Negotiating Flexicurity: An Obsolete Concept for the European Employment Strategy and National Debates?

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This paper deals with the process of institutionalization of the notion of flexicurity and its implementation in France’s employment policy.

Among the many recent EU initiatives in this field, the promotion of the common principles of flexicurity is ripe for analysis because of the scope of its application (labour law, employment policy, and welfare systems). Usually examined for its possible importation into systems that are already highly structured and differentiated at the national level (Boyer, 2006 and 2007; Barbier, 2007), it is less common to review its implementation by member states.

Firstly, the origins of the flexicurity concept will be brought to light by presenting a brief history of flexicurity’s political construction at the European level. In the second part, this presentation will deal with the way flexicurity has been gradually incorporated in the French national contexts. In this part, I will focus on three elements. In the first place, the use of the flexicurity notion by political and administrative stakeholders will be analysed. Then, I will focus on the concept’s implementation in debates between social partners. Finally, I will analyse the influence of flexicurity on a programmatic and discursive level by examining the national reform programs presented to the European authorities by France. These documents will enable us to understand the way both countries present their effort to incorporate the European recommendations on flexicurity into their national policies.
1. Flexicurity: the rise of an oxymoron

1.1 From the Netherlands to Brussels: the complex journey of a simple notion

Before being used as a political strategy by the OECD and the EU, concept of flexicurity was developed in specific national contexts. We will briefly take a look at the changes that made flexicurity go from a descriptive idea to a prescriptive oxymoron supporting the spread of the European employment strategy.

1.1.1 National frameworks

By the 1980s, the Netherlands, like many other European countries, had developed welfare system reforms aimed at strengthening active policies and reducing expenditure on passive policies (Wilthagen, 1998, 2004). Under the liberal-socialist coalition government lead by Wim Kok (a social democrat and former trade union leader) since 1994, arguments around welfare integrating both flexibility and security emerged. In his memorandum entitled “Flexibiliteit en Zekerheid”, the Minister of Employment, Ad Melkert (PvdA), put forward the following suggestions: reducing protection against dismissal for “standard” contracts (shorter trial runs, shorter notice delays, and possible extension of temporary work contracts) and abolishing the permit system for temporary work agencies. As the governmental coalition did not agree to these suggestions, the Stichting van de arbeid – a joint consultative body incorporating social partners - was approached. They agreed and formulated, in a memorandum on flexibility and security published in April 2006, a set of recommendations introduced by the government in two legislative bills. The Flexibiliteit en Zekerheid Wet and the law on temporary work (Wet Allocatie Arbeidskrachten door Intermediate) were simultaneously adopted in December 1997.

Hans Adriaan, a sociologist and member of the Wetenschappelijke Raad voor het Regeringsbeleid, has described this approach as flexicurity. He defines it as a shift from job security towards employment security, and argues in favour of a more flexible welfare system relying more on activation.

Although this process was mainly fortuitous, the final balance was the result of compromises, and was developed in a specific institutional context where the participation of social partners was fundamental. In fact, an agreement on flexicurity would not have been possible without relative openness to this notion from the main trade union: the FNV (Federatie Nederlandse Vakbeweging).

The flexicurity idea was then used by different researchers who worked at defining the concept and at using it as a tool to analyse public policies (Wilthagen, 1998 and 2002; Muffels, Wilthagen, Tros, and Van Lieshout, 2003).
However, ongoing European discourse about flexicurity refers more to the Danish experience. In 1999 a Danish Ministry of Labour report sketched out the balance between flexibility and security (Barbier, 2006). Three components of the Danish model are distinguished in the familiar “golden triangle”: the first is an important flexibility in the employment legislation, facilitating firing and hiring, which is balanced by the second, a high unemployment benefit, particularly for low salaries. The third component is active employment policies, which underwent several reforms between 1994 and 1999.

Madsen (2002) refined the model. He brought to light the importance of Danish workers’ mobility, given the high number of job creations and destructions. This mobility can be noted in two indicators: first, the Danish workforce rotation rate never dipped below 25% in 2002; moreover, average seniority in a Danish job is a little over 8 years, while it is over 10 years in continental countries such as France, Belgium and Germany.

This strong mobility is attributed to a legislation which is not very protective in terms of employment, employment protection being much lower in Denmark than in Scandinavian or European Continental countries.1 But in practice, work relations are managed by social consultation and strong union organizations.

1.1.2 Promotion by international organisations

The flexicurity notion was first used in a politico-administrative context and further developed by researchers. It was then used by the OECD and the European Union to support their political goals.

The 2004 edition of the report Perspectives pour l’emploi by the OECD addressed the question of the relationship between employment legislation and economic efficiency. It introduced the golden triangle, and Denmark was presented as model of flexicurity. This report and its data (particularly the indicator on employment legislation’s rigidity) would often be quoted by the Commission.

However, it was not until 2005–2006 that the flexicurity notion became more popular thanks to the European Commission’s campaign. Indeed, public officials from the General Direction of Employment decided to use the flexicurity concept to bring back debates on employment policies in Europe while the European employment strategy was running out of steam (Mailand, 2010).

The Commission used T. Wilthagen’s work but, in the first place, highlighted the Danish model before presenting the experiences with flexicurity in Austria and the Netherlands. The 2006 joint report on employment insisted for the first time on flexicurity strategies. Notably, it

1 Redundancy notice depends on the job’s length and is limited: it can be from one to six months for white-collar workers and is even shorter for manual workers (who can be fired without notice if they have been working less than 9 months in their job). Only employees with at least 12 years of seniority may claim notice indemnity.

2 Barbier (2007) talks about “gender biased flexicurity”.

3 The Green Paper quoting “Time to move up a Gear” The European Commission’s 2006 Annual Progress Report on Growth and Jobs, p. 6

4 Mouvement des entreprises de France : French Movement of Businesses
contains four components of flexicurity (contractual clauses, life-long learning, labour-market active policies, and social security’s system).

Such a general presentation of the components of flexicurity enabled almost all states to share existing experiences of flexicurity during the first discussions at the employment committee (EMCO) in 2006. Moreover, the models which have been mentioned before (Denmark and the Netherlands) were characterized by very different approaches: a “systemic and universal” one in Denmark and one which focused on the most precarious forms of employment (particularly based on gender issues) in the Netherlands.² For those promoting the Commission’s approach, flexicurity therefore had to be redefined in order to become a real tool for reform.

1.2 A soft consensus on a ambiguous concept

Thus, the flexicurity concept was relatively vague. This vagueness was one of the reasons of its success. Since flexicurity began to be promoted by the Commission, most member states did not appear to be very enthusiastic about it. Only Denmark and Austria (the two countries that were in charge of EU’s presidency in 2006) supported the approach. Other stakeholders or countries were either sceptical, or hostile. The United Kingdom feared that flexicurity would slow down the labour market’s flexibility. Moreover, employers (UNICE) thought it could increase costs. Other stakeholders were not against it but were still not convinced. Indeed, they feared that flexicurity would be “the sugar coating on a bitter liberalization pill” (Mailand, 2010: 242).

However, the vagueness of the approach and the promise of a “win-win” balance enabled most stakeholders to support the notion while still being critical and developing their own conception of flexicurity.

Those in favour of flexicurity – especially the Commission – managed to progressively convince stakeholders of the deliberative and balanced aspect of the concept. The four components of flexicurity suggested by the Commission (work flexibility, life-long learning, modern welfare systems and efficient active employment policies) made it possible for many different sensibilities to be compromise.

Consequently, in 2006, European social partners were welcoming to the flexicurity notion. Not only trade unions but also employers’ organisation supported flexicurity, as they considered it to be balanced and promising. However, both insisted on the dimensions that appeared to be the most important to them: career paths’ security and active employment policies according to the ETUC; labour market flexibility according to the UNICE (cf. infra). Social partners were able to express their opinion on the topic during several meetings or conferences (including one tripartite social summit). Moreover, their work program for 2006–

² Barbier (2007) talks about “gender biased flexicurity”.

2008 presented the “balance between flexibility and security” (ETUC, UNICE, UEAPME, CEEP, 2006) as one of their priorities.

Three arguments may explain this initial success. First of all, the two countries established as models in terms of flexicurity had seen their unemployment rates decrease and their employment rates significantly raised during the second half of the 90s. Flexicurity policies were presented as the reason for this success – idea that could be questioned (Keune and Jepsen, 2007). Secondly, the flexicurity model was presented by the OECD as an alternative to an orthodox liberal approach to labour markets: “The Danish model of flexicurity thus points to a third way between the flexibility often attributed to deregulated Anglo-Saxon countries and strict job protection characterizing southern European countries” (OECD, 2004, 97). Finally, as long as the notion of flexicurity did not mean a univocal concept in terms of political outputs and let member states free to organise its implementation, a consensus was able to emerge between and among states. It was made possible by the weakness of the concept’s programmatic consistency and the elaboration of general principles.

Thanks to this consensus, the Commission would develop its vision, in particular through the report Employment in Europe (European Commission, 2006b). However, to legitimate its future initiatives, the Commission would also seek the support of social partners and the European Parliament.

1.3 Consensus reconsideration’s stages

Several works have been produced to define the flexicurity concept: a Green Paper on labour law, a report on flexicurity developed by a group of European experts, and a paper from the European Commission aiming at establishing “common principles” of flexicurity for member states. These works, aiming at refining the flexicurity concept, contributed to the rapid emergence of opposition towards flexicurity and its application.

1.3.1 The Green Paper on modernising labour law

In November 2006, the European Commission published a Green Paper entitled “Modernising labour law to meet the challenges of the 21st century” (EC, 2006a). Its objective was to launch a public debate on “how labour law can evolve to support the Lisbon Strategy's objective” (3). The goal of the European Commission’s approach is clearly presented: it aims at adapting labour legislation to business’ expectations: “increasing the responsiveness of European labour markets is crucial to promoting economic activity and high productivity”\(^3\). These changes would be made by facing the challenge of combining greater flexibility with “the need to maximize security for all” (3).

\(^3\) The Green Paper quoting “Time to move up a Gear” The European Commission’s 2006 Annual Progress Report on Growth and Jobs, p. 6
The production of this Green Paper was at the heart of a debate with social partners. Reacting to a preliminary version of the paper, UNICE rejected the idea of a European harmonisation of social legislation and managed to put back its publication and amendment. It caused a virulent reaction from the ETUC.

1.3.2. The European group of experts on flexicurity

In order to refine concrete orientations on flexicurity, a group of experts composed by academics, leaders of social partners and members of the Commission members was convened by the General Direction of Employment in September 2006.

Ton Wilthagen was put in charge of the group’s record-keeping. The work produced by the group (2 reports in May and June 2007) was much in line with the sensibilities of the European Commission.

The first report presents an inventory of flexicurity practices in the 27 member states. The second report, entitled “Flexicurity pathways: Turning hurdles into stepping stones”, was presented in June 2007. It recalls the objectives and components of the definition of flexicurity and presents four kinds of pathways according to different types of challenges faced by the member states.

The writing of the report and its reception by the member states (via their EMCO representatives) have been problematic. Firstly, the ETUC representative did not agree with the report’s direction. To deal with this situation, experts coming from social partners were redefined as independent observers, and did not sign the report as representatives for their organisations. Then, the member states did not really agree on the report’s definition of flexicurity pathways, which were considered too prescriptive.

1.3.3 Common principles for flexicurity

In the context of a keen interest in flexicurity, the Commission had managed to convince the Council to ask them to establish common principles at the Spring Summit 2006, in order to help member states implementing integrated strategies of flexicurity.

Without the support of the European Parliament and social partners, the Commission could not have published its communication on common principles of flexicurity. They will acknowledge the common principles’ importance but in a minimal way (cf. infra).

The common principles of flexicurity, as presented by the Commission, synthesised the European debate which was explained earlier in this paper and recalled the four components of flexicurity. In an appendix, the Commission suggested several indicators of flexicurity; one of the main ones being the OECD indicator on the rigidity of employment legislation protection.
The communication also brings up the four pathways which were defined by the group of experts and which created strong reactions from the member states. The Commission did not change the text. However, these pathways were moved to an appendix.

The Council significantly amended the Commission’s recommendations. Social partners and the European Parliament disagreed with the creation of an indicator based on the “rigidity of employment legislation” and contested the Commission’s approach in terms of “insiders-outsiders”. These objections, as well as to EMCO’s debates, clearly influenced the Council. Pathways disappeared from the Council’s resolution, as well as all references to “insiders” and “outsiders”. Finally, the Council’s communication put the emphasis on the importance of social dialogue and, unlike the Commission, advocated for more stable and secure forms of employment for vulnerable workers.

1.4 The survival of a criticized idea

The flexicurity concept was less used between 2009 and 2010. Several factors did indeed disadvantage its implementation in the EU’s strategy. First of all, the concept and its concrete implementation as established by the Commission were widely criticised (cf. supra). Then, in the context of the decrease in employment and increase in unemployment (particularly among workers with low job security, such as temp workers and workers on fixed-term contracts), the emphasis on employment flexibility is difficult to popularise. Finally, the countries which best weathered the crisis were those that developed “insiders’ protection” policies (notably economic unemployment and time credit schemes). Conversely, countries that were presented as “models of flexicurity” – in particular Denmark – had seen their employment rates rapidly increase (Tangian, 2010).

Nevertheless, the Commission still believed that flexicurity represented an efficient answer to European labour markets’ challenges. Thus, after a brief withdrawal, flexicurity remained in the European agenda but to a lesser degree. The report “Employment in Europe” was again used in 2010 to strengthen the concept’s theoretical foundation and the EU 2020 strategy. At the same time, the employment guidelines kept on establishing flexicurity as a central component of the European employment strategy. Thus, the new EU 2020 strategy does not rely on flexicurity in the same way it had previously. It did not really involve questioning its prior direction and it did not learn lessons from the recent crisis (Pochet, 2010). The basis of the European employment strategy and the consensual elements dealing with flexicurity are maintained in the new European goals.

Within the framework of the EU 2020 strategy, the Commission adopted a communication in December 2010. It recommended reinforcing components of flexicurity through, for example, the single contract or the reform of benefits systems (European Commission, 2010b). This suggestion referred to the report Employment in Europe 2010, published almost at the same time.
Therefore, after a small period of uncertainty, flexicurity came back into European debates. It not only rephrased and repeated the old exhortations, but also went along with new initiatives, as much in its content (the suggestion of single contracts) as in its form (stronger coordination between educational and employment strategies).

2. Flexicurity within French institutions

In terms of the institutional framework, the French employment policies still fall within the responsibility of the central state whereas vocational education has been decentralised to regional councils. Historically social partners had been involved in the design employment policies, but this role went through a strong acceleration since the amendment of the 31st January 2007’s law. Bargaining at the intersectoral level has become the norm of producing legislation on employment and vocational education. However, this evolution did not happen to the detriment of the regulating capacity of the state. Negotiations that have preceded the different intersectoral agreements (cf. infra) have been very strongly supervised by the government. It has set the temporal and thematic agenda by threatening the use of legislation rather than cooperation. The government is also responsible for the translation into legislation of the compromises that have been established between social partners. Finally, it must be remembered that this increased role of social partners is set in the context of low levels of unionisation (less than 8% of workers are unionised).

In the following part, this paper will compare the appropriation of the European flexicurity in these two different national contexts. This comparison will be based on three elements: the use of flexicurity in the public space by political and administrative stakeholders; the way it is acknowledged by social partners; and the way the member states present their “progress” in terms of flexicurity to the European Union.

2.1 The words and the thing: the very low visibility of flexicurity in public space

French political stakeholders have a complex relationship with flexicurity. Major leaders (The President of the Republic and its Prime Minister) fervently advocate for this concept. The national employment policy has been reshaped towards a “French flexicurity” by a series of reforms and policies. However, the concept has not reached the political and technical discourse of political stakeholders and social representatives. Within the French public debate, the idea of making professional career paths secure is preferred to flexicurity. Indeed, as in Belgium, it is only very recently that French political stakeholders integrated flexicurity into the national debates on employment policies. As a matter of fact, it was not until 2007 that the concept began to emerge substantially in parliamentary debates, and during the negotiations
between social partners that led to a national intersectoral collective agreement (January 31, 2007) - often cited as the first act of French flexicurity (Guitton, 2009, 149). In France, the adoption of common principles of flexicurity by the EU coincided with a series of significant reforms of the labour market. This process was punctuated by a series of legislative texts and intersectoral agreements dealing with several issues related to flexicurity (employment public service reform, social dialogue, life-long learning, labour market modernisation, the unemployment benefit, and so on). Flexicurity was progressively introduced into public debate through these reforms. Notably, this can explain the French support of the adoption of common principles of flexicurity: “The change of government in France in May 2007 was, according to the interviewees, very important. Compared to the previous French government the Fillon government and its EMCO-representatives gave less conditional support. This change was reflected in a willingness to introduce labour market reforms and challenge the French trade unions, seriously reducing the power of the sceptics” (Mailand, 2010, 246).

2.2 A dialogue at cross purposes between workers and employers’ representatives

In France, the concept of flexicurity is generally absent from the debate between social partners. Instead, they focus on the idea of making secure professional career paths. According to Grimault (2008, 82), the absence of a neo-corporatist tradition, and a system of professional relations - which is not much focused on the research of trade-offs that flexicurity involves - explain its absence from the public debate in France: “French trade unions do not use the term of flexicurity, except in order to distance themselves from the concept” (translated from French). However, arguments about flexicurity between social partners have been going on for a long time in France. These arguments continue the debates on making secure professional career paths that were begun at the end of the 1990s, when the reports of Boissonnat (1995) and Supiot (1999) were published. These reports introduced an important discussion on new ways of making professional career paths secure. Contemporary positions on flexicurity have been structured through discussions about these two reports, within and between employers’ and workers’ organisations. It is notable that positions adopted by different social partners on that measure tend to cover all aspects of flexibility and security promoted by the common conception of flexicurity. It is as if a share of tasks and objectives had been set between trade unions and employers’ organisations, each one being more predominantly in charge of one of these dimensions.

Employers naturally insist on the necessity to soften the labour law in order to facilitate layoffs (external flexibility), and on adjustments of work organisation in firms (internal flexibility). The MEDEF’s position, based on the concept of “separability”, demonstrates this demand. It is acknowledged by the contribution of this instance to the COE (Employment Advisory Council) report on making professional career paths secure (COE, 2007). After

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4 Mouvement des entreprises de France : French Movement of Businesses
condemning the idealisation of the civil service’s status as a desirable norm for all workers, the MEDEF suggests this concept of separability as it follows: “Any work contract’s reform must have as first objective to favour and thus to facilitate employment. To encourage employment, it would be enough to play down the significance of dismissal’s terms. This is the reason why we suggest a very new approach: separability (...) which aims at reaching a breach by mutual consent, which would deal carefully with the moral and financial interest of both sides. Except in case of irregularity of the consent, it would enable avoiding the judge’s control. The amount of the indemnity resulting from such breach could be freely set by both sides” (translated from COE, 2007). The CGPME’s\(^5\) position is set towards the establishment of a series of policies based on existing measures, especially those dealing with posting and career transitions to facilitate the labour market.

Workers’ organisations readily stigmatise the risks of a more flexible labour market by putting the emphasis on the need to secure career transitions. Each trade union insists more particularly on one of the aspects of the process of securing, presented by Wilthagen (2004): Employability’s stability (posting, life-long learning actions, validation of acquired experience, internships, and so on); job security (from the interdiction on firing, to the implementation of integrated approaches of human resources management, aiming at developing the enterprise’s workforce, and at avoiding dismissals by supporting the activity through upgrading the level of qualifications); wage security, which consists of maintaining the standards of living of workers in career transition, expecting thereby to facilitate a fast return to employment (unemployment and sickness assurance systems, alternative sources of income, social care, minimum wages, and so on); and conciliation security (training leave, parental leave, anticipated retirement, professional life/familial life/personal development balance).

Thus the CGT\(^6\) claims an “occupational social security”. It also insists on the implementation of new rights in the framework of a new work status, and on an increase of collective guarantees from social contributions (job security). The CFDT\(^7\) instead insists on making transitions secure, which foregrounds the importance of making both enterprises and individuals more responsible. The CFTC\(^8\) puts the emphasis on the security of options, including broad elements, notably dealing with the concept of worker’s status, which “make provision for facilitating a balance between personal, familial and professional life” (translated from Grimaud, 2008, 81). The FO\(^9\) puts the accent on the concept of professional risk, and on the necessity of establishing a collective management of these risks. This necessity could rely on the creation of a mutual fund aiming at maintaining a sufficient standard of living during a professional transition (wage security). From the CGC’s\(^10\) point of view, “making professional and statutory mobility secure” is privileged through forward-

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\(^5\) Confédération générale des petites et moyennes entreprises, General Confederation of small and medium enterprises  
\(^6\) Confédération générale du travail, General Confederation of Labour  
\(^7\) Confédération française démocratique du travail, French Democratic Labour Confederation  
\(^8\) Confédération française des travailleurs chrétiens, French Confederation of Christian Workers  
\(^9\) Force ouvrière, Labour Force  
\(^10\) Confédération française de l’encadrement – Confédération générale des cadres, French Confederation of managers
looking management of jobs and skills (Dubois and Kerbouch, 2006). Finally, the UNSA\textsuperscript{11} puts the emphasis on supporting workers’ individual responsibility, thanks to the rise of a right to change profession, and to the implementation of wide portability of social rights.

This “share” of the different aspects of flexicurity is not the result of a discussion about the concept and its trade-offs. It happened through the social debate launched by the Boissonnat and Supiot’s reports. It randomly meets the concept of flexicurity in a large agenda of social dialogue, but does not facilitate the negotiation. Indeed, with each organisation trying to promote a singular position (using its main argument) within a very wide agenda, it is not easy to find a common point of view. Moreover, it might weaken the consensus among trade unions if measures are introduced that satisfy some at the expense of other partners.

2.3 To give a good impression to the Commission? A situation analysis of national reform programs

In this last part, we will put into perspective the national reform programs (NRP) and their annual progress reports, which represent the way states demonstrate the good implementation of the employment policy’s guidelines. It is obvious that this document does not necessarily reflect the real evolution of national policies, at least not completely. It is a quite formal exercise, but one which is interesting to analyse, as it shows the way member states present their effort to fit in European recommendations, and the way they present their public policies.

In France, two NPR followed each other between 2005 and 2010 (2005–2008 and 2008–2010). They enable us to understand political positions as well as the employment and training policy objectives as presented by French public authorities to European ones.

The 2005–2008 NPR revealed a focus on activation, which was clearly set in the introduction of the second part of the NPR regarding employment: “the main direction which has been set consists of putting activity back in social policy’s core” (translated from NRP, 25). Return to employment appeared to be the guideline for employment policies and relied on a series of measures (bringing together placement bodies and those in charge of the benefit system, greater emphasis on responsibilities of people who have lost their job through a system of graduated sanctions, activation of replacement incomes). The idea of finding a balance between flexibility and security was raised, but in a limited way. The first suggestion of measures to improve the labour market brought it to light in a part entitled “Increasing the labour market’s flexibility, looking after professional paths’ security”. This part of the NPR acknowledges a segmented labour market (only regarding the difficult switch from a fixed-

\textsuperscript{11} Union national des syndicats autonomes, National Union of Independant Trade Unions
The 2006 and 2007 annual reports show a progressive acclimatisation towards flexicurity, even if the concept was still not being used in the technical-administrative literature. The 2006 report analysed the implementation of the new employment contract, and of two new plans to secure professional transitions: convention de reclassement personnalisée (CRP) - personalised redeployment agreement - and contrat de transition professionnelle (CTP) - professional transition contract. Published 5 months after a new President’s election, and the setting of a new government, the 2007 annual report represents a kind of transition towards the new NRP. It begins with a preliminary chapter stating a renewed interest for social dialogue as a tool of production and implementation of labour market reforms. The professional transition contract is presented as characterising a new approach where “reinforcing workers’ security through the contract is the counterpart of relaxing labour law” (translated from 54). In a more general way, it is declared that: “Increasing enterprises’ flexibility and workers’ security is an objective that must be put in first place within the works launched on September 7, 2007, for a negotiation which is supposed to end up with a reform before the end of 2007”.

The new executive’s arrival in the spring of 2007 created a faster labour market reform and a development of flexicurity in the governmental strategy. Not only would French public authorities specifically refer to flexicurity and its four pillars, but they would even suggest “a French approach to flexicurity” which is “based on the concept of career paths, and on measures designed to secure such career paths”. They also declared that “based on the roadmap laid down by the French President, a general national intersectoral flexicurity agreement was signed on 11 January 2008 and transposed in the Labour Market Modernisation Act” (NPR 2008-2010, 41). Since 2007, the labour market reform process has indeed accelerated in France. Gaining the assent of the social partners before the legislative process allowed an increase in the number of intersectoral national agreements. From January 2008 to July 2009, 5 intersectoral national agreements were signed and developed into legislative texts. Even presented as measures in line with the construction of a French flexicurity, that word still remains absent from these texts: it appears to be too sensitive a term to use in a discussion between social partners, standing on their different positions towards that concept.

12 Unlike its counterpart for young people (contrat première embauche, first employment contract) which has been given up because of historical demonstrations, the new employment contract will come into force by the 2005-893 ordinance on August 2, 2005. It enables employers to easily terminate the contract within the first two years of employment. Overturned by the court notably because it was contrary to convention 158 of the International Labour Organisation, the contract was finally repealed by article n°9 of the 2008-596 law on June 25, 2008; and already signed contracts became permanent contracts.

13 Intersectoral national agreement on January 11, 2008 on labour market’s modernisation, intersectoral national agreement on November 14, 2008 on forward-looking management of jobs an skills, intersectoral national agreement on December 23 on unemployment benefit, intersectoral national agreement on January 7, 2009 on the development of life-long professional training, making more professional and more secure career paths, and intersectoral national agreement on July 8, 2009 on social management of economical crisis’ consequences on employment.
Conclusion

This analysis of the French experience regarding the implementation of the European concept of flexicurity brings some elements to light; elements which obviously need to be consolidated, particularly thanks to an analysis of the effective implementation of these national directions.

We can first of all notice some striking points. The ongoing labour market reforms are put forward to the Commission as the progress of flexicurity in the NPR. But on the other hand, they rarely use the European strategy and that reference to flexicurity as a tool to legitimate reforms. Social partners’ positions are still clear-cut. Employers have strongly defended labour and work flexibilisation whereas workers’ representatives have put the emphasis – also unsurprisingly - on security. If employers’ positions are relatively similar, trade unions’ positions are, on the other hand, more variable. They put forward different ideas of security, notably through the concept of securing professional career paths and its variants.

Generally, measures surrounding the concept of flexicurity – the need to simultaneously raise flexibility and security to maintain firms’ economic competitiveness and social cohesion – have a relative consensus among political, administrative and social stakeholders. But the weak use of the concept in public debates - where flexicurity has not become of paramount interest so far - has to be highlighted.

The European method (OMC and benchmarking of member states’ policies) mainly seems to result in the ‘good student syndrome’, as demonstrated by the NPR. However, the Commission does not really get into that game. It is not enough to present disparate measures. France has been regularly criticised for its too weak integration of all different aspects of flexicurity in its NPR. A real flexicurity strategy is therefore expected by the EU.

However, such strategy may not arise anytime soon: first of all because the European policy on flexicurity is not strongly managed by the Commission, and then because national issues still remain the priority. Yet, national debates are complex in both countries and it appears that not only does flexicurity not facilitate a consensus, but the concept is still perceived in terms of trade-offs: flexibility and security are not seen as being complementary but contradictory.

As at the European level, flexicurity is only used in some areas or by some stakeholders. But even though it did not become the basis of a consensus, flexicurity is nowadays more a discursive tool, used for private interests. Finally, in national frameworks, flexicurity should rather be analysed in terms of use, than in terms of impact. Although its strong influence regarding representations and semantics is acknowledged, flexicurity only becomes practical through actors’ games and power relations.
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