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**Track 1 “Industrial Relations Actors in a Changing Labour Market”**

**Symposium “The Transformation of Employment Relations in Europe. Institutions,  
Actors and Outcomes in the Age of Globalisation and Austerity Measures”**

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## Conclusive chapter

### The transformation of employment relations within the European Union: a common process of fragmentation

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The contributors to this book have analysed some of the main changes in employment relations in the first two decades of the EU with a retrospective and thematic perspective. Rather than comparing developments on a case by case basis with the country as the unit of analysis, this approach offers analytical consistency in that the chapters collectively contribute to a deeper understanding of the bigger picture over time, as well as addressing important topics in their own right. Of course, not all countries or important issues can be addressed (an impossible task for a single volume in any case) but the contributions offer insightful analyses of the broader dynamics and patterns of change across different national-institutional contexts.

One of the key overall messages from this collection is that the ostensibly integrative processes involved in the ‘widening’ and ‘deepening’ of the European Union have had the effect of fundamentally fracturing employment relations across and within member states. The recent financial crisis has revealed deep *economic* fissures within the EU, but successive enlargements, the introduction of the euro, as well as the crisis itself have also had profound dis-integrative implications for employment relations. Institutions have had to contend with the rapid intensification of competition; the growth of multi-national companies; financial deregulation and heightened capital mobility; intense technological change; as well as changes in the labour market associated with the growing importance of the service sectors. All of which places a new premium on ‘flexible’ forms of pay and working time, labour market regulation and work organization, at the same time as weakening the representative scope and authority of organised labour. At the political level too, the Dèlorsian conception of the ‘social dimension’ with its ‘upwards harmonisation’ of employment rights eventually gave way to loose forms of coordination in pursuit of more ambiguous goals. ‘Hard’ regulation persisted in the elaboration of minimum standards concerning areas such as non-discrimination, but employment policy increasingly became geared towards efficiency outcomes around ‘employability’ and ‘flexicurity’. At the same time, national social concertation was reinvented to serve a competitiveness agenda based on wage restraint and the decentralisation of collective bargaining.

The conclusion of this volume is that despite a high degree of formal continuity in institutional terms, with social dialogue embedded in EU policy-making and multi-employer and multi-level bargaining still the norm in the major EU economies, the dramatic shift in power relations that the EU unleashed in favour of employers means that the discourse, practice and outcomes of employment relations in Europe have more or less been transformed. This transformation was clearly revealed in the aftermath of the economic crisis that began in 2008. Social dialogue at European level was shown to be bankrupt, with ‘a deepening of pre-existing differences’ at cross-sector level and a failure ‘to provide any concrete or specific actions’ at the European sector level (Demetriades and Welz, 2012: 2-3). At national level, where agreements were able to be reached (mainly in manufacturing), these were geared to managing rationalisation with trade unions clearly on the defensive. Frustrated by this institutional failure, and in the face of often severe state-driven austerity, unions in many countries adopted an ‘outsider’ stance to lead the mobilisation of political and industrial protest.

Our contributors explain the subtle and incremental nature of the transformation processes that culminated in this limited and dysfunctional response to the biggest post-war economic crisis witnessed in Europe. In chapters two, three and four, Sisson, Martínez Lucio and Gonzalez Menéndez and Della Rocca analysed the steady dis-integration of collective bargaining and worker representation in the private and public sectors which, as Meardi explains in chapter five, never effectively took root in any case in the new member states. The effects of this were an increasing marginalisation of organised labour and a growing ‘flexibility’ of processes and outcomes in relation to the central defining aspects of the employment relationship – pay (Keune and Vandaele, chapter six), working time (Arrowsmith, chapter seven) and work organisation (Pries, chapter eight). The final set of chapters show how, at the EU policy level, market goals (such as participation rates) displaced social goals (such as quality of working life), in part as governance of the EU became increasingly complex and subject to ‘soft’ forms of coordination (Pulignano, chapter nine). This is explicitly confirmed by the hegemonic status accorded to largely supply-side policy concerns around ‘employability’ (Winterton and Haworth, chapter ten) and ‘flexicurity’ (Wilthagen, Muffels and Chung, chapter eleven).

On the whole, our contributors identify commonalities in terms of change pressures, dynamics and trends, but they also highlight a growing fragmentation of employment relations systems across countries. This reflects a weakening of organized labour and the institutional arrangements for its representation; a re-orientation of the collective bargaining and policy agenda towards ‘competitiveness’ (i.e. employer interests); and more variegated outcomes, as well as processes, as a result. In large part, then, as we briefly explore below, the political economy of the employment relationship has shifted in favour of a re-commodification of labour.

### **The changing political economy of the employment relationship**

The employment relationship is governed by a complex, dynamic and multi-level set of institutions, rules and understandings that vary within and between countries in both procedural and substantive terms (Sisson, 2009). In recent decades the different social and employment models in Europe – whether Nordic, Mediterranean, Continental, Anglo-Saxon or New Member States – have faced similar pressures to ‘reform’ to reduce costs and increase flexibility in their employment, welfare and labour market regimes. As indicated throughout this text, this is a product of factors such as increasingly integrated and competitive product markets, ‘financialisation’ and capital mobility, tertiarisation and the changing demography of the labour market and the development of new technologies and new forms of work organization. Much of this has served to weaken organized labour, thereby accelerating the pace of change. Also challenging existing established labour market and social welfare models is the cost of sustained high levels of unemployment and population ageing (Trampush, 2009). Such developments potentially erode the traditional comparative advantage of distinctive national models of employment relations (Sapir, 2006).

As well as common pressures, there are shared sets of outcomes, and both of these convergence tendencies seem to have intensified with the current enduring economic crisis. A most obvious feature is public sector austerity. In a sense, the crisis offers national governments not simply an obligation but an opportunity to respond to ongoing fiscal pressures by rapidly cutting costs and scaling back social programmes geared towards market protection. Similarly, at firm level, recession provides employers with a renewed justification to drive employment externalization (e.g. through subcontracting, outsourcing, contingent employment) and internal flexibility (e.g. new forms of work organization, high performance work systems, variable pay and working time), though these tendencies have been strongly observed for some time - even in Germany, concession bargaining over employment security had become normalized well before the recession (Lehndorff and Haipeter, 2011). Similarly, trends to deregulate labour markets and decentralize collective-bargaining corresponded with the international resurgence of liberal-market ideology from the 1980s (Streeck, 2009; Howell, 2006). Thus, for many years prior to the current crisis, there was strong political support for employers’ ‘flexibility’ and cost-cutting demands, which had a corrosive effect on

coordination and social solidarity in various national systems (Hassel, 2009; Baccaro and Howell, 2011).

However, as the contributions to this volume also show, the common pressures associated with state-driven liberalization, international market forces and demographic change do not imply a cross-national standardization or even loose coherence in terms of employment relations practices. In part, this reflects a natural evolutionary tendency – outside of crisis – to institutional path dependency (Teague, 2009). Certainly, the contrast between ‘liberal’ and ‘coordinated’ market economies remains in many ways resilient even as institutions have adapted and changed (Iversen and Soskice, 2009; Martin and Swank, 2012). It is also the case that, in the political and policy space, there is not one uniform dynamic but instead different ‘varieties of liberalization’ that institutions have to contend with, each of which has different effects in different contexts (Thelen, 2012). It is clear from all of this that there is a need to consider socio-political as well as economic dynamics if we want to understand the transformations that have occurred in employment regimes, industrial relations and labour market institutions and social policy within and across different national economies. The governance of the employment relationship, i.e. the regulation of relations between workers and their employers, is a central concern for the social sciences whether from political, legal, economic or sociological perspectives.

This volume has modestly attempted to contribute to this multi-disciplinary understanding by analyzing some of the main drivers of change, and their principal outcomes, in a retrospective, comparative and thematic perspective. The changing political economy of the employment relationship is explored in terms of a more or less incremental transformation of processes (institutions) and, especially, outcomes which reflect a profound shift in the economic and political balance of power away from organized labour. Of course, in such a wide-ranging but singular text there is much that has to be omitted, and we would have liked to explore in more depth issues such as the role of the (national-level) state in the liberalisation process, or the growth and implications of contractual flexibility in different national contexts. Such a project as this is also, of necessity, inconclusive. Given the scale and complexity of change, it is difficult enough to understand what has gone before, let alone consider what lies ahead. As Kaufman (2011: 41) points out, the most certain verdict at the present stage is that ‘the future of employment relations is uncertain’.

At the same time, it is legitimate to ask what can be done to further inform analysis and debate at the current time. For much of the remainder of this concluding chapter we therefore draw on our contributions to identify some of the principal tensions and contradictions that have informed transformation within advanced capitalist societies in Europe in the past two decades. Our key theme is the *re-commodification of labour* in the context of economic and political internationalization. Specifically, it is argued that the process of regional economic integration has progressively undermined the fundamental tenets of European social democracy, and the EU has therefore failed with regard to its original founding principles and goals. In this light we draw some conclusions regarding ongoing effects for the regulation of the employment relations and some indicative implications for future research.

### **Re-commodification and ‘market-values’ under the global market economy**

The present epoch may be seen as a reaction to the ascendancy of social democracy, broadly defined, which was established in the third quarter of the twentieth century in Western Europe. It followed the brutal experience of depression and war and was sustained by the ‘long boom’ (*‘les trente glorieuses’*) of reconstruction governed by the Keynesian welfare state. In a sense, it marked the culmination of Polanyi’s (1944) ‘Great Transformation’ associated with the need for an active state to correct the destructive social tendencies of the market (see also Pulignano, 2012). In the first Great Transformation mechanisms of protection, regulation and redistribution were used to embed the economy in society. It was a very specific form of embeddedness, in which the main policies and institutions focused on labour rather than wider notions of citizenship, but it was driven by a certain de-commodification through the assertion of generic social and not just market rights.

However, the economic and financial globalization that proceeded apace after the collapse of the Keynesian consensus in the 1970s involved a clear re-commodification ('disembedding') of labour driven and legitimized by neo-liberal ideology. The state was not merely complicit in an employer-led reaction but actively drove the process. National welfare and labour market institutions were gradually, but sometimes radically, 'reformed' and social protection re-conceptualised in increasingly bounded terms subservient to the market. This was justified with reference to the seemingly inevitable demands of globalization, which promised economic growth if at the cost of growing inequality. In Europe, the EMU project reinforced the process from the 1990s. For example, as Schwab (2012: 14) observes, the euro 'brought currency stability but most importantly it took the tool of devaluation away from politicians who wanted an easy fix and refused to implement structural reforms. It forced each economy to be more flexible and more productive because it was much easier to implement free-market principles than when decisions belonged to each nation'.

This process of international economic integration and neo-liberal reformism constitutes the second Great Transformation which is observed in Europe and beyond. It manifests itself in three related ways. The first is an ever-closer relation between trade and labour flexibility. Unlike in the period of the first Great Transformation, the current epoch is defined by intra-product not just inter-product trade, along with strong intra-firm trade dominated by MNCs. One effect of this is the transfer of economic risk from contractors, or major corporations, to subcontractors such as small or medium-sized firms and nominally self-employed suppliers in global production chains. This grants enhanced power to MNCs and has intensified the transfer of risk to workers through 'social dumping' and employment insecurity (Bieler et al, 2011).

The rapid growth in the number and power of MNCs is the second key feature of the current Transformation, marked by a corporate social irresponsibility utilizing regime shopping, internal 'coercive comparisons' and taxation avoidance through capital outsourcing, transfer pricing and registration in 'tax havens'. At the same time, in a further demonstration of the inter-relationship of the political and economic nature of the Transformation, national governments have indulged in 'tax dumping' to produce a situation by which not only have taxes on capital fallen, but subsidies to capital have risen (in the competition for foreign investment) whilst employment and welfare subsidies to workers have been reduced.

The third feature of the Second Great Transformation is the withdrawal of the state from large swathes of its previous responsibilities for economic governance. This is most visible in terms of privatization, but even under public forms of ownership more and more activities are subject to market forces and commercial ventures. Again, this liberalization and privatization process, which impacts on a range of industries from the utilities through to social services and which is increasingly obligatory under EU competition law, promotes a mimicking tendency towards 'social policy dumping' by nation states.

The foundations of the First Great Transformation were distinguished by extensive non-market social protection and welfare; employment regulation inclusive of robust and encompassing institutions of collective bargaining; and a clear 'model employer' obligation on the part of the interventionist state. Today, there is something of a scramble to the bottom, with each of the pillars dismantled even before the financial crisis on the grounds of national competitiveness (Bohle, 2011).

An important indicator of this social disintegration is the generic rise of the 'precariat' (Standing 2011) which clearly signals an increasingly transactional employment relationship governed by short-term, market based contracting (Siefert and Tangian, 2008; Kallenberg, 2009). At the same time, the beleaguered 'core' workforce' has been subject to intensive marketization with increasingly variable wages, hours of work dictated by employer needs, and traditional benefits such as occupational pensions ever more restricted.

Hence, the state has played a continuously active role in the transformation process. This occurred in three main ways: through the changing nature of its regulation of markets; the 'restructuring' of its own functions and services; and perhaps most fundamentally by the embrace of neo-liberal ideologies which legitimized the self-serving demands of employers as well as the reinvention of the purpose and obligations of the state itself (Levy, 2006; Le

Gales, 2012). In a somewhat contradictory process, this deference to markets may coincide with tendencies towards a more centralized and authoritarian state (Faucher-King and Le Gales, 2010). The state may be smaller but it is also authorized to act decisively on the demands of capital – hence the socialization of private debt in the immediate aftermath of the financial crisis.

The subjugation of the state to the market was an essentially voluntary process structured by the asymmetric process of economic but not political integration in the EU. In particular, the risk of capital flight meant that national governments were constrained by the whims of financial markets and the strategies and demands of large companies, and the unstated reality was of a growing inability to govern society at the national level (Streeck, 2011). Yet there was no real countervailing power established at the supranational level, and not just because of the jealousies of national elites concerned to protect their own power, nor the parochialism or (if preferred) the democratic instincts of national electorates. It was in part a consequence of economic integration itself, which unleashed forces that compounded the complexity of governance at the same time as empowering international capital. Hence ‘the strange non-death of neo-liberalism’ in the aftermath of the international crisis that it created (Crouch, 2011).

Furthermore, the re-commodification of labour is driven not just by market forces but purposively by the national and supra-national state in its efforts to make social protection a productive factor, and therefore a commodity in itself. This idea gained popularity at European level in the 1990s as a way of defending social spending by giving it market appeal. But it has done less to arrest the trend to commodification than to actually subvert the idea of social policy with a competitiveness agenda geared towards lower labour costs and labour market ‘flexibility’. The revitalization of market values under the project of European regional economic integration thus hollows the social dimensions of Europe.

## **Europe and its failures**

This dual process of integration and dis-integration in EU employment regulation represents ‘something of an enigma’ for social and political scientists (Hyman, 2010: 57). Perhaps at the heart of the tension is the self-constraining principal of ‘subsidiarity’ which arose as a means to cope with increased diversity and complexity by granting primacy to local levels in the regulation of employment and social policy. However this failed to stem the effects of social dumping in Western Europe and nor did it promote progressive social partnership in the newer member states (Scharpf, 1999). From a skeptical position this is unsurprising as the guiding logic of the EU project is economic rather than social integration - subsidiarity merely absolves the supranational state (all the more conveniently in the name of democracy) from protective measures at the same time as downward pressures are brought to bear on national labour market and employment systems. In any case, the role of the state (and its re-invention under neo-liberalism) has been fundamental to the ‘restructuring’ of markets and social regimes (Le Gales, 2012; Levy, 2006; Faucher-King and Le Gales, 2010). Again, this was visibly brought home in the wake of the financial crisis of 2007/2008, when states that were supposedly ‘weak’ in the face of global capital were suddenly expected to bail out the financial sector and socialize its private debt.

A more fundamental concern is that economic integration almost inevitably weakens social integration in conditions of heterogeneity and weak oversight. In this sense there is a contradiction between the ‘broadening’ and ‘deepening’ of the EU (Hyman, 2010). Initially it was assumed – probably too quickly - that economic integration would bring social progress. However, what we observe is that European integration involves a contradictory mix of (concentrated) market liberalisation and (diluted) social regulation, with a focus on the reduction and re-adjustment of wages and unit labour costs (EC, 2011; Schulten, 2012; see also Pulignano and Keune and Vandaele in this volume). Notwithstanding the significance of a number of European Directives, and experimental forms of governance such as inter-professional and sectoral social dialogue as well as the Open Method of Coordination (OMC), the overall result is a rather limited space for the social versus the economic dimension of European integration. Hence the common pressures for labour market

flexibility and cuts to social benefits and wages in response to the crisis. The result is a threatened reversal of the earlier approach to work and welfare based on security and social rights, including for those outside the labour force on grounds such as age, disability, unemployment or parental status.

An important part of the transformation of employment relations under the EU involves the transfer of risk to workers and potential workers (Crouch, 2007). Just as policy goals such as employment gave way to employability, and job security to flexicurity, so have firms used layoffs, cuts in pay or working hours, reductions in pension rights and other benefits to handle the uncertainty created by the crisis. This came after a process of European integration which 'normalised' lower pay in Europe (Dufresne, 2012; Schulten, 2011) and viewed collective bargaining institutions as obstacles to competitiveness and economic recovery (Erne, 2011). The function of employment law has also shifted. The now familiar mantra of flexibility originated in a context where employment protection was robust in shielding workers from insecurity. Under the Second Great Transformation the objective is now one of fitting workers to the market needs and maximising labour force participation (Davis and Freedland, 2007). Even legislation that seems to be about giving workers new rights (such as anti-discrimination on the basis of age or sex) is concerned with increasing the supply of labour. As Crouch (2011: 5) puts it, 'if earlier labour law was concerned with human rights, today's law is concerned with human resources'.

Though it is hard to predict the future direction of employment relations within Europe it is likely that the ambiguity and contradictions at the heart of the process of integration makes its social model vulnerable to further erosion in the medium to long term (Jepsen and Pascual, 2006). At the organizational level, rapidly changing technologies, as well as the sectoral shifts away from manufacturing and the public sector, continue to have major implications for the management of the people (Wilkinson and Townsend, 2011). The workforce and its working patterns have been transformed in recent decades such that the classic image of a principally male, full-time, and permanent employee no longer generally applies. On the other hand, it can also be argued that people too are changing in their preferences for types of work, their involvement in unions and politics, and what they seek from their work and non-work experiences.

Despite all the change in the structure and content of work one thing seems to remain constant. This is the requirement for the great majority of the population to carry on working perhaps longer and harder than before. A considerable amount of policy activity in recent years has already started to direct growing attention to the way how to handle with these 'unexpected' consequences of change. Societal challenges such as demographic change, globalization and internationalization, de-collectivism, and new technologies will mean that future research and policies will need to focus more on working conditions and how best to realize social benefits in companies, industries and countries. According to Scwab (2012: 13), 'Today the European Union is in the throes of an existential crisis threatening its very survival'. This is because the political and social Europe envisioned by Spinelli, Monnet and Délor has been eclipsed in a one-sided process that truly represents 'the last great world-historical achievement of the bourgeoisie' (Anderson, 2009: 78). It is to be hoped that the eventual outcome of these profoundly testing times will be the revitalization of the substance as well as institutions of social partnership that represent one of the greatest achievements of postwar social democracy and a cornerstone of the EU itself.

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