice, it seems to have placed more emphasis on the need to create more jobs through greater flexibility in employment arrangements and labour markets than on improving job quality (Raveaud, 2007).²

Instead of active labour market policies, the preference here is to use the term active social policies to emphasise broader welfare goals over short-term job outcomes. Work remains a policy objective (hence the notion of *active* social policy), but it is an objective that needs to be adapted to local context as well as to individual circumstances. This is important given that both the work-first and human capital approaches tend to shift explanations of the cause of benefit dependency away from structural factors (e.g., the state of the local economy) and on to individual characteristics (Drøpping, Hvinden and Vik, 1999). As a result, it has become much easier for governments to justify changing the status of social rights into a contractual arrangement (Handler, 2003) that spells out jobseekers' responsibilities if they are to avoid benefit sanctions or cuts. Social rights have been refashioned as instruments of labour market activation; in other words, as financial incentives for benefit recipients to sell their labour.

It is evident, though, that some people face profound difficulties in 'selling' their labour: the long-term unemployed; young people with few qualifications and lack of work experience; people impaired by disability or sickness; residents of economically deprived areas; or, immigrants whose overseas qualifications go unrecognised. It is they who, most often unrepresented by trade unions and in receipt of non-contributory social assistance, are increasingly the focus of policy interventions to assist or encourage them back into work. Thus, there are two challenges in the design and implementation of active social policies. The first is that policies need to be adaptable and flexible as a one-size-fits-all approach is unlikely to adequately address each person's problems or circumstances.³ As Robert Salais (2003: 317) puts it, policies need 'to struggle against [or with] inequality of capabilities'. The second challenge is to involve groups who, particularly in welfare systems with strong corporatist traditions, have lacked a voice or representation in the democratic process.

² The EU has, since 2001, identified ten qualitative work dimensions within the EES as a way to measure job quality, although wage level is not included as an indicator of job quality (Davoine et al., 2008) – a significant omission for any cross-national study of 'in-work' poverty. These qualitative dimensions encompass: composition of jobs and their qualification requirements; the profile of workers, their inclusion and access to the labour market, their skills and career development as well as their subjective job satisfaction; the aims and operating practices of employers; the working environment and health and safety at work in particular; gender equality and non-discrimination; and the direction and priorities of employment and social policies (European Commission, 2001).

³ Clearly individual jobseekers too need to be adaptable in the light of available job opportunities and their own work experiences.

The benefits of a capability approach and deliberative democracy

Drawing inspiration from Amartya Sen's (1999) writings on the capability approach, the objective of active social policies should be to promote effective or substantive freedoms (what Sen calls 'capabilities') by asking how much agency people have to do or be what they value, thus echoing calls for activation policies to empower individuals (Bonvin and Orton, 2009; Dean et al., 2005; van Berkel and Roche, 2002). The capability approach is explicitly anti-utilitarian, arguing that people should 'be in charge of their own well-being; it is for them to decide how to use their capabilities' (Sen, 1999: 288), not others. The way to enhance effective freedoms, from the perspective of both Sen's capability approach as well as the model of deliberative democracy, is through more consensus-seeking and inclusive dialogue; i.e., through more democratic channels of inclusion. Those most affected by policies must have opportunities, free from coercion or exploitation, to impart local knowledge and 'lived experience' as a way to contextualise problems that otherwise might remain unknown or abstract to policymakers or panels of experts – the idea of 'situated public action' as a way of empowering and giving voice to local communities (Salais and Villeneuve, 2004: 8). Given the diversity of individual circumstances, Sen (2003: 31) emphasises the value of learning from others through democratic participation in the production of knowledge. Through public deliberation, participants have the opportunity to publicly transform others' 'preferences, interests, beliefs and judgements' (Young, 2000: 26).

Two sets of criticism might be levelled at this form of participatory democracy. The first is that it is too individualistic and focuses on local solutions alone. Yet, the above discussion has already pointed to social or institutional barriers as impediments to effective freedoms, and thus to the importance that social policies play in empowering both individuals and social groups. It is precisely at the local level where it is possible, by adopting participatory methods, to capture the issues affecting individuals better and to uncover the wider structural causes of inequalities (Frediani, n.d.), hence serving to inform policy-making and local initiatives. More individualised employment services as a way to 'activate' the unemployed offer opportunities to achieve forms of social inclusion that are sensitive both to local context and individual needs

The second set of criticisms is that this form of participatory democracy is simply too idealistic, as it neglects imbalances of power due to status, class, race or gender that routinely distort human interactions. The model of deliberative democracy is criticised for not adequately reflecting on the social preconditions necessary to reach the ideal of deliberative democracy (Toens, 2007). But by identifying norms of discussion and argumentation, a deliberative approach is explicit in seeking to avoid reinforcing existing imbalances of power that participants might otherwise exploit as a way to dominate proceedings through coercion, intimidation or disregard for alternative views. It is hence important that activation policies do not, by design, allow or encourage participants to take advantage of others (e.g., employers who use trial jobs as a source of casual and cheap labour) or lead to perverse incentives (e.g., employment agencies who, to meet job-related performance targets, focus their efforts on the most employable to the neglect of people with more complex needs, or allow

the threat of benefit sanctions to define their relationships with their unemployed clients).

Whilst across Europe there has been a growth in more personalised employment services (van Berkel and Valkenburg, 2007), it is not always clear that more *deliberative* norms of discussion (reciprocity, mutual respect, equality, freedom of expression, openness to persuasion and transparency) always apply in discussions between the unemployed and their personal advisors. Nor is it always clear how far these interactions contribute to the wider content design, evaluation and reform of activation measures by means of appropriate feedback mechanisms to policymakers, for example through key stakeholders such as trade unions, civil society actors, employers' representatives, labour market authorities and political representatives. As Parkinson (2003: 188) argues, the 'legitimacy [of policies] is enhanced by numerous deliberative forums interacting in a wider deliberative system, not simply within individual deliberative moments'.

A deliberative system, conceived initially by Jane Mansbridge (1999), thus relies on a degree of flexibility being built into the formal relationships between actors involved in the activation process. If local employment advisors, for example, are not to resort routinely to coercion or to exploiting power imbalances, then they need to have and use the resources to adapt to the diverse needs of their clients. Otherwise, the outcomes achieved are unlikely to contribute to the longer-term goals of raising people's capabilities and social inclusion, and may turn out to be harmful or discriminatory. Similarly, actors involved in the design of activation measures must be receptive to how the unemployed, local employment advisors and employers experience activation in their local context. In sum, what is required is a 'democratisation of the activation process' (van Berkel and Roche, 2002: 209). The following case studies will consider the contribution of recent changes in the governance of activation to this democratic aim.

New governance of activation in Denmark, the UK and France

There is substantial evidence that European governments are changing how they design and deliver activation policies as a way to provide more locally sensitive and cost-effective welfare services.⁴ Two common features of new governance stand out: a rise in the contracting-out of welfare services, not just in liberal welfare regimes,⁵ to engage a broader range of private and civil society actors in the implementation of activation measures; and, a growing emphasis on local solutions but with the state retaining a degree of control over the administration of activation services, in some cases referred to as 'centralised localism' (Lødemel, 2001).

As the case studies show, these reforms affect partnerships in governance networks. For the uninsured jobless, the reforms can promise greater representation in the activation process through inclusion of civil society actors in local governance

⁴ Two special issues of the *International Journal of Sociology and Social Policy* in 2007 focus on 'new modes of governance in activation policies' (issues 7/8 and 9/10).

⁵ The Dutch experience of contracting out public employment services has served to inform other countries' experiments with introducing competition and quasi-markets into the delivery of activation, notably the UK (Finn, 2008).

networks, sometimes in an advisory or advocacy role, or as providers of activation services. But the changes cannot be seen in isolation from a general shift in Europe towards a more work-first approach to activation that, through an emphasis on short-term job outcomes, potentially neglects non-vocational barriers to work and, in doing so, contributes to new forms of exclusion. It is important, nonetheless, to bear in mind that there remain significant national differences in spending on activation measures that in part reflect distinct welfare regime types: conservative and social-democratic states in general spend significantly more overall as a percentage of GDP than Anglo-Saxon, liberal regimes, with the latter group spending a much greater proportion on assistance with job searches and monitoring of work availability within Public Employment Services (PES) than on training measures (see Figure 1).

Turning to Denmark, the UK and France, national experiences with activation policies should be seen in light of the emphasis within the EU's European Employment Strategy (EES) on enhancing local solutions through locally responsive, multi-agency partnerships and on the need to engage the private sector in activation services as part of wider governance networks. Hence, new modes of governance are seen as both informing and (at least partially) emerging from processes of mutual learning, benchmarking and best practice within the framework of the EES. The paper considers the impact of new governance through case studies of: the diminished role for traditional social partners in Danish activation policies; 'centralised localism' and the contracting-out of activation services in the UK; and, the growth in local policy networks in French activation policies. The three countries are chosen because they are all now 'active' welfare states (Lindsay and McQuaid, 2008) and have put a degree of faith in more locally sensitive responses to unemployment. But whereas contracting-out in the UK reflects a continuation of its liberal approach, activation policies in France and Denmark represent a partial break with their respective Jacobin and corporatist traditions.

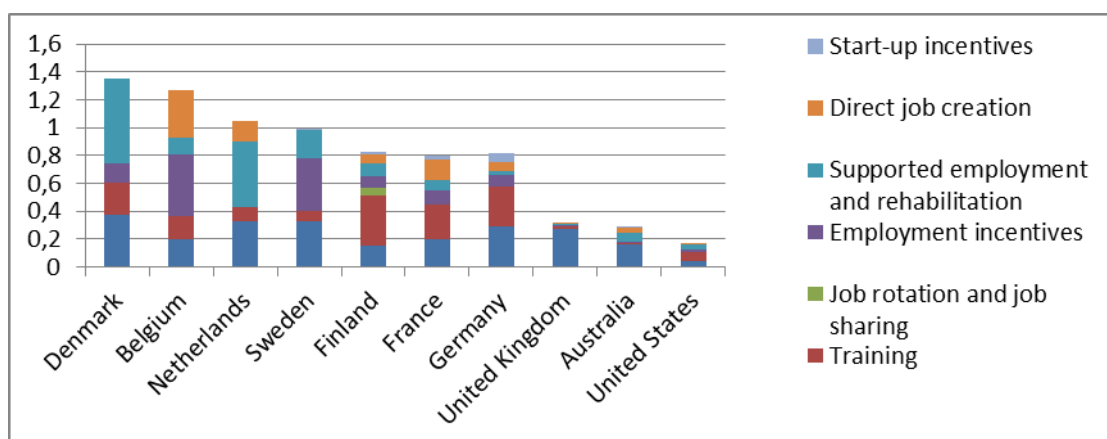


Figure 1: Spending on active labour market measures as a percentage of GDP, by type, 2008. Source: OECD (2010).

Reflecting the main contention of this paper that active social policies should be designed and implemented within a more inclusive and deliberative system that seeks to raise people's capabilities, the following questions guide discussion of the case studies:

- Do the new modes of governance deliver welfare services that are more responsive to local needs by promoting genuinely cooperative partnerships based on the sharing of knowledge, resources and expertise in the design and/or implementation of activation policies?
- Do they lead to more inclusive outcomes for the unemployed, by which is meant improvements in their effective freedoms through recognition of the diversity of individual needs and available resources (adequate social provision or local work opportunities)? Or, is the emphasis more on the utility of work to the neglect of job quality?

Denmark

Denmark is often cited as an example of best practice in activation policies. Since a series of labour market reforms from the early 1990s (see Table 1) that saw the country switch from a passive to an active welfare state and began a process of enhancing activation offers whilst attaching stricter conditions to benefit entitlement, unemployment rates have fallen and remained at very low levels compared to other European countries. Importantly, Danish *employment* rates (for both men and women) stand at higher levels than elsewhere in Europe and even above the levels achieved in the United States. Activation policies are seen as a key feature of Denmark's flexicurity model that, by combining low employment protections and generous levels of income support for the unemployed, has appreciably shaped the EU's employment strategy.⁶

The Danish job miracle comes with a note of caution, however. As an inspiration for other European countries to adopt Danish-style flexicurity as their employment model, it must be said that its success has been comparatively expensive to achieve. As Figure 1 indicated, Denmark spends more than any other European country on active labour market measures – a clear financial incentive to get results but politically unfeasible in other, more liberal welfare states. Also, Damgaard and Torfing (2010: 256) remind us that Denmark has established important 'processes of mutual learning and trust building' among key stakeholders that would not be easily replicated in countries without a similar corporatist tradition. Yet, as discussed presently, Danish corporatism – at least from the perspective of many trade unions and employer representatives – appears to have been undermined by the 2007 governance reforms in activation that have reduced the influence of traditional social partners over the content and scope of activation measures.

Inspired from a similar Dutch reform that put an end to its long corporatist tradition (Borghgi and Van Berkel, 2007; Damgaard and Torfing, 2010), governance changes in Denmark reflect the view that effective solutions to local employment issues are better sought at the local level. Previously, the content of activation plans was – within the parameters set by the national government and agreed annually with the government Labour Market Authority (LMA) – devised at the regional level in the tripartite Regional Labour Market Councils (RARs).

⁶ Flexicurity combines *flexible* employment contracts with the *security* of adequate income support for the unemployed during economic downturns or transition periods. It is seen as a way to ensure, inter alia, that European labour markets stay internationally competitive but without the harmful effects of the more punitive workfare approach.

Table 1: Overview of Danish welfare policy changes, 1993-2007. Source: Andersen and Pedersen (2007).

1993	Labour Market Reform <ul style="list-style-type: none"> • Duration of unemployment benefits (UB) reduced from 9 to 7 years • Individual plans of action for long-term unemployed • Decentralised corporatist labour market policy
1994	Check up <ul style="list-style-type: none"> • Right and duty to activation after four years • Stronger availability requirements and sanctions
1995	Labour Market Reform II <ul style="list-style-type: none"> • Duration of UB reduced to 5 years • Right and duty to activation after two years • Duty to accept 'appropriate job' after 6 months • Duty to accept 4 hours daily commuting time
1998	Labour Market Reform III <ul style="list-style-type: none"> • Duration of UB reduced to 4 years • Right and duty to activation after one year • Duty to accept 'appropriate job' after 3 months <p>'Law on Active Social Policy' stressing everybody's duty to be active and to accept any 'appropriate' job</p>
2000	Duty to actively seek job for social assistance claimants whose only problem is employment
2002	'More People to Work' (<i>Flere i Arbejde</i>) reform <ul style="list-style-type: none"> • Rules for people on UB and social assistance (SA) harmonised • Duty to take 'appropriate job' from day one for people on UB and SA <p>New law on immigration</p> <ul style="list-style-type: none"> • 'Start Help': lower levels of benefits for people not meeting residency requirements for social assistance (7 years out of previous 8 years in Denmark)
2006	Welfare Reform Agreement <ul style="list-style-type: none"> • Interview with unemployment insurance fund after 4 weeks • Systematic controls every 3 months of the obligation to be available for work • Right and duty to activation after 9 months of unemployment • Abolished prolonged right to unemployment benefit for 55-59 years • Right and duty to activation for 58-59 years old
2007	Danish Municipal Reform <ul style="list-style-type: none"> • Five regions replace the former sixteen counties • Municipalities reduced in number from 270 to 98 • Creation of 91 new one-stop Job Centres for UB and SA claimants • Regional Labour Market Councils abolished and replaced by Local Employment Councils

Their work focused on activation plans for insured jobseekers entitled to unemployment benefit, as opposed to social assistance for the uninsured. It was coordinated by the Public Employment Service (PES) but with an equal membership of trade union and employer representatives as well as from the local authorities (called 'municipalities'). They were granted a degree of flexibility in setting the 'tools and targets' of activation (Lindsay and McQuaid, 2009: 449); in other words, the precise content of activation measures as well as to which groups resources should be channelled. As part of a much wider reform of public services in Denmark in 2007, the RARs were abolished and the traditional social partners assigned a mainly advisory and monitoring role within new Local Employment Councils (LECs). Responsibility for how and where to spend activation funding is now with managers in 91 new one-stop Job Centres that, in principle, integrate services for both insured and uninsured jobseekers located in most of the 98 municipalities. The reform has clearly devolved

power from the regional to the local level and, in line with the aim of management-by-objectives, grants flexibility to each of the local Job Centres provided that they meet annual performance targets agreed with the national LMA.

It is possible to see that the Danish reforms in activation have weakened the quality of the democratic process (although it may well be too early to draw any definitive conclusions about the impact of such major changes). Lindsay and Mailand (2009) fear that the reforms might have contributed to less coherent and more uneven social interventions due to the limited capacity of local bodies and their inability to benefit from the knowledge, contacts and resources that were previously held within the regional structures. Thus, again it is important to caution against assuming that greater localisation leads to more democracy (see also Altman and Mayes, 2011). Basing their findings on interviews with key stakeholders prior to and shortly after the reforms, the authors point to the value of social partnerships within the previous RAR structures in terms of enhancing the legitimacy of activation measures that were suitably 'tailored' to the needs of employers and the unemployed (Lindsay and Mailand, 2009: 1051; Walker and Sankey, 2008: 1042). For employers, being represented in the design of activation measures meant that they felt a sense of responsibility for ensuring that work placements or wage-subsidy training programmes worked effectively, notably by addressing key skill shortages. This constructive role is echoed in other findings which show that Danish firms participated more in the active labour market than British companies, and valued it as a way to gain access to more highly skilled labour in contrast to British firms which used it as a means to get cheap labour (Martin, 2004).⁷ Retaining employers' support for activation is essential given the renewed policy emphasis since 2002 on getting more people into work (the *Flere i Arbejde* reform). However, there have been notable problems in recruiting employers' representatives to sit on the new advisory LECs (Damgaard and Torfing, 2010). Similarly, it is important that the unemployed continue to support activation measures.⁸ As most Danish workers are trade-union members, union support for activation has added legitimacy to activation measures in the eyes of the (insured) unemployed (Lindsay and McQuaid, 2009).

In diminishing the role of traditional social partners to a more reactive one (offering advice and monitoring), it is possible that the quality of activation offers will suffer due to the lack of real input from key stakeholders. For Lindsay and Mailand (2009: 1051), this has the potential to undermine the credibility of activation policies if, as they fear, the unemployed no longer find offers of activation particularly attractive or worthwhile. As a result, the system will become less about improving employability through upgrading skills and more about raising work incentives (i.e., to find a 'real' job prior to being subject to an inferior activation offer). Hence, the reforms in the governance of activation should be seen as part of Denmark's growing emphasis on a work-first approach that, since the *Flere i Arbejde* reform, has moved away from a focus on long-term skill upgrading. Indeed, it is claimed that one of the political motives in devolving power to the municipalities was to make them more responsible for meeting nationally set employment targets given the perceived ineffectiveness of their previous activation policies for recipients of social assistance (Damgaard and

⁷ More recent findings from the UK on Local Employment Partnerships (LEPs), introduced in 2007, again found little emphasis on job quality (Bellis et al., 2011).

⁸ Writing in 2007, Kvist and Pedersen (2007: 100) state that three out of four people were 'satisfied with their offer of activation'.

Torring, 2010: 251). Consequently, one of the issues since the reforms has been with experienced municipal officers in the new Job Centres who continue to see their role more in terms of social work than employment advice (Walker and Sankey, 2008).

What does this say about democracy from the perspective of the capability approach and deliberative democracy? On the one hand, the reforms in Danish governance of activation can be seen as partly driven by changes in formal social rights that place further emphasis on a work-first approach to activation (van Berkel, 2009). The former regional structures, it is claimed, too often sought consensus instead of making necessary tough choices (Lindsay and McQuaid, 2009) whilst the municipalities' approach to activating those on social assistance was seen as largely ineffectual in getting people back to work. But by diminishing the influence of social partners over the content of activation policies, the legitimacy of activation offers might suffer if their quality or suitability is not evident to either the unemployed or employers. Instead of an emphasis on raising people's capabilities (albeit in a narrow 'employability' sense), a work-first approach is likely to increase the emphasis on raising jobseekers' motivation to find work so that the municipalities can meet annual employment targets. Clearly this will not always raise people's effective freedoms, especially those with more complex social needs, whilst the reforms may well contribute to the increased use or threat of benefit sanctions by local Job Centres to compel people to take up activation offers.

On the other hand, it is true that social partners now have more members in the new Local Employment Councils (LECs) than the municipalities. Whilst the LECs' role is more reactive, being mainly about providing advice and monitoring the performance of the local Job Centres, they can still influence activation policies by funding local projects and through their involvement in the drafting of local employment plans that shape the work of the Job Centres (Damgaard and Torring, 2010: 255). Further, in addition to trade union and employer representatives, the LECs' membership includes a wider set of civil society actors than in the previous RAR structures to give greater voice to the concerns of immigrants, GPs and (as before) people with disabilities. Also, Damgaard and Torring's observations of LEC proceedings find that, by acting more as a deliberative than a bargaining forum, they enhance the quality of participation and interactions, which, in turn, potentially strengthens or deepens democracy (2010: 256-58).

One concern, however, is that the 'municipality agenda' of getting the long-term unemployed off benefits and into work tends to dominate LEC discussions to the possible detriment of the wider social agenda (Damgaard and Torring, 2010). For individuals who face more complex barriers to employment, Damgaard and Torring (2010: 254) note that they risk becoming 'internally excluded' (Young, 2000) in governance networks that fail to sufficiently acknowledge the wider social context of joblessness and dependency. It is also important that the municipality agenda does not in practice measure success simply in terms of getting these hard-to-reach groups off benefits. For instance, one finding from a study of the impact of Denmark's introductory programme for new immigrants was that half of those who became 'self-sufficient' did so by being supported by spouses, and not through paid work (Clausen et al., 2006). In Denmark (as in other Nordic countries) where social rights are guided by principles of individual entitlement and gender equality, governance structures may in some cases undermine these principles and increase the risks of social

exclusion and poverty.⁹ Social provision in Denmark, though, is quite extensive (e.g., affordable and widespread pre-school childcare, free Danish-language classes for new immigrants for up to three years) and helps to mitigate these risks. New immigrants to Denmark, however, are only entitled to around half the amount of normal social assistance since a 2002 law restricted social assistance to people who had lived in the country for the previous seven out of eight years.¹⁰

On this cautionary note, the next section turns to another hard-to-reach group, people on sickness-related benefits in the UK, to discuss the concept of centralised localism in the governance of activation in relation to recent reforms to their formal social rights.

The UK

If the path of Danish governance reforms in activation suggests a move towards centralised localism but with the government overseeing the results of *flexible* local initiatives (Lindsay and Mailand, 2009), then centralised localism in the UK places firm emphasis on state control of activation policies. Social partners and local authorities in the UK are limited simply to implementing activation measures (van Berkel, 2009). Whilst the performance of UK's public employment service (called Jobcentre Plus) is measured against a points-based system that recognises job outcomes as well as general service delivery, central funding of local, non-public activation initiatives is strictly tied to meeting employment targets contained in performance contracts signed by private or third-sector providers of activation services. This 'payment-by-results' approach with non-public bodies allows the state to define funding parameters, such as how much funding is linked to achieving specific job outcomes, and is one way to enforce a work-first approach at the local level.

Since the late 1990s, activation policies have expanded to include a broader range of unemployed groups than just people on basic unemployment benefit known as Jobseekers' Allowance (see Table 2). The focus here is on people on sickness-related benefits, commonly known in the UK as Incapacity Benefits (IBs), and considers whether adopting a payment-by-results governance approach to activating IB recipients is appropriate given their often complex needs, and compares these findings with the experiences of Jobcentre Plus in the public delivery of activation services for the sick and disabled. Whilst participation in activation programmes for IB recipients has generally been voluntary, in contrast to the negative conditionality attached to compulsory 'New Deal' programmes for young people and the older, long-term unemployed, successive welfare reforms have imposed stricter medical criteria to the receipt of sickness benefits meaning that fewer people now qualify or only qualify for a lower level of sickness benefit when they are assessed as having some future work capacity.

⁹ It is said that Danish women benefit less from activation measures than men in terms of improving their employability (Hansen, 2007).

¹⁰ Called 'Start Help', it is clear that the aim of this reduced introductory benefit is to raise work incentives amongst new immigrants given high rates of unemployment amongst the foreign-born population in Denmark.

Table 2: Overview of UK welfare policy changes, 1996-present.

1996	<p>Jobseekers' Allowance (JSA) introduced</p> <ul style="list-style-type: none"> • Brought together UB and Income Support for people on social assistance • Claimants must be available to work for at least 40 hours a week and be actively seeking work • Sanctions for leaving employment voluntarily without just cause, for refusing employment or to attend an work programme without good cause, or for losing employment through misconduct • Means-tested after six months
1997	National Traineeships for young people
1997-98	<p>'New Deal' programmes including:</p> <ul style="list-style-type: none"> • New Deal for Young People (NDYP): aged 18-24 and unemployed for 6 months or more; benefits conditional on participation in one of four options (subsidised work in the private or public sector for 6 months, education or training up to 12 months, or self-employment) • New Deal 25+: compulsory for adults over 25 unemployed for more than 18 months and may include work experience, occupational training and help with workplace skills • New Deal for Lone Parents: voluntary for parents of children under school-leaving age and includes help and advice on finding work, training and childcare • New Deal for the Disabled: voluntary and delivered through various 'job brokers' to assist with finding training opportunities, job vacancies and applying for work
1998	<p>National Childcare Strategy</p> <ul style="list-style-type: none"> • Target of childcare places for all 3 and 4 year-olds by 2004
1999	Introduction of the UK's first national minimum wage
2002	<p>Creation of Jobcentre Plus</p> <ul style="list-style-type: none"> • Merging of the Benefits Agency and the Jobcentre • Work-focused and supporting a broader range of benefit recipients to move from welfare into work • Aimed to offer a more personalised service
2003	<p>'Pathways to Work' reforms</p> <ul style="list-style-type: none"> • To help people living with illness or disability back to work • Up to six compulsory work-focused interviews with a personal employment advisor for all but the most sick or disabled; assistance to manage illness or disability (the Condition Management Programme) or to find training opportunities • A Return-to-Work credit of £40 a week for up to a year • 2003-2006: pilot phases led by Jobcentre Plus • 2007-2008: national roll-out engaging private and voluntary-sector providers to lead programme delivery
2007	<p>Welfare Reform Act</p> <ul style="list-style-type: none"> • Employment and Support Allowance (ESA) to replace Incapacity Benefit and Income Support paid on incapacity grounds for new claimants • 13-week Work Capability Assessment phase during which ESA paid at a basic JSA rate • Stricter medical assessment for ESA claimants; people assessed as being able to work required to attend work-focused interviews and develop, with their advisers, a plan of action to help them
2011	<p>Welfare Reform Bill</p> <ul style="list-style-type: none"> • Universal Credit as a 'single streamlined benefit' proposed to replace most existing in- and out-of-work benefits (JSA, ESA, housing/child-tax/working-tax credits etc.) <p>Work Programme to be introduced and to replace previous programmes for the unemployed including 'Pathways to Work' whilst 'Flexible New Deal' to replace New Deal programmes</p> <ul style="list-style-type: none"> • A partnership between the state and public, private or third-sector providers • Payments to providers largely based on results achieved

Currently around 2,6 million people claim IBs in the UK, up from under 600,000 in the mid-1970s (Berthoud, 2011). A widely held belief is that much of the rise in IB numbers (especially over the 1980s and into the 1990s) was due to unemployment being hidden as sickness (Beatty and Fothergill, 2005): it proved politically expedient that those made unemployed by economic restructuring switched to sickness benefits, helping governments to 'massage' the headline unemployment rate. For the unemployed, IBs were more attractive as they paid more, did not impose work conditions and were not means-tested (the UK's Jobseekers' Allowance introduced in 1996 is essentially a means-tested benefit).

It would be unfortunate, though, to interpret this to mean that most IB claims are without some substance. In addition to multiple health problems that, in some cases, are linked to former industrial work such as coal-mining, and, in many others, to the adverse health effects of long-term benefit dependency and poverty, surveys of IB recipients uncover the complex range of work barriers that compound their lack of employability from few if any qualifications to low confidence, caring responsibilities and being part of an older age group (Barnes, Sissons and Stevens, 2010). Indeed, many wish to work but it is the lack of suitable local employment opportunities, together with employer reticence to hire people in poorer health with poor work records, that increases their dependency on benefits (Beatty, Fothergill, Gore and Powell, 2007). It is this social as opposed to medical model of disability, focusing on societal barriers to work, that initially informed efforts to assist people living with illness or a disability back to work (Floyd and Curtis, 2001).

Reform of the IB system under the 'Pathways to Work' programme from 2003 thus aimed to support rather than compel IB claimants into work. In the words of the then Secretary of State for Work and Pensions, Andrew Smith, 'our objective is clear – helping those with the potential to get back to work to fulfil their aspirations and to avoid missed opportunities [...] But this is not, and never will be, about pressurising sick people back into work against their will' (quoted in Daguette, 2007: 76). IB claimants were offered an individually tailored approach through work-focused interviews with a personal advisor that, in some cases, could lead to referral to a suitable training provider or to a health professional to help them manage their conditions. Whilst interviews were mandatory for all but the most severely disabled or ill, based on a medical assessment, activation offers could be declined or negotiated without the risk of benefit sanctions. A return-to-work credit of £40 a week for up to a year was also made available to ease the transition into work.

'Pathways to Work' was delivered in two distinct ways until it was wound up in 2011: the initial pilot phase in seven districts across England, Scotland and Wales in 2003, then expanded to a further 14 districts in 2006, was led by Jobcentre Plus; the subsequent national roll-out in December 2007, then in April 2008, engaged private and voluntary-sector providers to lead the delivery of the programme in 60 percent of all districts (known as PL Pathways). PL Pathways adopted a payment-by-results, or outcome-based, contracting model (OBC) with 70 percent of provider funding tied to moving clients into work (50 percent for initial job entry, 20 percent if a client remained in a job of at least 16 hours a week for a minimum of 13 of the previous 26 weeks). The remaining 30 percent was paid up front as service fees.

The OBC model led to concerns that many private providers, given the complex needs of some clients, did little to help harder-to-reach IB claimants; in fact, the focus

on job outcomes in contracts raised no expectation that providers would work with clients further from the labour market (Nice, Davidson and Sainsbury, 2009), and clearly there were financial disincentives for them to do so. But as all new IB claimants considered as having some future work capacity were required to attend mandatory work-focused interviews to avoid benefit sanctions,¹¹ it is legitimate to expect that clients would have been offered some activation services – and, given that these social interventions were supposed to be client-led, that these offers be appropriate and recognise the diverse needs and resources of clients. This underlying tension in the OBC model as it was implemented to activate the unemployed led to the ‘parking’ of more difficult clients (offering them only a minimal service) whilst personal advisors focused their efforts (‘creaming’) on the more job-ready.¹² Research findings showed that these were fairly common practices, and ones that were justified in the eyes of advisors by the need for them to meet individual performance targets as well as by the formal use of a traffic-light system to gauge job readiness (Hudson et al., 2010). Although a lack of engagement by some clients may well have contributed to their own exclusion from activation services, especially when ongoing medical treatment or deteriorating health prevented them from contemplating a return to work (Barnes et al., 2010), the OBC model was unable to deliver adequate support for clients with more complex needs, for example people with mental health conditions or Asian women with limited English and little to no work experience (Hudson et al., 2010). These support gaps led provider managers to call for greater (financial) recognition of ‘soft outcomes’, such as completion of a training programme or a work trial, and to criticise their contracts as insufficiently long to allow them enough time to build clients’ employability (Hudson et al., 2010).

These problems were not unique to private or third-sector providers of the Pathways programme; indeed, some Jobcentre Plus staff found it difficult to work with clients with mental health issues due to a lack of training and the negative influence of performance targets on their ability to perform a client-centred advisory role (Hudson et al., 2009). Jobcentre Plus staff also experienced problems in reconciling what they saw as an underlying tension in their role as ‘enforcers’ (imposing sanctions on clients who failed to attend a meeting with them) and ‘enablers’ (delivering customer-friendly and supportive advice), which made them especially reluctant to impose sanctions on clients with mental health issues for fear that this group would respond badly to such ‘pressure’ (Dickens et al., 2004). Nonetheless, the support on offer within Jobcentre Plus was more extensive than in PL Pathways, for example by giving access to training or supported employment through its Disability Employment Advisors (DEAs). This does not mean that all non-public providers simply adopted a work-first approach: some did deliver training and skills programmes through their subcontractors or through their links to the Jobcentre-Plus public agencies (Hudson et al., 2010). But consistent delivery of services to clients that were responsive to

¹¹ Figures for new IB claims show that fewer than a quarter of people who applied between October 2008 and August 2010 for the new Employment and Support Allowance (ESA) qualified following their medical assessment – only six percent were assigned to the Support Group (SG) for people deemed unable to work due to serious illness or disability, and 16 percent to the Work-Related Activity Group (WRAG) for people with some future work capacity. Most (39 percent) were either deemed Fit For Work (FFW) or (36 percent) closed their claim before assessment was completed. See <<http://www.dwp.gov.uk/newsroom/press-releases/2011/apr-2011/dwp043-11.shtml>>. Existing IB claims are currently being reviewed (from October 2010 until 2014).

¹² Other national experiences of contracting-out also note these tendencies – on the Netherlands, see van Berkel and van der Aa (2005).

individual needs appeared difficult to achieve under an OBC model in which a large tranche of funding was tied to job outcomes.

There was also a concern that the OBC model distorted formal working relationships between the lead or 'prime' provider and its subcontractors as prime providers were found to cherry-pick the more job-ready clients and refer the harder-to-place ones to subcontractors (Hudson et al., 2010).¹³ This not only worked against the formation of genuine partnerships based on a mutual obligation to meet the diverse set of client needs, but it also made it difficult for subcontractors to deliver equitable services to their clients. As the OBC model allowed 'partners' to exploit imbalances of power in the supply chain, this risked opening up additional support gaps for the most challenging clients if subcontractors prioritised the more job-ready amongst their clients in order to remain financially viable (for a similar argument related to English-language support for refugees in the UK, see Shutes, 2010).

From the perspective of the capability approach and deliberative democracy, this discussion argues in favour of relaxing the prevailing state control and discipline over actors in the activation process that makes the UK one of the archetypes of centralised localism in Europe. Most particularly, the complex range of client needs should be better reflected in funding arrangements with non-public providers as a way to recognise that people's capabilities are interdependent, and that a person's ability or desire to work is often dependent on first addressing non-vocational barriers to work, notably health problems in the case of IB recipients. This also means that there is a need to rethink the impact of performance targets on client-personal advisor relationships within Jobcentre Plus (although the latter do measure performance against a wider set of criteria than just job outcomes, such as customer service and efficiency in processing applications). It is evident that a payment-by-results philosophy, most explicit in the OBC model but also in the ideas behind New Public Management that affect the public sector, can lead to new forms of exclusion for some IB claimants, either because they are seen as too far removed from the labour market to benefit from activation services or because a work-first approach means that they are more likely to end up in a job that is unsuitable or not commensurate with their skills or desires. Nor do rigid contractual arrangements necessarily contribute to genuine partnership-building, and hence a sense of shared ownership in the activation process, if formal relationships between actors are more competitive than collaborative or deliberative. The lack of mechanisms for client feedback about activation services is another concern with the OBC model as it does not allow for clients' voices to be heard in the design and reform of activation policies (Hudson et al., 2010) – an obvious prerequisite for more participatory and deeper forms of democratic governance.

Figures for IB recipients remain stubbornly high in the UK. The 2011 Welfare Reform Bill, introduced by the new coalition government, will reinforce future benefit conditionality by requiring some IB claimants to undertake work-related activity as agreed with their personal advisor, and by imposing a one-year time limit for those

¹³ The Rt Hon Margaret Hodge MP, Chair of the Committee of Public Accounts, said on 13 September 2010 that 'The Department [for Work and Pensions] [...] has failed to develop an adequate understanding of the supply chain. It has not monitored how well prime contractors are sharing rewards and risks with the more than 80 specialist sub-contractors involved, and we have concerns that effective small private and voluntary organisations working in local communities are being asked to take an unfair share of the risk by prime contractors'.

subject to mandatory activation offers before being transferred to the basic, lower-paid Jobseekers' Allowance. The renewed focus on perceived supply-side deficiencies is unfortunate, and shows a lack of 'situated public action' (Salais and Villeneuve, 2004) to address the limited job opportunities available in deprived local communities where IB claims in the UK are most concentrated. Further, the current government's proposal to reinforce a payment-by-results approach does not heed calls for recognition of 'soft outcomes' and – by limiting the amount paid to providers for getting people into work – potentially makes it not financially viable for many smaller community or voluntary groups to bid for contracts to work with clients further from the labour market.¹⁴

France

France is often characterised as a country with a strong central or Jacobin state. The concept of a 'one and indivisible' country runs deep in the French republican tradition. The concern to ensure that policies are uniformly implemented across the country, and to ensure universal coverage, has traditionally meant a restricted role for local political or administrative actors and no place for 'third parties, whether they be economic interests or voluntary associations' (Cole, 2006: 34; citing Duran and Thoenig, 1996: 588). Decentralisation, since 1982 and then 2003, has devolved some responsibility to the 96 *départements* in metropolitan France, notably financial responsibility for employment services aimed at people on social assistance (*Revenu de Solidarité Active* (RSA) that replaced the *Revenu Minimum d'Insertion* (RMI) in 2009). Further, the reforms have encouraged the development of local policy networks in which a wider set of policy actors, including traditional social partners and not-for-profit agencies, now have greater opportunities to participate in initiatives addressing local labour market issues (van Gestel and Herbillon, 2007).

The focus here is on local governance partnerships that seek to engage employers better as key actors in efforts to assist the unemployed back to work. These partnerships should be seen in the context of persistently high rates of unemployment in France, averaging around 9,5 percent since the early 1980s with up to and over 40 percent made up of the long-term unemployed or people without work for over a year. Mass unemployment has been considered, by right- as well as left-wing governments, more as a result of a lack of employability and less a consequence of poor work incentives. Thus, successive governments over the past three decades have invested in job-creation schemes although more right-wing parties especially have favoured subsidised jobs in the private sector given the limited success of costly schemes in the public and voluntary sectors (see Table 3).¹⁵

¹⁴ See < <http://www.bbc.co.uk/news/uk-politics-12476342>>.

¹⁵ Distinct from job-creation schemes, but with a similar aim to stimulate job creation, was the reduction in working time from 39 to 35 hours per week under the 'Aubry' laws of 1998 and 2000. Early estimates of the laws' impact suggested that they had created 265.000 additional jobs in the non-agricultural sectors and half a million new jobs overall (Vail, 2008).

Table 3: Overview of welfare reforms in France, 1984-2009.

1984	Travaux d'Utilité Collective (TUC) <ul style="list-style-type: none"> • Part-time, community service jobs with elements of vocational training • A 'training' contract for young people but without employment rights of a standard contract
1988	Revenu Minimum d'Insertion (RMI) <ul style="list-style-type: none"> • Created due to large numbers of unemployed not qualifying for other forms of social assistance • A right to social inclusion but without any benefit conditionality • Minimum eligibility age of 25
1990	Contrat Emploi Solidarité (CES) <ul style="list-style-type: none"> • Replaced TUC and extended to include all long-term adults and RMI recipients • A formal contract but remained part-time (20 hours per week)
1997	Emploi Jeunes <ul style="list-style-type: none"> • Full-time, subsidised work in the public or voluntary sectors for a minimum of five years
1998	Trajet d'accès à l'emploi (TRACE) <ul style="list-style-type: none"> • A 18-month personalised plan to help young people (16-25) back to work • Access to various insertion programmes for participants; e.g. training or education, subsidised contracts, apprenticeships
1998 and 2000	'Aubry' laws on reduced working hours <ul style="list-style-type: none"> • Aims twofold: to create new jobs as well as achieve a better work-life balance • Statutory working week reduced from 39 to 35 hours but employers given more discretion over work time • More exemptions for employers' social contributions and a move from national to sectoral and firm-level collective bargaining
2001	Prime Pour l'Emploi (PPE) <ul style="list-style-type: none"> • In-work benefit for low-income households Plan d'Aide au Retour à l'Emploi (PARE) <ul style="list-style-type: none"> • Reform of unemployment insurance into a more contractual basis, with increased obligations to demonstrate work-related activity, for the (insured) unemployed
2002	Contrat Jeune en Entreprise (CJE) <ul style="list-style-type: none"> • Three-year subsidies to private-sector employers to hire young unemployed
2004	Revenu Minimum d'Activité (RMA) <ul style="list-style-type: none"> • Targeted recipients of RMI for at least two years • Stricter obligations to find work
2009	Creation of Pôle emploi <ul style="list-style-type: none"> • Integrates employment services for the insured and uninsured unemployed in a one-stop job centre • Offering a personalised service to the unemployed Revenu de Solidarité Active (RSA) <ul style="list-style-type: none"> • Integration of RMI and the single-parent allowance • Opens up eligibility rules for under 25s • Increased benefit conditionality; jobseekers must not refuse two 'reasonable' job offers

Job-creation schemes aim to provide the unemployed with useful work experience, together with elements of vocational training, as a stepping-stone into more regular jobs. Subsidised work has either taken place in the private sector, or in the public and not-for-profit sectors to fill unmet need in community services.¹⁶ Early schemes, such as the *Travaux d'Utilité Collective* (TUC) set up in 1984 and replaced in 1990 by the

¹⁶ From 2010, only one main type of subsidised contract exists, *Contrat Unique d'Insertion* (CUI), which is broken into its two component parts: work in the private or commercial sector, and jobs in public or community services.

Contrat Emploi Solidarité (CES), had limited success in assisting people into more regular, non-subsidised work; moreover, they are criticised as effectively creating ‘sub-jobs’ in community services and further segmenting the labour market between subsidised and regular employment (Enjolras, Laville, Fraisse and Trickey, 2001: 65).

In light of these criticisms, the youth employment scheme set up by the left coalition government in 1997 (*Emploi Jeunes*) offered full-time work for five years – again in the public or not-for-profit sectors.¹⁷ The state covered all the employer’s social-security contributions and 80 percent of the employee’s salary (based on the national minimum wage), leaving the employer to pay the remaining 20 percent. This scheme is believed to have helped some participants integrate into the regular labour market, although it also led to some creaming of job candidates as employers tended to prefer to employ middle-class young people (Daguerre, 2007: 127; Enjolras et al., 2001). Another youth-employment scheme *Contrat Jeune en Entreprise* (CJE) replaced *Emploi Jeunes* in 2002. Set up by the incoming right-wing government, CJE encouraged private-sector employers to hire young people with few qualifications on permanent contracts through state subsidies for the first three years of the contract. A survey of the CJE scheme found quite mixed results: some 40 percent of young people hired in 2003 and 2004 left within a year, in the majority of cases resigning, but often then moved into work that was better paid and, in around a third of cases, into a permanent contract. Moreover, the same survey found that three quarters of young people in a CJE scheme at the start of 2006 agreed that it was helping to give form to their chosen career (Dares, 2007).

As regards social inclusion, state-subsidised jobs can be both part of the problem and a potential solution. On the one hand, Enjolras et al. (2001: 65) assert that earlier job-creation schemes did little to change employers’ employment practices, instead encouraging opportunistic behaviour by allowing them to fill vacant posts at low cost to the firm. They conclude that ‘there is a danger that insertion jobs operating outside the market economy can themselves become exclusion trajectories’ (ibid.: 44), especially if employers do not value the work experience gained under a subsidised contract or if society attaches a stigma to such work (Simonin, 2003). Further, subsidised jobs tended to reproduce labour-market selectivity as those most in need of employment assistance, people on social assistance, have been less likely to sign a subsidised contract: only 30 percent of workers hired in 2003 on subsidised contracts were RMI recipients, again indicating that employers prefer not to hire those deemed furthest from the labour market (Dares, 2005).

On the other hand, it is not always the case that employers use public funds to subsidise existing posts. Nearly 60 percent of private-sector employers reported in a recent survey that the worker they hired on a subsidised contract had filled a new post (Dares, 2010). Employers are also supposed to assist hired workers develop their careers, a prior assumption that now takes the form of a contractual obligation on employers to provide the worker with a tutor and thus make suitable provision for on-site training. Any employer wishing to renew a contract or hire a new employee

¹⁷ It is important to note that young people under the age of 25 were not entitled to the main unemployment benefit, the RMI. Participation in *Emploi Jeunes* was often the only way to avoid dependency on family. Since September 2010, young people who have worked for two out of the last three years are entitled to the new RSA benefit along with the employment services of a personal advisor.

must now show evidence of initiatives taken to improve their workers' long-term career prospects.

The concept of employability, or lack of, is thus central to understanding the evolution of French activation policies. Engaging firms in collective efforts to improve employability, and hence social inclusion, has led to the building of local partnerships with employers. Two examples of local partnerships in France are given here: the Local Plans for Inclusion and Employment (*Plans Locaux pour l'Insertion et l'Emploi*, PLIE); and, employment agencies who actively attempt to change employers' hiring practices outside the provision of subsidised contracts.

PLIEs operate at the lowest administrative level, the *communes* or local municipalities,¹⁸ and have expanded nationally since their origins in northern France in the 1990s following the closure there of many textile and steel factories. Most of the current 190 PLIEs are joint partnerships between different municipalities, and include a range of public, private and third-sector actors in collaborative platforms to assist disadvantaged populations at risk of social exclusion. Funding is mainly from the European Social Fund (ESF), the state and local governments but PLIEs may receive further funding from other public and private-sector actors. They cover nearly 5,400 municipalities and assist on average 150,000 jobseekers a year.¹⁹ 46 percent of jobseekers helped by a PLIE found stable employment (i.e. of at least 6 months) between 2000 and 2006 (OECD, 2009).

PLIEs offer insertion programmes tailored both to the needs of individual jobseekers. Counsellors help jobseekers define a career path and then assist with finding work (sometimes in the framework of a subsidised contract) and/or appropriate professional training opportunities. Counsellors also try to work on non-vocational barriers to work, for example by addressing childcare, housing or transport difficulties. The main aim is to assist a specified number of jobseekers into stable and long-term employment in line with their career aspirations. Each PLIE, though, has different sets of objectives, both qualitative and quantitative, to reflect local circumstances in terms of the scope or content of insertion programmes and the number of jobseekers to be helped. In this way, PLIEs offer a flexible approach to meet individual needs in the context of local labour-market opportunities and demands, and can offer counsellors enough scope in line with the capability approach to ask how much freedom people have to do or be what they value, and empower individuals.

By forming local policy networks of support, PLIEs also attempt to bring together prospective employers and jobseekers. Whilst the most concrete example is the organisation of employment fairs, the day-to-day work within the PLIE framework involves tapping into local knowledge about job vacancies, training requirements for these posts and identifying, then advocating on behalf of, suitable jobseekers to fill

¹⁸ There are more than 36,000 communes in France, a huge number largely because the number of inhabitants in communes ranges from two million in Paris to ten people living in a hamlet. Nearly 21,000 communes have fewer than 500 inhabitants.

¹⁹ See the website of *Alliance Villes Emploi* (a national association of local authorities) at <<http://www.ville-emploi.asso.fr/>> for more information about PLIEs. Latest French unemployment figures show 2,6 million jobseekers in the first quarter of 2011, see <<http://www.insee.fr>>.

these vacancies. Local training providers are often a good source of this knowledge given their existing contacts with employers and other educational establishments.

One criticism levelled at PLIEs, though, is that they can reproduce labour-market selectivity. Those jobseekers most likely to satisfy the ideal-worker profile as defined by employers are more likely to be assisted than the least employable (Benarrosh, 2000: 21), undermining to some extent the very purpose of PLIEs to assist those furthest from the labour market. This will shape, perhaps distort, partnerships within the framework of PLIEs in favour of employers if public actors adopt an overly subservient role to business interests. It is employers alone who then define the notion of employability as an objective fact. For jobseekers to be employable first requires investments in human capital; yet, those most in need of assistance may not receive this support if they are seen as too far from the labour market.

An alternative approach is to consider the notion of employability more as a social construct than an objective fact. This is the core belief of the 'Intervention on Offers and Demands' or IOD method that has been adopted by around 80 recruitment agencies across France as well as by a few PLIEs.²⁰ It is employers' standard hiring practices that pose significant work barriers to some people because, on paper, they do not have the required or ideal qualifications, or are stigmatised by their status as recipients of social assistance, by employment gaps in their CVs or by their ethnicity (e.g. because their name identifies them as being of foreign origin). Employers, especially in France, are seen to be overly prescriptive and demanding when setting out their ideal job-candidate profiles (Salognon, 2007: 716). Instead of a focus on investing in human capital, through (re-)training or subsidised jobs, agencies using the IOD method actively mediate with prospective employers to counter negative attitudes towards the least employable and to encourage firms to be more realistic in their expectations. One of the aims, given the tendency towards over-qualification in menial jobs, is to reclaim unskilled posts for the least qualified.

It is this mediation role with employers that sets the IOD method apart. IOD teams first build up then maintain partnerships with local businesses, eliciting information about their real (as opposed to ideal) needs. In doing so, the IOD teams try to build a collaborative platform and commit local firms to more stable job offers for groups seen to face discrimination in the labour market. They explicitly avoid subsidised contracts, and instead directly propose one suitable candidate who is interested in the vacant post, thus discouraging firms from going through the usual competitive hiring process based on a selection of CVs that often excludes the most disadvantaged due to poor work history (Castra and Pascual, 2003). Their mediation role extends to attending the initial meeting between the jobseeker and employer, and then following up regularly with both to resolve any difficulties and prevent a premature end to the contract.²¹

²⁰ The IOD method (*Intervention sur l'Offre et la Demande*) has been developed locally in France over the past 25 years by a non-profit organisation called *Transfer* based in Bordeaux (see <<http://www.transfer-iod.org>>). It is the intellectual property owner of the IOD method, and trains agencies (funded by the *département*) wanting to adopt it as a way to help the unemployed back to work. According to their website, teams adopting the IOD method have helped more than 10.000 people back into stable employment and have mobilised more than 6.000 companies.

²¹ See Salognon (2007) for a more detailed description of the work of an IOD team based in Evry, south-east of Paris, in the *département* of Essonne.

The IOD method, by trying to assuage firms' selective hiring practices, brings active social policies closer to the ideals of deliberative democracy, notably the stated aim that public deliberation should lead to transforming 'preferences, interests, beliefs and judgements' (Young, 2000: 26). In doing so, IOD teams aim to redress the inevitable imbalances of power between the most vulnerable groups and employers who are reluctant to hire, or even interview, those seen as the least employable. Figures for 2005 show that 67 percent of jobseekers assisted by an IOD team in France found work, of which 41 percent later became permanent contracts (Salognon, 2007: 727).²²

Whilst reforms to the governance of French activation policies have expanded the role of local policy actors and networks, benefit changes in 2009 imposing stricter conditions of entitlement appear to consolidate the role played by the public employment service, *Pôle Emploi*. It is now a PES advisor, and not a social worker, who refers the unemployed to IOD teams on the understanding that all benefit recipients must not refuse two 'reasonable offers of employment'. Given that the IOD method follows the principle that all their clients wish to work, but that they should accept offers voluntarily, the benefit changes introduce potential tensions in the relationships between the IOD teams, their clients and prospective employers.

Discussion and conclusions

This paper provides a critique of the assumed benefits for social inclusion of decentralising the governance of activation. Case studies of reforms in Denmark, the UK and France show a burgeoning role for local public, private and third-sector actors, but within the national parameters set by the state. Whilst these parameters try to ensure uniform delivery of active social policies, it is possible to identify areas in which these parameters act as barriers to better social inclusion for the most vulnerable groups of unemployed. Returning to the questions posed in the preamble to the case studies, the following considers if and how Danish, French and UK active social policies contribute to raising people's capabilities by means of a more inclusive and deliberative system.

Do the new modes of governance deliver welfare services that are more responsive to local needs by promoting genuinely cooperative partnerships based on the sharing of knowledge, resources and expertise in the design and/or implementation of activation policies?

The Danish structural reforms potentially contribute to more locally responsive policies by giving the lead to the local, one-stop Job Centres to resource appropriate activation services, and by involving a broader representation of civil society in the new Local Employment Councils (LECs). Traditional social partners appear as the main losers, although there remains some scope for them to contribute to the content of activation policies within the LECs by funding local projects and through their involvement in the drafting of local employment plans. The lack of interest shown by employers' representatives in the LEC proceedings may, as Damgaard and Torfing (2010) suggest, be explained by the dismantling of their sub-regional associations, but

²² Salognon (2007: 727) notes the relative cost of the IOD method at €2,400 per person and €5,500 per person when they return to permanent positions. The costs, particularly to help people back into permanent work, are relatively high compared to privately operated back-to-work programmes (€2,300 per person) and those operating for insured jobseekers within the PARE scheme (€750 per person for a three-month programme).

it means that discussions in the LECs do not benefit from the situated knowledge, expertise and resources that employers' representatives once brought to the disestablished Regional Labour Market Councils. One concern is that the quality of activation offers might suffer without sufficient input from employers. Although the municipality agenda comes to dominate discussions in the LECs, to the potential exclusion of dissenting voices or alternative views, the LEC proceedings remain oriented towards facilitating participation and enhancing interactions between participants.

Findings from reforms to the IB system in the UK suggest that the imbalance of power in relationships between the prime providers and their subcontractors needs attention so that, for example, funding constraints do not undermine the social mission of some subcontractors such as charities or community-based groups. Lindsay and Dutton (2010) point to the benefits of a more flexible funding arrangement between Jobcentre Plus and the public National Health Service (NHS) in the delivery of the Condition Management Programme (CMP) in the pilot phases of IB reform. CMP uses cognitive behavioural therapy as a complement to other medical interventions to help people tackle deep-seated barriers to work such as anxiety, pain management and lack of confidence (Barnes and Hudson, 2006: 13). Unlike in the standard payment-by-results approach, funding for the NHS was not tied in any way to achieving job outcomes for their clients; instead, NHS managers and healthcare professionals were allowed to resource the delivery of CMP services in the pilot areas as they saw fit (e.g., by having the freedom to recruit appropriate staff). In developing a more collaborative partnership, Lindsay and Dutton (2010) point to two significant positive effects: that it encouraged IB personal advisors to develop their knowledge and understanding of CMP as one of several options for their clients (potentially leading to more and better referrals to CMP services); and, for healthcare professionals, that it did not undermine the integrity of their relationship with their patients or their ability to address wider barriers to work. CMP interventions in districts where the Pathways programme was contracted out was delivered privately, and, as funding was mostly tied to job outcomes, introduced a potential conflict of interest in the relationships between healthcare professionals and their clients, and an underlying tension between the employment aims of prime providers and the health-related goals of CMP subcontractors. Ring-fencing of parts of the public budget for health interventions or training, as in Australia, would allow provider managers more discretion to invest in jobseekers with more complex needs (Finn, 2008) and engage more collaboratively with subcontractors.

This echoes concerns in France that active social policies should assist the most disadvantaged, not only those judged to be closer to the labour market. The danger is that activation policies simply replicate the inherent selectivity of the labour market, and that they divert funds away from those most in need of support. French insertion programmes within the framework of PLIEs clearly aim to tackle barriers to employment, such as poor qualifications or lack of work experience, and it would be unjust to dismiss their impact as simply providing labour to meet employers' needs or demands. French subsidised contracts do require firms to engage more collaboratively in efforts to assist the unemployed develop their chosen careers, and not see subsidised workers as a source of cheap labour. But where PLIEs reproduce labour-market selectivity, employers can distort the local partnership models that are at the core of local policy networks in France. It is the growth and influence (albeit still limited in scope) of the IOD method that potentially makes local partnerships in

France more reciprocal and genuine. By working on firms' selective hiring practices, IOD teams are shown to have been effective in narrowing some of the perceived gaps between employers and people deemed the least employable.

Do they lead to more inclusive outcomes for the unemployed, by which is meant improvements in their effective freedoms through recognition of the diversity of individual needs and available resources (adequate social provision or local work opportunities)? Or, is the emphasis more on the utility of work to the neglect of job quality?

All three case studies raise, in different ways, issues about whether their respective governance reforms improve people's welfare. In other words, to what extent is the social dimension of activation policies recognised or are short-term job outcomes prioritised over wider welfare goals? Much of the problem, as Dean et al. (2005) point out, is that in discourses of activation the notion of people's capabilities has been conflated with the idea of human capital or their 'employability'. But if we are to treat human beings as more than just 'means of production' (Sen, 1999), then it is important to recognise that paid work, though important, is only one means of enhancing capabilities – and not, in the case of people with multiple health or social problems, always the most immediate means of raising their effective freedoms. Without this recognition, job utility or the argument that any job is better than none may prevail in discussions with harder-to-place clients to the neglect of issues of job quality and suitability. Alternatively, these clients may simply be 'parked' to focus on people judged more employable, thus undermining the principle of universal coverage within social policies.

In giving Danish municipalities more responsibility, with the implicit intent of making them get more people on social assistance into work, there is a risk that the governance reforms lead to greater use or threat of benefit sanctions against the long-term unemployed. There remains a need to find the right balance between municipalities' duties to help people back into work and their ongoing responsibility to address non-vocational barriers to employment. The UK's experience with contracting-out shows the risks of neglecting these barriers to work when achieving 'soft outcomes' does not bring any immediate financial rewards to providers of activation services. Service guarantees are one way to promote transparent and more equitable services to the unemployed, although rigid funding constraints will always encourage the 'parking' of more disadvantaged clients. Again, there need to be additional financial incentives and flexibility for private or third-sector welfare providers to invest in clients furthest from the labour market.

French activation policies, in contrast, provide some local flexibility in specifying the outcomes tied to funding, and, within the framework of PLIEs, these outcomes can refer to both qualitative and quantitative measures of success. PLIEs also are not time-limited, meaning that available resources can be invested in longer-term interventions for people with more complex barriers to work. Whilst stricter benefit conditionality in France since 2009 suggests elements of a work-first approach, notably some questioning of people's desire to work and the view of work as utility to the potential neglect of job quality, the UK study in contrast highlighted how far unemployment, even for people living with disability and illness, is framed in terms of individual work-related deficiencies. The Danish study raised similar concerns that the quality of activation offers will suffer given the diminished role of social partners, especially

employers. The risk is that Danish activation policies will no longer benefit as much from employers' knowledge about skill shortages in the labour market.

One way to shift focus away from the individual is to question the validity of the employer-driven concept of employability. The IOD method in France does this and has managed to bring many people deemed the least employable back to work. Another way is to focus on structural aspects of the labour market that, as in the UK, is revealed by the high correlation between the numbers claiming incapacity benefits and local economic deprivation. Given this, Beatty et al. (2011) have recently argued 'for job creation schemes, targeted at Britain's weakest local economies, as an integral part of efforts to bring down benefit numbers'. Lessons from the French experience with job-creation schemes, though, point to the need to avoid the stigmatising effect of subsidised work and the potential for the unemployed to be caught in a cycle of one insertion job after another.

What wider lessons, then, might be drawn from these recent governance reforms in Denmark, the UK and France given the EU's policy concern to engage a wider set of actors in local solutions to the problems of long-term unemployment? Local solutions are *prima facie* seen to promote social inclusion because they are considered as more responsive and sensitive to local needs. But more localisation does not necessarily lead to more democracy if the role of local policy actors is constrained by rigid national policy targets or excessive imbalances of power in local partnerships. At a broader European level, NGOs and voluntary bodies have found it particularly difficult to break into established policy processes (Begg and Marlier, 2007). The question then, as posed by van Berkel and Roche (2002: 209), is how to make the activation process more democratic as well as effective in promoting social inclusion.

This paper has argued that democracy and social inclusion are intrinsically bound together. Social inclusion is a wider democratic goal of society whilst social rights mitigate the risks of social exclusion and deepen the quality of democracy for its citizens. Activation policies step in to address exclusion from the labour market, where having a job is seen as a key way to promote social inclusion, but should avoid separating the goal of social inclusion from the democratic means of achieving it. In other words, activation policies need not resort to curtailing social rights or fail to acknowledge people's wider barriers to work according to the view that any work, irrespective of quality or suitability, is better than none. One way to ensure that the voices of the unemployed are heard in the activation process is to recognise their diverse capabilities (the capability approach), and to engage the unemployed and their representatives as key stakeholders and partners in the design and implementation of active social policies (the model of deliberative democracy). More personalised activation services for the unemployed, together with the growth in local partnerships, offer opportunities to address complex social problems such as unemployment, but it follows that social interventions should adhere to broader democratic norms if active social policies are to lead to better social inclusion.

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