

Dr. Jekyll and Mr. Hyde? Union strategies towards temporary agency workers

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Abstract

What determines union strategies towards precarious workers? To address this question, this paper focuses on unions' strategies towards temporary agency workers in Western Europe. By combining union density of temporary workers with various dimensions of collective agreements covering this sector, this paper measures the degree of inclusiveness of union strategies towards temporary workers. Seven conditions are tested through Fuzzy set Qualitative Comparative Analysis, allowing for multiple and complex causality. From the insider outsider literature, two conditions are identified: high union density and/or low employment protection legislation. From the power resource approach, the coverage and level of bargaining agreements, as well as work council rights are identified. To account for union structure, we choose union fragmentation and union confederation authority. Our findings suggest there are two causal paths leading to inclusiveness. Consistent with the insider-outsider literature, the 'Nordic path' shows that the combination of high union density, high bargaining coverage and high union authority leads to inclusive union strategies. This path explains the occurrence of union inclusiveness in the cases of Sweden, Finland, Denmark and Belgium. The second path identifies a 'southern path to inclusiveness' including Spain, Italy and France through the combination of high union fragmentation, high union authority and high bargaining coverage.

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1. INTRODUCTION

Unions are vital for the protection of workers as they are key actors of the wage bargaining system (e.g.: Calmfors and Driffill 1988) and fulfil important functions in the administration of welfare policies (Korpi 1983; Korpi 2006). However, the workforce is unevenly represented by unions and some segments such as precarious workers are often excluded (Ebbinghaus 2006). These workers are harder to unionise because they are afraid of being fired and often change their job position (Gumbrell-McCormick 2011). However, the size of the temporary work sector has important implications as the presence of temporary workers may undermine union bargaining power and mobilization potential, and the effectiveness of collective bargaining (Bosch, Mayhew et al. 2010; Bispinck and Schulten 2011: 57). Thus, the temporary work sector represents a main challenge for unions, especially as the size of the sector has been growing: by 2007, nearly 15% of EU15 employees worked under a temporary contract.³

Recently, unions across Western Europe have increasingly turned their attention to precarious workers (Clegg, Graziano et al. 2010). However, the extent to which unions have shifted their attention to temporary workers varies across Western European countries. The current literature lacks a systematic explanation of this diversity and, to the extent that one can derive theoretical expectations from existing approaches, these are conflicting and do not seem consistent with the observed empirical variation. On the one hand, the insider-outsider literature expects unions to neglect the interests of temporary workers since permanent workers are well-protected and constitute their main pool of members (Lindbeck and Snower 1986; Rueda 2005). On the other hand, recent studies in the revitalisation literature have shown that unions have gone after outsiders to expand their representation domain in a context of union decline (Holgate 2005; Pernicka and Aust 2007). While the insider-outsider approach makes an argument about labour preferences, the revitalisation literature looks at the power resources available to unions, which allow them to develop strategies for including marginal workers.

³ Eurostat data.

We argue that this apparent conflict can be resolved by better conceptualising the dependent variable. Indeed, the conflicting expectations and findings partly result from the different choice of dependent variable to capture union positions towards these workers. While the revitalisation literature analyses union *strategies*, the insider-outsider mostly uses labour market policies and outcomes to infer what insiders and their representatives want. Deriving union preferences from labour market outcomes misconstrues union preferences from their strength and the external constraints in which they operate. In line with the revitalisation literature, we therefore believe it is most appropriate to look at *strategies* rather than outcomes. Most studies in the revitalization literature focus on single in-depth case studies of union strategies leading to rich insights in union strategies and behaviour. However, this limits the ability of the theory to undertake systematic cross-national comparisons

This paper attempts to uncover the determinants of union strategies towards temporary workers in 14 European countries. It takes the case of Temporary Agency Workers (henceforth TAW). The focus on this clearly defined group of temporary workers allows us to systematically measure union strategies towards these workers.⁴ We create an index of inclusiveness that captures both the inclusiveness of collective agreements that cover TAWs in the case of equal pay and supplementary training and the degree to which they are unionised (union density of TAWs). While conceptually valid, this operationalization of union strategies is sufficiently parsimonious to allow systematic comparative analysis. This allows us to map a comprehensive picture of the inclusiveness of union strategies towards TAWs in Europe, revealing a high degree of inclusiveness in Scandinavian countries but also – much more surprisingly – in France, Italy and Spain.

To solve this puzzle, we derive a set of necessary and sufficient conditions from several strands of literature. From the insider-outsider literature, we investigate whether job security and union density represent conditions for inclusiveness. From the power resource approach, several conditions capturing the strength of the union movement are identified. These conditions include traditional proxies such as union density and

⁴ Note that we use temporary and agency workers interchangeably, where the former therefore does not include fixed term contracts.

bargaining coverage but also more novel indicators such as work council rights that are likely to influence unions' strength in companies. In addition, we also pay attention to the structure of unions, for instance the degree of confederal authority over its federations and the degree of union fragmentation.

We test these conditions using Fuzzy-sets Qualitative Comparative Analysis (fsQCA) which is particularly well-suited to the small N nature of our observations and the equifinality of our causal expectations. Our analysis finds two necessary conditions for union inclusiveness: high bargaining coverage and high authority of union confederations on their sectoral unions. The first necessary condition confirms that a certain level of bargaining power is necessary for unions to develop inclusive strategies. The second necessary condition reveals that the structure of the labour movement matters, and that a certain level of central coordination is necessary for the formulation of encompassing bargaining goals.

The analysis also finds that there are two paths to inclusiveness consistent with the observed high inclusiveness in both Scandinavian and Southern European countries. The first path consists of the two necessary conditions combined with high union density and covers Belgium, Denmark, Finland and Sweden. Thus, it is consistent with the power resource approach and with the insider-outsider model. The second path covers France, Italy and Spain and includes high bargaining coverage, high confederation authority and high union fragmentation. Fragmentation is required to understand inclusiveness in Southern European countries and represents a proxy for the fragmentation in union ideology, which is associated with working-class solidarity.

The rest of the paper unfolds as follows. The next section maps the various measures of union inclusiveness towards temporary workers and assesses the extent to which existing theories can account for cross-national variation. Section 3 explains why fsQCA is the appropriate method to address our question. It specifies the selection and calibration of both our outcome set and conditions. Our results are then presented in section 4 where several causal paths leading to inclusive union strategies towards

temporary workers are identified. The last section concludes and identifies appropriate avenues for further research.

2. UNION STRATEGIES TOWARDS PRECARIOUS WORKERS

This section starts by mapping various dimensions of union strategies towards temporary workers across western European Countries (sub-section 2.1). It then derives testable conditions from both the insider-outsider theory and the power resource approach concerning union inclusiveness (sub-sections 2.2 and 2.3). The last sub-section theorises the likely impact of the labour structure and derives a set of testable conditions this discussion (sub-section 2.4).

2.1: Measuring union inclusiveness towards temporary workers

This paper aims to explain the variation in the extent to which national unions are inclusive towards non-standard workers. In the literature, union inclusiveness is usually measured through union density (Rueda 2007; Ebbinghaus, Goebel et al. 2008). However, the appropriateness of using this indicator should be questioned, as the extent to which unions can bargain wages and working conditions does not only depend on union membership but also on other institutional mechanisms. The so-called “paradox” of France, where union density is the lowest in Western Europe but the bargaining coverage is the highest, exemplifies this point. Higher union density does not necessarily lead to higher inclusion of temporary workers in unions, where regular workers may still represent the vast majority of union members.

The recent account by Heery (2009) enriches the concept of union inclusiveness towards non-standard workers. In addition to union density, he takes into account the provisions bargained by the unions for this group of the workforce. Those provisions reflect the aim of the union to achieve equal treatment for those workers, defined as union “inclusion”. They may also serve specific needs of non-standard workers, which arise from their different contract typology (defined as union “engagement”).

Our outcome “union inclusiveness” is therefore constituted by different indicators. First, we consider union density. We rely on the data by Ebbinghaus et al. (2008), which are calculated on the basis of the European Social Survey (wave 2002/2003). Second, we address the bargaining dimension by including the provisions bargained by the unions for a category of workers which has often been considered emblematic for non-standard work such as Temporary Agency Workers (TAWs). Moreover, while the contractual position of non-standard work varies across countries, TAWs are present in all European countries covered by our analysis and are also subject to similar regulation, given the EU Directive 2008/104/EC on this issue.

Our choice of indicators relies on Arrowsmith (2009), who wrote a report on TAWs for the European Industrial Relations Observatory (EIRO) highlighting the following dimensions: equal pay, additional training, indemnity for availability, flexibility bonus, and measures ensuring the transformation of temporary into permanent contracts (“stabilisation”). We then analysed the EIRO country reports on TAW and, if the information was missing or seemed contradictory, we considered other data sources (for instance Institut des sciences du travail 2003; JILPT 2011) and national Collective Labour Agreements (CLAs).

Agency work has been the object of regulation through collective bargaining in most European countries. Generally, equal pay is the dimension where the vast majority of countries have a CLA. About half of the countries have CLAs containing supplementary training provisions for TAWs. By contrast, only France has a CLA for flexibility bonus and only CLAs in the Netherlands and Italy contain measures for ensuring the transition from an agency contract to a permanent position (“stabilisation”). Last but not least, CLAs in Sweden, Italy and Austria contain measures granting indemnity for availability, which mean that agency workers get special benefits even if they do not have an assignment at any user firm.

For creating our outcome set “union inclusiveness”, we selected only a couple of indicators: equal pay provisions and supplementary training. The presence of equal pay provisions was selected as wages are the most relevant source of deviation between

permanent and temporary workers. Similarly, the presence of measures for supplementary training is chosen because this reflects the specific needs of agency workers⁵ resulting from frequent changes of workplace and job position. We excluded the flexibility bonus and the stabilisation provisions because they were present only in few countries. Similarly, we preferred to leave out the indemnity for availability because its absence from CLAs might be due to already existing welfare provisions, such as national flexicurity arrangements in Denmark or the Netherlands.

Table 1 below displays the information we collected for various dimensions of union inclusiveness across European countries. In each column regarding the provision for agency workers, we specify whether the provisions are set by law or by CLA. This distinction will affect the way in which we calibrate our outcome variable. There are important cross-country differences in unions' approaches towards TAWs. Scandinavian countries score highest with respect to union density of TAWs, with Belgium and Ireland also achieving high levels on this dimension.

Surprisingly countries such as Spain, Italy and France, where unions have traditionally be seen as exclusionary towards precarious worker , have also undertaken various CLAs. Indeed, France and Italy have among the highest number of dimensions where a CLA exists. While the insider-outsider theory is consistent with the patterns observed in Scandinavia, it is more hard pressed to explain other cases. Indeed, Scandinavian countries are characterised by high union density and low employment protection.⁶ This rightly predicts that their unions should develop inclusive strategies towards temporary workers. On the other hand, France and Spain are characterised by fairly high levels of employment protection and low union density. This is hard to reconcile with the evidence presented in table 1, where one observes significant attempts at inclusiveness in the form of various forms of collective agreements covering the temporary sector.

In the next section, we therefore consider different theories to assess the extent to which they can account for this variation in union strategies towards TAWs.

⁵ Heery's (2009) dimension of "engagement".

⁶ See OECD labour force survey.

Table 1: Mapping union strategies towards temporary workers

	Various dimensions of Collective Agreements covering the temporary work sector		Union inclusiveness
Country	Equal pay	Supplementary training	Union density of temporary workers
Austria	amended by CLA but principle of favourability applies	no	27.5
Belgium	By law	By CLA	39.3
Denmark	By CLA even if there are sectoral differences	By CLA	75.9
Finland	By CLA	no	67.4
France	By law + CLA	By CLA	2.4
Germany	amended by CLA	no	10.65
Greece	By law	no	9.5
Ireland	no	no	37.4
Italy	By law and CLA	By CLA	10.2
Netherlands	By CLA after 26 weeks	By CLA	14.6
Portugal	By law	By law	2
Spain	By law + CLA	By CLA	5.4
Sweden	By CLA but only for blue collars	By CLA	59.8
UK	no	no	9.8

2.2: Insider-outsider

The dualisation literature starts from the premise that one should distinguish between insiders in full-time permanent and well-protected contracts and those either excluded from the labour market or in non-standard employment (Emmenegger *et al.*, 2012). These labour market divides in turn have implications for the strategies of both social democratic parties and unions. For social democratic parties, a dilemma arises because insiders and outsiders have distinct and sometimes contradictory preferences for labour market policies (Rueda, 2005). Insiders care relatively more about job security whereas outsiders care more about labour market policies such as unemployment benefits and active labour market policies. However, the gap in the preferences of insiders and outsiders depends crucially on the probability that insiders lose their jobs (i.e.: the probability that they become outsiders). As a result, social democratic parties that operate

in countries with high job security should be particularly indifferent to the interests of outsiders (Rueda, 2007).

Similarly, where insiders are well-protected - and hence unlikely to become unemployed - unions should not represent the interests of outsiders if they are mostly composed of insiders. In this perspective, unions' strategies should therefore depend both on how many outsiders are unionised and how high job security for insiders is. Following Rueda (2007), we can identify two key explanatory variables for our investigation of union strategies: union density and Employment Protection Legislation (EPL). Union density is supposed to be a measure of how inclusive unions are. Encompassing unions will have more members that are TAWs. This should make it more likely that unions promote outsiders' interests generally and that they would extend collective bargaining agreements to temporary workers.

EPL for regular workers can be seen as a proxy for the risk of becoming unemployed that insiders face: where it is high insiders will be highly insulated from unemployment. While EPL was primarily used to evaluate the incentives that social democrats faced in contexts where most workers were insulated from unemployment risks, the underlying logic can be transposed to unions' incentives. The more protected the insiders in unions, the less they will fear becoming outsiders. In such a context, unions would be less likely to unionise outsiders and to create collective bargaining agreements that cover them. From this discussion we derive the following two conditions concerning EPL and union density, respectively.

Condition 1. Low job security: Unions have inclusive strategies when workers have low job security. High job security means insiders are more protected from the risk of unemployment and from the pressure of an unregulated temporary sector. As a result, they will not push their unions to be inclusive. Thus, low job security can be seen as a necessary condition for union inclusiveness. We take low EPL for regular workers as a proxy for insiders' low job security.

Condition 2. High membership of temporary workers in union: Unions that have many temporary workers among their ranks are more likely to represent their interests. As a result, unions strike collective bargaining agreements that

are more inclusive of temporary workers and aim at improving their pay and working conditions. We use high union density as a proxy for encompassing unions.

2.3: Power resource approach

The traditional power resource approach neglects potentially divergent interests within the working class and treats labour as homogenous (Korpi 1983): Unions represent the interests of the whole of labour including temporary workers. The crucial condition is whether they have sufficient power to even represent the interests of weaker members of the workforce such as TAWs. In the power resource approach, unions strategies depend crucially on the institutional and political resources which are available to them in their respective national political economies (Frege and Kelly 2004).

Among these resources, union density and collective bargaining institutions are the most important sources of unions' power, as has been well-documented by existing literature (Rueda and Pontusson 2000; Brandl and Traxler 2010). High union density can be interpreted not only as a proxy for unions' inclusive preferences (cf. insider-outsider literature) but also as a proxy for union power. Condition 2 is therefore consistent with both theories and should be interpreted accordingly with caution. Similarly, strong bargaining rights could also be considered a proxy for union power leading unions to bargain inclusive provisions for temporary workers.

Condition 3. High bargaining power: High bargaining power is a necessary condition to inclusive unions' strategies towards temporary workers. We take *high Adjusted Bargaining Coverage* (ABC) and *high Union Density* (UD) as proxy for high bargaining power.

Although bargaining power is a necessary condition, it may not be sufficient to lead to union inclusiveness. Indeed, other features of the bargaining system may – *given a certain degree of bargaining power* – further affect union strategies towards temporary workers. Two factors are particularly noteworthy in this respect.

First, while we have considered only sectoral bargaining institutions so far, the main level of bargaining changes across countries. This difference needs to be taken into account because sectoral and workplace bargaining are driven by different dynamics. On the one hand, workplace bargaining might be focused on particularistic goals. For instance, works councils have been often presented in the literature as ambiguous institutions. While workers' "voice" institutions at workplace are responsible for egalitarian policies (Freeman and Medoff 1984), works councils have also been found to focus on core workers and disregard marginal employees, contributing to widening the gap between workforce groups (Hassel 1999; Hassel 2007).

On the other hand, in countries where union bargaining rights are institutionalised at sectoral level and the agreements can be extended to the broad workforce, unions have been argued to pursue a "solidaristic wage policy" (Swenson 1991). In the presence of pattern bargaining institutions, most powerful unions would orientate their bargaining goals towards the national productivity rate in order to offer a "feasible" reference point to weaker unions and to redistribute the productivity from most productive to least productive sectors. The argument could be transferred to the wage policy within the union: If unions bargain collective agreements they can extend to broad workforce segments, they will aim at general and encompassing bargaining goals - including also atypical workers. In general, the predominance of sectoral rather than company-level agreements is associated with more encompassing bargaining goals (and egalitarian outcomes).

Thus, the sectoral or national level of collective bargaining is our fourth condition. This condition is likely to be relevant if associated with high bargaining coverage, as the level of bargaining alone does not insure the ability of unions to bargain. Similarly, our fifth condition – workplace bargaining rights – is probably linked with high bargaining coverage or high union density: if the union is strong enough and has an established presence at workplace, bargaining power at workplace can be used for mobilising and recruiting marginal workers, and promoting egalitarian policies. If workplace representation structures are "detached" from the union, they might tend to favour core workers' interests. From this discussion, we can derive the following two conditions that

may be required in addition to the necessary bargaining strength for a sufficient path to union inclusiveness to emerge.

Condition 4. High Level of Bargaining: If the union bargains mainly at sectoral or national level, it will formulate more encompassing bargaining goals, including also unions' strategies towards contingent workers. We use a variable *Level* that captures whether collective bargaining takes place at the local, sectoral or national level as a first proxy for the ability of unions to achieve encompassing bargaining goals.

Condition 5. Representation rights at workplace: These rights are important for the ability of unions to recruit contingent workers and to promote equality at workplace. If associated with high union density and/or bargaining coverage, strong bargaining rights at workplace might lead to inclusiveness. We use as a proxy *Works Councils' Rights (WCRIGHTS)*.

To sum up, we expect high bargaining power to be a necessary (and maybe sufficient) condition. In addition to this, the following paths seem plausible at this stage:

Condition 3 + Condition 4 → Inclusiveness

Condition 3 + Condition 5 → Inclusiveness

2.4: The role of labour structure

We would like to introduce in our analysis the role of the structure of the labour movement, which has not been sufficiently taken into account in the literature. More specifically, we discuss the role of fragmentation of the labour movement and the extent to which the national union confederation is involved into the bargaining policies of its member (sectoral or occupational) unions.

Union fragmentation can foster competition among unions. This can affect union recruiting strategies and push them to recruit and represent groups of the workforce such as contingent workers that are generally outside of the usual recruiting pool (e.g.: Hassel 1999).

By including fragmentation into the analysis we also consider unions' identity as a driver of their strategies (Cornfield 1993; Hyman 1996). Unions have developed an identity through their historical interaction with the state and employers. Union identity can orientate towards the following ideal types, which differ in regard to basic assumptions on the meaning of unionism in society: business unionism, class organization and social partner (Hyman 2001).

As it is problematic to consider unions' identity as stand-alone variable rather than as dependent on the institutional setting, using fragmentation as a proxy offers the opportunity to derive expectations based on identity about unions' strategies towards outsiders. Thus, fragmentation could be considered a proxy for 'working class' identity (or ideology) of unions. According to Hyman and McCormick⁷, one difference between fragmented and non-fragmented labour movements is the extent to which ideological diversity is internalised in a single movement. This is most apparent in France “where Unions are fragmented along ideological lines”.⁸ As a result, where labour is unitary and its role institutionalized, unions tend to focus on their core membership and are less ideological. By contrast, a fragmented labour landscape presents more left-radical unions, which understand their role as “social movement” or as “class organization”. Labour fragmentation enables them to adopt new positions and strategies such as the inclusion of atypical workers. In sum, whether for ideological or strategic reason, we therefore expect high union fragmentation to be part of a sufficient path to inclusiveness:

Condition 6. High union fragmentation –There can be different mechanisms leading from fragmentation to union inclusiveness. First, unions compete among each other for members so they have an incentive to engage in organizing temporary workers. To this end, they are also interested in achieving bargaining provisions showing their commitment to this category of workers. Second, fragmented unions are more likely to be driven by a working-class ideology. We take Effective Fragmentation as a proxy for both competition among unions and ideological differences. High fragmentation is expected to be necessary or part of a sufficient path

⁷ This point was made by Hyman and McCormick in a Conference on the 8th May 2012 taking place at the European Trade Union Institute, Brussels.

⁸ Page 9, Gumbrell-McCormick, R. and Hyman, R. (2006) Embedded collectivism? Workplace representation in France and Germany. LSE research online.

leading to union inclusiveness combined with our third condition, high bargaining power.

In addition to the structure of the labour movement in its entirety, how each confederation is itself structured should also affect its strategies. More specifically, the structure of the national union confederations' ability to exercise authority on their member unions might have an influence on unions' inclusiveness. Authority can be expected to be relevant since the extent to which central confederations can influence the policies of sectoral unions varies greatly across Europe. For instance, in some countries national confederations can negotiate agreements at national level, giving sectoral unions a bargaining framework. However, central coordination does not need to be pursued directly by the confederation; sometimes unions are committed by statute not to pursue particularistic bargaining goals (e.g. of the sectoral workforce) and instead to choose bargaining strategies that aim to maximise the general welfare of the working class. The causal mechanism suggested here is that central union authority affects labour preferences by favouring the commitment to encompassing rather than particularistic bargaining goals. This leads us to derive the following condition which may be part of a sufficient path.

Condition 7. High involvement of the union confederation: Strong union confederations might direct their members' bargaining policies towards more general goals, which include also atypical workers. We use High Authority of Union Confederation as a proxy for the extent to which union would pursue particularistic rather than inclusive bargaining goals.

3. METHOD AND DATA

This section starts by explaining why Fuzzy set Qualitative Comparative Analysis is the appropriate method for our purpose (sub-section 3.1). It then briefly reviews the data that was used, how our outcome and independent variables were constructed and how we calibrated our variables.

3.1: The choice of QCA: rationale and method

FsQCA is the appropriate method for our analysis for a number of reasons. First, we have a limited number of cases (14 countries) so this method is more appropriate than standard regression analysis which requires a much larger sample size to draw valid causal inference.

Second, we want to explore how different combinations of factors lead to our outcome, union inclusiveness towards TAWs. Using more conventional statistical analysis, previous literature (Rueda, 2007) has argued that low employment protection and high union density lead to better representation of outsiders' interests through insiders' institutions. However, this falls short of identifying necessary and sufficient conditions for union inclusiveness, which is analytically distinct from marginal effects. In addition, conventional statistical method cannot investigate the existence of alternative – or indeed multiple - causal paths.

Third, the membership of cases in our outcome set and in most of the explanatory conditions could not be expressed through crisp values, making it necessary to rely instead on the fuzzy set. For instance, the extent to which unions are inclusive varies along a continuum and does not easily lend itself to a dichotomous 0 and 1 categorisation.

Our empirical strategy starts by identifying relevant proxies for each condition and calibrating them. We identified the necessary conditions. We then ran a series of models that tried multiple possible combinations of the necessary and non-necessary conditions. As the number of cases we consider is limited, using more than four conditions would increase the risk of logical remainders because the number of combinations of the conditions becomes higher. The number of possible combinations is determined by calculating 2 to the power of the number of conditions. Thus, with four conditions we get 16 possible combinations, meaning that many of those (as cases usually cluster) will not correspond to any empirical observation.

We report in this paper only the model showing relatively high consistency and coverage values. Among the numerous models with different combinations of the conditions that do pass the consistency threshold, several models in fact yield similar paths so we report the model with the paths that come up most often and that makes the most theoretical sense.

3.2: Selection and calibration of the outcome set

Based on the dimensions of union inclusiveness towards temporary workers presented in table 1, we plan to derive different outcome variables in our analysis. As we explained in the previous section, our analysis focuses on our Composite Index of Inclusiveness (CII). This variable is composed of equal pay, provisions for supplementary training and union density. The three indicators should capture each dimension of union inclusiveness. Union density is a proxy for internal representation of temporary workers, while we consider equal pay as proxy of union efforts towards equal treatment and supplementary training as proxy for union engagement. TAWs are supposed to need more training because of the flexible nature of their employment.

Calibration of the outcome variable

For the union density of temporary workers (see table A1 in the appendix), we use the direct method of calibration, which uses a logistic function to fit the raw data in between the three qualitative anchors at 0.95 (full membership), 0.5 (point of indifference) and 0.05 (full non-membership). For identifying the latter three anchors, we use the gaps in the data. In order to establish the membership threshold (or point of indifference), we calculated the middle value between the union density rates of Netherlands and Austria, where we find one of the biggest gaps in the distribution. The value for the threshold is 21. We decided not to raise the threshold to the other big gap between Belgium and Sweden because a union density rate of 30-40% among temporary workers cannot be considered low (given, for instance, that the union density of the whole French workforce is around 8%). The thresholds for full non-membership is 2.4 and full membership 75.9.

We included in our outcome set also CLA provisions towards TAWs, and we use the theoretical calibration which is based on logical reasoning, on “generally accepted notions in the social sciences”, and on “the knowledge of the researcher accumulated in a specific field of study or specific cases” (Schneider and Wagemann forthcoming: 11). We distinguish the provisions along two dimensions:

- 1) The presence and content of the measures bargained, that is, whether they establish equal (or better) treatment for TAWs, whether they set worse conditions for TAWs or do not exist at all; and
- 2) Whether these provisions are set exclusively by CLAs, or set by law and improved/strengthened by CLAs, or whether there is only a law without CLA or whether the CLA worsens the conditions set by law or whether there is neither a law nor a CLA.

While the link between the first dimension and union inclusiveness (our outcome) is straightforward, the second dimension requires further explanation. We decided to introduce the distinction between CLA and legal provisions because we do not have evidence on the influence of unions on legislation so legal equal treatment provisions do not necessarily reflect an inclusive orientation of union. We therefore considered countries without better or equal treatment conditions also set by CLAs as non-member of the set “union inclusiveness”. We tried to position all the possible combinations on a continuum going from exclusiveness to inclusiveness, where 0.5 is the point of indifference. The coding procedure is summarised in Table A2 in the appendix while the coding results for each country along the dimensions of our outcome set are displayed in Table 2.

Once we calibrated the dimensions of union density for temporary workers and CLA provisions, we have aggregated the calibrated values into an index which we call the Composite Index of Inclusiveness (CII), as shown in Table 3. This is obtained by calculating the simple average of the calibrated values.

Table 2: Calibration of the degree of inclusiveness of Collective Agreements concerning Equal Pay and Supplementary Training

	Calibration	Qualitative category	Source of provisions		Countries
Equal Pay					
	1	High inclusion	No laws	CLA	FI
	0,8	Inclusion	laws	CLA	FR, IT, ES
	0,6	Partial inclusion	no laws	CLA	SE, NTH, DK
	0,4	Partial exclusiveness	law	no CLA	PT, GR, BE
	0,2	Esclusiveness	law	CLA	DE, AT
	0	High exclusiveness	no law	no CLA	UK, IE
Supplementary training					
	1	High inclusiveness	No laws	CLA	BE, DK, FR, IT, NTH, ES, SE
	0,4	Partial exclusiveness	law	no CLA	PT
	0	High exclusiveness	no law	no CLA	AT, FI, DE, GR, IE, UK

Note: “excl.”: Exclusion; “Incl.”: inclusion

Table 3: The Composite Index of Inclusiveness

Country	Equal pay	Supplementary training	Union density temporary workers	Composite indicator of inclusiveness
Austria	0.2	0	0.59	0.26
Belgium	0.4	1	0.73	0.71
Denmark	0.6	1	0.95	0.85
Finland	1	0	0.93	0.64
France	0.8	1	0.05	0.62
Germany	0.2	0	0.16	0.12
Greece	0.4	0	0.14	0.18
Ireland	0	0	0.71	0.24
Italy	0.2	1	0.15	0.65
Netherlands	0.6	1	0.26	0.62
Portugal	0.4	0.4	0.04	0.28
Spain	0.8	1	0.07	0.62
Sweden	0.6	1	0.89	0.83
UK	0	0	0.14	0.05

3.3: Selection and calibration of the explanatory conditions

For calibrating our conditions, we use the direct method of calibration. As in the case of our outcome variable, the direct method of calibration is used with interval scale data and it is a semi-automatic procedure relying on a logistic function to fit the raw data in between the three qualitative anchors at 0.95 (full membership), 0.5 (point of indifference) and 0.05 (full non-membership). For identifying the latter, we calculated the gaps in the data and we derive the threshold variable. We calculated the value in the middle of the biggest gap in the data distribution in order to establish the crossover point of indifference. The following paragraphs describe each condition that is used in the QCA. We report in Table A4 in the appendix the fuzzy membership values of both our outcome set (CII) and all our conditions.

Condition 1: Low Employment Protection Legislation of regular workers and collective dismissals (Fslowcepl)

As we use the OECD database, we also rely on the OECD definition for both EPL for regular workers and for collective dismissals. According to the OECD, “individual dismissal of workers with regular contracts: incorporates three aspects of dismissal protection: (i) procedural inconveniences that employers face when starting the dismissal process, such as notification and consultation requirements; (ii) notice periods and severance pay, which typically vary by tenure of the employee; and (iii) difficulty of dismissal, as determined by the circumstances in which it is possible to dismiss workers, as well as the repercussions for the employer if a dismissal is found to be unfair.”

The indicator for collective dismissals measures “additional costs and procedures involved in dismissing more than one worker at a time (compared with the cost of individual dismissal)”. Regarding the calibration, the point of indifference is 2.9, the lowest threshold is 1.71 and the highest is at 3.85. The OECD provides four such indexes of EPL: for regular workers, for temporary workers, collective dismissals, and an overall index taking a weighting average of the latter three. More specifically, the overall index

is a “weighted sum of sub-indicators for regular employment (weight of 5/12), temporary employment (5/12) and collective dismissals (2/12)” (OECD stats website). Given our focus is on the protection of regular workers and not temporary workers, we create an alternative composite index of EPL that attributes a weight of one third to collective dismissals and two third to individual dismissal of regular workers. This calculation is shown in Table A3 in the appendix.

Condition 2: High Union Density (FsUD)

The measure of union density is taken from Visser’s database and defined as “net union membership as a proportion wage and salary earners in employment” (Visser 2011: 18). Regarding the calibration, the point of indifference is 44.5, the lowest threshold is 8.1 and the highest is 80.1.

Condition 3: Adjusted bargaining coverage (Fsabc)

Adjusted bargaining coverage is defined as the share of employees covered by wage bargaining agreements as a proportion of all wage and salary earners in employment with the right to bargaining, expressed as percentage, adjusted for the possibility that some sectors or occupations are excluded from the right to bargain (removing such groups from the employment count before dividing the number of covered employees over the total number of dependent workers in employment) (Visser 2011: 18). The membership threshold is set at 73, while the low threshold is at 35.1 and the high threshold is 96. The index of adjusted bargaining coverage is taken from Visser’s database with 2000 as the year of reference (Visser 2011).

Condition 4: High Level of bargaining (CsLevel)

This variable is taken from Visser (2011) and captures the level at which wage bargaining takes place following a five points classification:

- a) National or central level (coded with 5);

- b) national or central level, with additional sectoral/local or company bargaining (coded with 4);
- c) sectoral or industry level (coded with 3);
- d) sectoral or industry level with additional local or company bargaining (coded with 2);
- e) local or company bargaining (coded with 1).

We transform this variable into a crisp set and code it equal to 0 if the value corresponds to 1 and 2, and we assign the value 1 to all other cases.

Condition 5: Works Councils' Rights (Cswrights)

This variable is taken from Visser (2011) WC_rights and measures whether the rights of works council in a country include:

- a) Economic and social rights, including codetermination, coded with 3;
- b) Economic and social rights, consultation (advice) only, which corresponds to 2;
- c) Social rights or no rights, only information – this is coded with 1.

We transform this variable into a crisp set by recoding to equal 0 if it takes the value 3 and recoding 1 if it takes the values 1 and 2.

Condition 6: Effective Number of Confederation (FsEF)

This variable, taken from Visser's database, is defined as the "effective number of confederations, defined as the inverse of the Herfindahl- index or $1/H$. The Herfindahl (H) index is given by $Hcf = \sum_i n (pi^2)$, where pi is the proportion of total membership organised by the I th confederation and n is the total number of confederations. The effective number of confederations $ENCfs$ is equal to the probability that any two union members are in the same confederation and thus a measure of the degree of fragmentation or unity at the central (political) level " (Visser 2011: 16). The membership threshold is set at 3.05, while the low threshold is at 1 and the high threshold is 8.7.

Condition 7. High Authority of the union Confederation

To measure the confederal involvement in wage agreements negotiated by its affiliate unions, we rely on Visser who codes it as follows:

a) If the confederation has mandate to negotiate agreement with employers and/or government on wage issues, the condition has the value 2;

b) If the confederation has mandate to negotiate agreement with employers and/or government on non-wage issues, the condition is equal to 1;

c) The value is 0 otherwise.

We transform this variable into a crisp set and code it equal to 1 when the conditions have both the values 1 and 2.

4. FINDINGS

This section presents our findings running the QCA analysis on our Composite Index of Inclusiveness (CII). Having calibrated our outcome set and conditions– as explained in section III – we presents our findings for the model on our outcome set ‘Composite Index of Union Inclusiveness’⁹ considering the following conditions.

1. Low employment protection legislation for regular workers (fslowcepl);
2. High union density (fsud);
3. High Adjusted bargaining coverage (fsabc);
4. High Level of bargaining (CsLevel);
5. Work council rights (cswcrights)
6. High union fragmentation (fsef);
7. High union authority (cscfagrhigh).

⁹ Note that other models including other variables such as centralisation of wage bargaining were also run but did not yield interesting results so are not reported for reasons of parsimony.

4.1 Necessary conditions

We first start by identifying necessary conditions for the presence of our outcome. These are presented in Table 4. Out of our seven conditions, only high bargaining coverage and union authority have a consistency score higher than 0.9, suggesting these are necessary conditions for unions to have an inclusive strategy in a country. Thus, we do not find sufficient evidence that low job security is a necessary condition for union inclusiveness, as the insider outsider approach suggested. Moreover, the fact that high bargaining coverage is necessary but not high union density suggests that ‘institutional’ power resources are necessary while ‘organisational’ strength in terms of union members is not.

Table 4: Necessary conditions for outcome variable Composite index of inclusiveness

Condition	Variable	Consistency	Coverage
Union density	fsud	0.673163	0.822344
Union Fragmentation	fsef	0.557721	0.914005
Bargaining coverage	fsabc	0.973013	0.694118
EPL	fslowcepl	0.826087	0.658303
Works council rights	cswcrights	0.850075	0.515455
Bargaining level	cslevel	0.641679	0.611429
Union authority	cfagr	0.974513	0.481481

4.2 Sufficient conditions and paths

The QCA software analyses all possible combinations of conditions leading to our outcome in the model under consideration. Only combinations with a consistency score of at least 0.9 were considered, which means the combination is almost always sufficient for the outcome to occur (Avdagic, 2010: 644).¹⁰ Where the number of cases was 0, that is where logical combinations exist but were not present in our data, the following rule was applied: if high bargaining coverage or high union authority was absent, a 0 was inserted because both conditions have been found necessary (see 4.1); and conversely if it

¹⁰ Note that when the consistency score was superior to 0.89 this was approximated to 0.9 (only one such case).

was present and the logical combination seemed theoretically reasonable, a 1 was inserted.

For reasons of space, we only present the results for the most successful model in Table 5 based on the combination of high union density, high bargaining coverage, high union fragmentation and high union authority. The model presented here was selected it comprised the paths that came out most often in alternative models with different combinations of the seven conditions identified earlier. The chosen model also yielded the most theoretically plausible paths.¹¹

Table 5: Sufficient conditions and causal paths

	raw coverage	unique coverage	consistency
fsud*fsabc*cscfagrhigh	0.62	0.62	0.92
fsabc*fsef*cscfagrhigh	0.53	0.21	0.91
solution coverage:	0.83		
solution consistency:	0.89		
Cases with greater than 0.5 membership in term fsud*fsabc*cscfagrhigh :	Sweden	(0.91,0.83)	
	Finland	(0.84,0.64)	
	Denmark	(0.71,0.85)	
	Belgium	(0.6,0.71)	
Cases with greater than 0.5 membership in term fsabc*fsef*cscfagrhigh:	France	(0.95,0.62)	
	Spain	(0.56,0.62)	
	Italy	(0.55,0.65)	

Five pieces of information are particularly important. First, for each model the first column presents the combination(s) of conditions that explain the outcome; i.e.: our Composite Index of Inclusiveness of unions. Second, the table reports the solution coverage which is a measure of “empirical relevance” - akin to the “R² in regression analysis” Avdagic, 2010: 645). Third, the consistency measure captures “how well a

¹¹ For some combinations the QCA software identified paths that covered no cases or that covered a cases that seemed prima facie to be driven by different dynamics (e.g.: when testing the conditions high union density, high bargaining coverage, high EPL and high union authority, the software identified the combination of high union density, high bargaining coverage, high union authority and not high EPL for regular workers as covering Italy, Denmark and Belgium! Other specification of the model only identified one of the two causal paths.

given solution set explains the outcome in question”. Fourth, ‘raw coverage’ shows how many of the cases are covered by a given causal configuration. Last but not least, unique coverage is a measure of “the proportion of cases explained exclusively by a given causal configuration” (*ibid*: 646). Consistency indicates the extent to which the outcome is explained through the solution set, or, in other words, to what extent the solution set deviates from a perfect subset relationship with the outcome set. Coverage expresses how much of the outcome is explained by the solution set. These two measures are called “parameters of fit” (Avdagic 2010; Schneider and Wagemann forthcoming: chapter 5).

This model identifies two potential paths to union inclusiveness, as measured by our Composite Index of Inclusiveness. The first path shows that the combination of high union density, high bargaining coverage and high union authority leads to union inclusiveness. This path explains the occurrence of union inclusiveness in the cases of Sweden, Finland, Denmark and Belgium. The high consistency score for this path suggests that it explains the outcome very well while the raw coverage shows that this path explains whether or not unions are inclusive in more than half of the cases. This ‘Nordic path to inclusiveness’ is consistent with the insider-outsider theory and the power resource approach, which we had argued earlier could make sense of union inclusiveness in Northern countries but not in southern Europe.

The second path identifies a ‘southern path to inclusiveness’ including Spain, Italy and France through the combination of high union fragmentation, high bargaining coverage and high union authority. This path yields similar consistency score but a slightly lower raw coverage score. Thus, these results suggest that union inclusiveness in southern and Scandinavian countries is the results of different underlying dynamics. While both sets of countries require unions with sufficient power resources (bargaining coverage) and sufficiently high union authority, the Scandinavian path in addition is composed of high union density whereas the Southern path instead entails high union fragmentation.

Taken together, these two causal paths have a high solution consistency and coverage scores which indicates that they explain the outcome well and that this explanation

accounts for most of the cases. These findings concerning the Scandinavian path are consistent with the insider-outsider theory concerning the effects of high union density, but suggest that low EPL may not be required for union inclusiveness. In other words, a high exposure of insiders to labour market risks is neither necessary nor sufficient for union inclusiveness towards temporary workers to be observed in European countries.

In addition, these results show that labour structure may have been an ‘omitted variable’ in previous analyses, given its relevance for both paths. Indeed, high union authority was found to be a necessary condition, while the presence of high union fragmentation explains why unions in southern European countries develop inclusive strategies despite a much lower union density.

Last but not least, note that not surprisingly high bargaining coverage is present in both paths, which is consistent with our identification of high bargaining coverage as a necessary condition in the first step of the analysis. This shows institutional embeddedness is a crucial determinant of the ability of unions to undertake inclusive strategies towards temporary workers, consistent with the power resource perspective. This also contrasts with the notion that insiders institutions are detrimental to unions’ inclusiveness (Baccaro, Hamann et al. 2003; Hassel 2007).

4.3 Explaining the new path: The case of Italy

While the Scandinavian path follows the expectation of well-developed theories, the southern European path is more novel as unions develop inclusive strategies in the absence of union density and despite expectations to the contrary. It is therefore necessary to investigate the causal path in greater depth to uncover the theoretical validity of the path and the causal process underlying the conditions.

Our FsQCA has revealed a new path to inclusiveness, which has not been treated in the literature. It is good practice (Emmenegger, Kvist et al. 2013) to go back to the empirical case in order to find evidence for the causal mechanisms linking the new conditions to inclusiveness towards atypical workers.

The Composite Index of Inclusiveness of Italian unions scores 0.65. While the union density of temporary workers is relatively low (0.15%), unions bargained equal pay and supplementary provisions for agency workers. This reveals an inclusive attitude towards contingent workers. The path leading to inclusiveness is the following:

High bargaining coverage (fsabc) * High union fragmentation (fsef) * High Union Confederation Authority (cscfagrhigh)

We are going to examine individually the conditions of the path, and then consider how they interact among each other in order to illustrate the causal mechanism underlying the path.

The bargaining coverage, which achieves 80% and is among the highest in Europe, is only loosely related to the union density in Italy – around 30% (ICTWSS 2011). High bargaining coverage is not only important because it allows unions to achieve homogenous standards for the whole workforce. The independence of the institutional support to labour from its size has also another implication for our analysis. In fact, it allows unions to pursue solidaristic goals independently from the membership and the commitment of (atypical) workers to the union. In order to exemplify this point we present here few quotes. The first two quotes belong to an Italian union representative, who is talking about union strategies towards workers in the telecom sector. The first quote exemplifies the loose relationship between members and unions' bargaining strategy. The second one shows that unions' commitment goes well beyond its core members – the union wants to represent also workers in subcontractors even if they are not union members. For this reason, for instance, it is difficult for the union for re-source work because it damages subcontracted workers. The third quote is taken from an interview with a German union official, describing the rationale behind the campaign towards agency workers. Germany has experienced a dramatic decline of the bargaining coverage (and union density) in the last ten years, which might explain its member-orientation.

Quote 1: *“We have never organised campaigns for a single business unit, we have always had campaigns at a more general level...OK, call centres have always been in the storm centre but we have never done campaigns linked with members’ subscriptions...Sometimes there are new members joining, sometimes there aren’t but it is not the case that ...if we don’t get new members we stop doing things for them...”*

Quote 2: *“Workers in ABC (the main company) always request to re-insource the work...but we say ‘watch out, we are a confederal union so we protect the worker as a worker not as a worker in ABC’...as we are a confederal union, we are going to sit in the next meeting also with subcontracted workers...”*

Quote 3: *“We have a mandate from our members, they pay us, we homogenise their interests as good as possible in order to achieve an optimal outcome. And I say to every agency worker: “this is your membership card then I can do something for you. Otherwise I would not do anything for you.”*

In Italy there are three main union confederations, which are organised along ideological lines. The biggest union confederation is the CGIL (*Italian General Confederation of Labour*), which was the former communist confederation, and it still is the most left-wing organisation. The confederation CISL (*Italian Confederation of Workers’ Union*) is catholic, while UIL (*Italian Labour Union*) has socialist roots. The unions organise the workforce vertically across occupations, and every sector is characterised by the presence of three different unions affiliated respectively to each confederation. We did not find any evidence for union competition for members as recruiting does not seem to be a priority for Italian unions (yet), as the quote above illustrates. Instead, the fragmentation of the labour movement seems relevant as proxy for union ideology. Italian unions show that their bargaining policies have a strong working class orientation. The following quote of a CGIL union official shows that the idea of bargaining for all workers is deeply rooted in the purposes and strategies of the unions:

“This is the challenge: either we gain back the purchasing power for everyone or – and the union has realised it, as it would not have existed as (workers’ representation) structure otherwise – we lock ourselves in our strongholds and continue defending permanent workers leaving the others outside...there are different interests but the ultimate interests is to tie everyone together.”

Atypical workers – such as agency workers or freelancers – have their separate unions, which were set up at the end of the Nineties (Nidil-Cgil, Felsa-Cisl¹², Cpo-Uil). While these unions bargain separate agreements for atypical workers, sectoral unions can negotiate provisions for them in their sectoral bargaining rounds. Unions are committed to the principle of confederalism, which implies that sectoral unions within the same confederation cannot strike collective bargaining agreements that diverge more than certain extent. Thus, sectoral unions would not worsen the conditions bargained by the atypical workers' unions. Indeed, a NIDIL union official does not see the presence of a separate union for atypical workers as problematic because “CGIL is a confederal union and confederalism can compensate” for the potential weakness of a separate union for atypical workers.

Furthermore, national union confederations bargain national frameworks with the government and employment associations. Both the commitment of sectoral unions to a “confederal” bargaining policy and the ability of the confederation to negotiate national bargaining framework lead to more encompassing policies towards temporary workers. This points to the relevance of the institutional structure in modifying union preferences. Interestingly, the same union official links the confederalism to the representation of general interests by compares German unions, which he considers “exclusive”, to Italian unions:

“they (the confederation DGB) do not have the raison d’etre to bargain over social issues with politics because they do not care for general interests. We have somehow the arrogance to represent general interests”

All the conditions in the path have resulted important in the interviews. High bargaining coverage and confederal authority are necessary conditions. Bargaining coverage represents a fundamental power resource and also allows unions to adopt solidaristic bargaining policies which do not have to serve the particularistic interests of their members. National confederal authority ensures that the bargaining goals remain encompassing and that sectoral interests (not necessarily members' interests) are

¹² Felsa-CGIL has been recently founded from the fusion between the union for agency and project-based workers ALAI and the union for freelancers CLACS.

represented. These institutions support the working-class ideology of unions, which aspire to represent all workers. At the same time, they counterbalance the potential weakness of a fragmented labour movement towards employers; for instance, unions do not have to pursue particularistic goals in the attempt to recruit new members and to compete among each other as their power does not exclusively rely on members,.

5. CONCLUSION

This paper has attempted to make sense of the variation in union inclusiveness of precarious workers in Europe. The focus has been on TAWs as this group is emblematic of precarious workers in Europe. We have developed a measure of union inclusiveness using collective agreements of the TAWs and combining it with a measure of union density of temporary workers. This resulting composite index allowed for the first time a systematic cross-national investigation of union strategies towards these types of workers. Moreover, the index revealed surprising cross-national variation in union inclusiveness.

Few existing theories have clear theoretical expectations concerning union inclusiveness and to the extent that they do, these seemed unable to fully account for the observed cross-variation. More specifically, while union inclusiveness in Scandinavian countries seemed consistent with *a priori* expectations, some southern European countries displayed an unexpectedly high level of union inclusiveness.

We tested seven conditions which we derived from the literature. Two had been explicitly considered in previous empirical studies that looked at labour market policies and workers' preferences towards these policies: union density and job security (Rueda, 2005 and 2007). From the power resource approach, we identified a further three conditions. Bargaining coverage was used as a measure of institutional embeddedness and hence power resources, but we also considered the level at which unions bargain and the rights of work councils. Last but not least, two conditions that capture relevant aspects of the labour movement were also included to capture the vertical and horizontal fragmentation of unions. Union fragmentation captured the extent to which there are

different confederations while union authority measured the ability of the confederal level to control what its composing federations do.

By carrying out a QCA, we showed that there were indeed two causal paths to inclusiveness: a 'Nordic path' to inclusiveness in line with the insider-outsider theory and a 'Southern path' consistent with our argument about union fragmentation. High bargaining coverage and high union confederation authority were both necessary for union inclusiveness to be observed. This shows institutional embeddedness and vertical integration of unions are a crucial determinant of the ability of unions to undertake inclusive strategies towards temporary workers, consistent with the power resource perspective. Bargaining coverage gives unions the power to engage on temporary workers' behalf while high union confederation authority coordinates bargaining policies and makes sure that the bargaining goal are encompassing and do not reflect too much the particularistic interests of the union. This also contrasts with the notion that insiders' institutions are detrimental to unions' inclusiveness.

Labour preferences also show to matter even though the causal mechanisms between the Scandinavian and the Southern path are different. In the Scandinavian case, the insider-outsider approach suggests that unions' preferences are influenced by the outsiders, who are well represented among unions' members. In France, Italy and Spain unions bargain following their working-class ideology, which is reflected in solidaristic bargaining policies.

Further research should extend this systematic analysis to the strategies of unions towards other types of outsiders by taking greater consideration of the impact of union structure on union strategies.

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APPENDIX

Table A1: Calibrating union density of temporary workers

Countries	UD temporary workers (2002/2003)	Gaps
Portugal	2	0.4 3 4.1 0.3 0.4 0.45 3.95
France	2.4	
Spain	5.4	
Greece	9.5	
UK	9.8	
Italy	10.2	
Germany	10.65	
Netherlands	14.6	
Austria	27.5	
Ireland	37.4	9.9
Belgium	39.3	1.9
Sweden	59.8	20.5
Finland	67.4	7.6
Denmark	75.9	8.5

Table A2: Deriving measures of inclusiveness for different CLAs

Code	Degree of inclusiveness	CLA and/or Law
1	High inclusiveness	Only CLA and equal or better treatment
0.8	Inclusiveness	Law and CLA setting equal or better treatment
0.6 0.6	Partial inclusiveness	CLA setting equal treatment with exceptions
		Law and CLA setting equal treatment with exceptions
0.4	Partial exclusiveness	LAW setting equal or better treatment but no CLA
0.2	Exclusiveness	Law but CLA setting worse conditions for TAWs
0	High exclusiveness	No law, no CLA

Table A3: Deriving our composite EPL

Countries	EPL for regular workers	Collective dismissals	Composite EPL (cepl) = $(1/3) * (\text{collective dismissals}) +$ $(2/3) * (\text{EPL regular})$
Austria	2,92	3,25	3,03
Belgium	1,73	4,13	2,53
Denmark	1,63	3,88	2,38
Finland	2,31	2,63	2,42
France	2,34	2,13	2,27
Germany	2,68	3,75	3,04
Greece	2,25	3,25	2,58
Ireland	1,60	2,38	1,86
Italy	1,77	4,88	2,81
Netherlands	3,05	3,00	3,03
Portugal	4,33	2,88	3,85
Spain	2,61	3,13	2,78
Sweden	2,86	3,75	3,16
United Kingdom	1,12	2,88	1,71

Table A4: Calibrated dependent variables and conditions

country	cii	cswrights	cslevel	fsud	fsef	fsabc	fslowcepl	cscfagrhigh
Austria	0.26	0	0	0.34	0.05	0.97	0.4	1
Belgium	0.71	1	0	0.6	0.25	0.95	0.72	1
Denmark	0.85	1	1	0.92	0.2	0.71	0.79	1
Finland	0.64	1	1	0.93	0.37	0.84	0.77	1
France	0.62	1	1	0.05	0.95	0.95	0.83	1
Germany	0.12	0	0	0.16	0.11	0.31	0.39	0
Greece	0.18	1	0	0.18	0.16	0.76	0.69	1
Ireland	0.24	1	0	0.42	0.05	0.2	0.93	1
Italy	0.65	1	1	0.31	0.55	0.71	0.56	1
Netherlands	0.62	0	1	0.14	0.22	0.84	0.4	1
Portugal	0.28	1	1	0.13	0.22	0.44	0.05	1
Spain	0.62	1	1	0.09	0.56	0.71	0.58	1
Sweden	0.83	1	0	0.95	0.31	0.91	0.31	1
UK	0.05	1	0	0.24	0.07	0.05	0.95	0

Table A5: List all possible combinations tried and resulting paths found

MODEL	PATH IDENTIFIED	Raw coverage	Unique coverage	consistency	Countries covered by the path			
<i>SOUTHERN PATHS</i>								
cii = f(fsud, fsabc, fsef, cscfagrhigh)	fsabc*fsef*cscfagrhigh	0.533733	0.217391	0.915167	France	Spain	Italy	
cii = f(fsud, fsabc, cscfagrhigh, fswcoordlow)	fsabc*cscfagrhigh*fswcoordlow	0.425787	0.146926	0.940397	France			
cii = f(fsabc, fslowcepl, fsef, cscfagrhigh)	fsabc*fsef*cscfagrhigh	0.533733	0.533733	0.915167	France	Spain	Italy	
cii = f(fsabc, fsef, cscfagrhigh, fscentlow)	fsabc*fsef*cscfagrhigh	0.533733	0.533733	0.915167	France	Spain	Italy	
cii = f(fsabc, fsef, cscfagrhigh, cswrights)	fsabc*fsef*cscfagrhigh	0.533733	0.533733	0.915167	France	Spain	Italy	
cii = f(fsud, fsabc, fslowcepl, fsef)	fsabc*fsef	0.557721	0.217391	0.918519	France	Spain	Italy	
cii = f(fsud, fsabc, fslowcepl, fswcoordlow)	fsabc*fswcoordlow	0.451274	0.146926	0.937695	France			
cii = f(fsud, fsabc, fslowcepl, cslevel)	fsabc*cslevel	0.62069	0.310345	0.796154	France	Finland	Netherlands	Denmark
						Italy	Spain	

<i>SCANDINAVIAN PATHS</i>								
cii = f(fsud, fsabc, fscepl)	fsud*fsabc	0.646177	0.646177	0.915074	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fslowcepl)	fsud*fsabc	0.646177	0.646177	0.915074	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fseplreg)	fsud*fsabc	0.646177	0.646177	0.915074	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fslowcepl, fsef)	fsud*fsabc	0.646177	0.305847	0.915074	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fslowcepl, cfauth)	fsud*fsabc	0.646177	0.646177	0.915074	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fslowcepl, cscfapthigh)	fsud*fsabc	0.646177	0.646177	0.915074	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fslowcepl, cscfagrhigh)	fsud*fsabc*cscfagrhigh	0.62069	0.62069	0.92	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fslowcepl, cfauth)	fsud*fsabc	0.646177	0.646177	0.915074	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fslowcepl, fsunauthhigh)	fsud*fsabc	0.646177	0.646177	0.915074	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fswcoordhigh, fslowcepl)	fsud*fsabc	0.646177	0.646177	0.915074	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fslowcepl, fscenthigh)	fsud*fsabc	0.646177	0.646177	0.915074	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fslowcepl, fswcoordlow)	fsud*fsabc	0.646177	0.341829	0.915074	Sweden	Finland	Denmark	Belgium

MODEL	PATH IDENTIFIED	Raw coverage	Unique coverage	consistency	Countries covered by the path			
cii = f(fsud, fsabc, fslowcepl, fscentlow)	fsud*fsabc	0.646177	0.310345	0.915074	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fslowcepl, cswcrighs)	fsud*fsabc*cswcrighs	0.568216	0.568216	0.931204	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fslowcepl, cslevel)	fsud*fsabc	0.646177	0.335832	0.915074	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fsef, cswcrighs)	fsud*fsabc*cswcrighs	0.568216	0.568216	0.931204	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fsef, cslevel)	fsud*fsabc	0.646177	0.49925	0.915074	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fscepl, cscfagrhigh)	fsud*fsabc*cscfagrhigh	0.62069	0.62069	0.92	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fslowcepl, cscfagrhigh)	fsud*fsabc*cscfagrhigh	0.62069	0.62069	0.92	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fseplreg, cscfagrhigh)	fsud*fsabc*cscfagrhigh	0.62069	0.130435	0.92	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fsef, cscfagrhigh)	fsud*fsabc*cscfagrhigh	0.62069	0.62069	0.92	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, fscfauthhigh, cscfagrhigh)	fsud*fsabc*cscfagrhigh	0.62069	0.62069	0.92	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, cscfappthigh, cscfagrhigh)	fsud*fsabc*cscfagrhigh	0.62069	0.62069	0.92	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, cscfagrhigh, cfauth)	fsud*fsabc*cscfagrhigh	0.62069	0.62069	0.92	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, cscfagrhigh, fsunauthhigh)	fsud*fsabc*cscfagrhigh	0.62069	0.62069	0.92	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, cscfagrhigh, fswcoordhigh)	fsud*fsabc*cscfagrhigh	0.62069	0.62069	0.92	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, cscfagrhigh, fscenthigh)	fsud*fsabc*cscfagrhigh	0.62069	0.62069	0.92	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, cscfagrhigh, fswcoordlow)	fsud*fsabc*cscfagrhigh	0.62069	0.341829	0.92	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, cscfagrhigh, fscentlow)	fsud*fsabc*cscfagrhigh	0.62069	0.62069	0.92	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, cscfagrhigh, cswcrighs)	fsud*fsabc*cscfagrhigh*cswcrighs	0.56072	0.56072	0.930348	Sweden	Finland	Denmark	Belgium
cii = f(fsud, fsabc, cscfagrhigh, cslevel)	fsud*fsabc*cscfagrhigh	0.62069	0.62069	0.92	Sweden	Finland	Denmark	Belgium

MODEL	PATH IDENTIFIED	Raw coverage	Unique coverage	consistency	Countries covered by the path			
<i>OTHER PATHS</i>								
cii = f(fsabc, cscfagrhigh, cswrights, fscentlow)	fsabc*cscfagrhigh*~cswrights*fscentlow	0.089955	0.089955	1	Netherlands			
cii = f(fsud, fsabc, fseplreg, cscfagrhigh)	fsabc*~fseplreg*cscfagrhigh	0.661169	0.170914	0.920668	Belgium	Denmark	Italy	
<i>PATHS WITH NO CASES</i>								
cii = f(fsud, fsabc, fslowcepl, fscentlow)	fsabc*fslowcepl*~fscentlow	0.37931	0.043478	0.947566	No cases			
cii = f(fsud, fsabc, fsef, cswrights)	fsabc*fsef*~cswrights	0.056972	0.056972	1	No cases			
cii = f(fsud, fsabc, fsef, cslevel)	fsabc*fsef*~cslevel	0.146927	0	1	No cases			
cii = f(fsabc, cscfagrhigh, cswrights, fscentlow)	fsabc*cscfagrhigh*cswrights*~fscentlow	0.275862	0.275862	1	No cases			