TOWARDS GREATER FLEXIBILITY AND MORE JOBS? – COMPARISON OF RECENT CHANGES IN LABOUR MARKET REGULATION IN THE VISEGRAD COUNTRIES[#]

VÄČŠIA FLEXIBILITA A VIAC PRACOVNÝCH MIEST? – POROVNANIE AKTUÁLNYCH ZMIEN V REGULÁCII TRHU PRÁCE V KRAJINÁCH VIŠEHRADSKEJ ŠTVORKY

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Abstract

The presented article deals with the recent changes in labour market regulation in the Visegrad countries. It compares the policies of V4 countries across the four components of flexicurity with other European country groups that are clustered on the basis of their common characteristics concerning flexicurity. We can find out that the Visegrád countries are lagging behind in almost all components of flexicurity. Therefore the country-specific recommendations issued by the European Commission to guide each country in adjusting its labour market shall be implemented as quickly as possible. Nevertheless, the evidence shows that all Visegrad countries have only partially implemented these recommendations, and have not concentrated on all aspects of flexicurity policies.
Keywords: flexicurity, labour market policies, country-specific recommendation, Visegrad countries. JEL Classification: J30, J50

Abstrakt

Prezentovaný článok sa zaoberá nedávnymi zmenami v regulácii trhu práce vo višehradských krajinách. Porovnáva politiky krajín V4 v rámci štyroch zložiek flexikurity s ostatnými skupinami európskych krajín, ktoré vznikli zoskupením na základe ich spoločných charakteristík týkajúcich sa flexiistoty. Môžeme konštatovať, že višehradské krajiny zaostávajú takmer vo všetkých zložkách flexiistoty. Preto odporúčania pre jednotlivé krajiny vydané Európskou Komisiou v oblasti nastaveniach ich trhov práce musia byť implementované tak rýchlo, ako je to možné. Ukazuje sa, že doteraz implementovali višehradské krajiny európske odporúčania iba čiastočne, a nesústredili sa na všetky aspekty politík flexiistoty.
Kľúčové slová: flexiistota, politiky trhu práce, odporúčania pre jednotlivé krajiny, krajiny Višehradskej štvorky

INTRODUCTION

The paper deals with the question whether the recent changes in the labour market policies of the Visegrad countries have been in line with the country-specific recommendations of the EU

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concerning labour market, social and education policies. Based on the assumption that the main objective of these recommendations is to modernize labour markets and contribute to achieve the 75% employment target set by the Europe 2020 Strategy, Member States should implement these reforms without delay. Obviously, some of the recommendations have not, or have only partially, been implemented for various reasons. Integrated flexicurity policies play a key role in achieving the target set. A comparison between the European countries shows that the Visegrad countries do not perform well with regard to flexicurity policies. Therefore it is of high importance to analyse what flexicurity-related recommendations have been issued for the V4 countries and how well they tried to adapt to these requirements.

The aim of this article is to assess whether the V4 countries have implemented the reforms specified in these recommendations in order to achieve a higher level of flexicurity. By checking the recent amendments in labour market policies, we can find out whether the Visegrad countries managed to get closer to the target in recent years or completely ignored the recommendation or concentrated primarily on one aspect of flexicurity, i.e. flexibility for enterprises or security for workers.

1THE CONCEPT OF FLEXICURITY

1.1 Components of flexicurity

According to a key Communication from the European Commission, flexicurity is an integrated strategy to simultaneously enhance flexibility and security in the labour market [5]. The rationale for an integrated flexicurity approach is to achieve the objectives of the renewed Lisbon Strategy, namely more and better jobs and modernisation of the European social models [3]. It is a very important aspect of the concept that flexibility and security should complement and not substitute each other. Therefore, flexible work organisations and employment security should be established at the same time. In the coming chapter, we would like to compare the labour market policies of the V4 countries with other European countries. This comparison is structured along the four components of the flexicurity concept that are considered important by both Member States and the European Commission:

1. Flexible and reliable contractual arrangements
2. Comprehensive lifelong learning (LLL) strategies
3. Effective active labour market policies (ALMPs)
4. Modern social security systems [5].

1.2 Flexicurity approaches

The employment regulations and institutions of the EU Member States vary widely, which influences their approach towards the four flexicurity components. Based on the similar characteristics of these components, the European Commission found five different flexicurity approaches within the European Union:

1. the Anglo-Saxon system (UK, Ireland)
2. the Continental system (Austria, Germany, France, Luxembourg, Belgium)
3. the Nordic system (Denmark, Finland, Sweden, the Netherlands)
4. the Mediterranean system (Portugal, Italy, Greece, Spain, Cyprus, Malta)

5. the Eastern European system (the Baltic states, the Visegrad countries, Slovenia, Romania, Bulgaria).

According to this categorisation, the Eastern European system has low levels of employment security, intermediate-to-high flexibility and intermediate-to-high taxation. The provision of social assistance is also weak in these countries. The countries generally also have a high level of long-term unemployment, which can be even higher among younger age groups. The employment rate among 15-64-year old people is the lowest among all country groups and the situation worsened since the beginning of the crisis [6]. In the next chapter, the differences in labour market policies (categorized according to the four components of flexicurity) between the country groups are highlighted in the time period between 2004 and 2013. The aim is to present a comparison between the country groups in order to identify where the Visegrad country group is lagging behind the other European countries.

2 FLEXICURITY POLICIES IN VISEGRAD COUNTRIES

2.1 Active labour market policies

Active labour market policies are primarily designed to help unemployed people to find opportunities in the labour market. These policies can include trainings, support in job search and good work incentives. The economic crisis has put these policies policies under pressure from both the demand and supply side, as the number of unemployed people has constantly grown and the available financial resources have become less due to austerity measures. Due to this, the overall spending mainly stagnated in most country groups, with the notable exception of the Nordic countries that have increased their spending from an average 1.0% to 1.4% of GDP so cementing their leading position (the visible increase of Anglo-saxon countries is due to a missing data of the United Kingdom). The Visegrad countries are seriously behind in financing such labour market policies and the difference between them and the other country groups does not seem to get smaller. This is particularly alarming because both long-term and youth unemployment has risen since the beginning of the crisis.

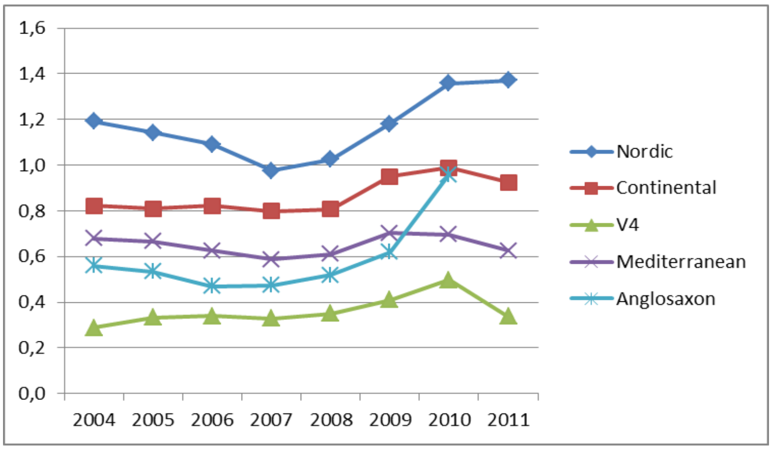

Figure 1 Spending on active labour market policies, 2004-2010 (as % of GDP)
Source: Authors own proceedings according to OECD indicators

2.2 Modern social security systems

In order to compare unemployment benefit systems, OECD uses the net replacement indicator. This indicator gives the relation between income during employment and income during period of unemployment. We can count this indicator as a ratio which means that the closer the values are the less difference between wage and unemployment benefit is. Net replacement is after-tax ratio of wage and unemployment benefits [17]. Figure 2 illustrates the overall average replacement rate of a household qualifying for cash housing, assistance and social assistance "top ups" over 60 months of unemployment in percent of the full-time earning levels [15].

The Mediterranean and Visegrad countries provide much less benefits than the other (Western and Northern European) country groups which means that unemployed people generally get in a much more difficult financial situation in these countries. The low level of replacement rate combined with the missing active employment policies brings a much higher level of uncertainty to the unemployed people in the Mediterranean and Visegrad countries than in the other country groups. As can be seen, the already low level of unemployment benefits in these country groups fell further in the last decade, in order to comply with the requirements of a flexible labour market, Hungary and Portugal significantly lowered their rates (the majority of decline can be attributed to these two countries in their respective groups). It shall be mentioned that the net replacement rate of Anglo-Saxon countries seems as high as the Nordic countries only because of the still very high net replacement rate of Ireland (Sweden has significantly reduced its rate among these countries), while among the Mediterranean countries, Italy and Greece have the lowest rates from all the countries (even before the labour market restructuring due to the crisis) but Spain and Portugal still have relatively generous benefit levels (this is the most diverse group in this flexicurity category).

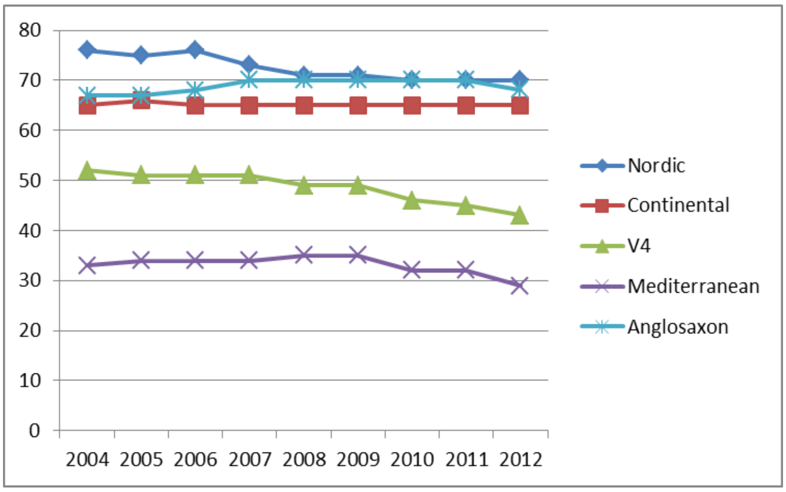

Figure 2 Net replacement rates over a 5-year period following unemployment, 2004-2012 (in %)

Source: Authors own proceedings according to OECD indicators

2.3 Lifelong learning

Continuous training is required in today's labour market in order to keep pace with the constant technological and economic progress. Education and training programmes on the firm level and government incentives are significant components in maintaining job security. The economic crisis has had an overall negative impact on the participation rate of persons between 25 – 64 in training and education; this can be attributed to the fact that the Nordic countries have realized that education plays a substantial role in fighting against the effect of the economic crisis and raised their already high participation rate from 21% to 25%. At the same time, a rather significant drop can be seen in the participation rate of Anglo-Saxon countries (primarily in the United Kingdom), while the Continental countries have slowly closed up, and the already low education participation rates in the Mediterranean and Visegrad countries are stagnating, which can result in high level of long-term unemployment.

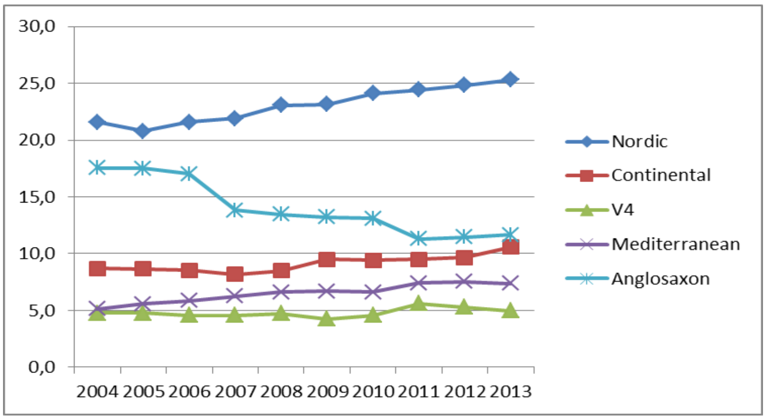

Figure 3 Persons between 25 – 64 receiving education or training in the past four weeks, 2004-2012 (as % of the population)

Source: Authors own proceedings according to Eurostat – European Labour Force Survey

2.4 Flexible and reliable contractual agreements

The OECD indicator of employment protection is an indicator compiled of 21 items covering three different aspects of employment protection regulations as they were in force on January 1st of each year. The indicator can be used to measure the flexibility of contractual agreements as it includes, among others, several regulatory factors of contracts [13]. The scale of the indicator ranges from 0 (least restrictions) to 6 (most restrictions). The Anglo-Saxon country group has traditionally the most flexible regulatory framework, while the average rate of the other country groups is quite similar in 2013 after a significant decrease in the level of strictness of the Mediterranean countries, which can be mainly attributed to the enormous Portugal efforts of labour market reforms in the wake of the EU-IMF financial assistance programme in 2011 [4]. The slight decrease in the Visegrad country groups is primarily to the reduced level of employment protection in Hungary, which was brought by the completely rewritten Labour Code, effective from 2013.

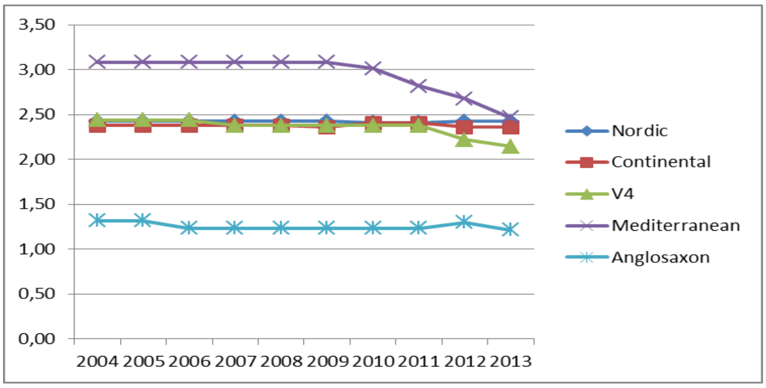

Figure 4 Strictness of employment protection, total, for permanent and non-permanent employees

Source: Authors own proceedings according to OECD indicators

3 RECOMMENDATIONS AND CHANGES CONCERNING LABOUR MARKET POLICIES IN THE VISEGRAD COUNTRIES

3.1 Country-specific recommendations in employment policies

As we could see in the above graphs, the Visegrad countries are the last or almost the last among the European country groups regarding the funding rate of their active labour market policies, the participation rate of their older generations in lifelong learning and net replacement rates. The strictness levels of employment protection tend to converge among four country groups (the Anglo-Saxon countries have a much more flexible labour market regulation) and a slight shift towards a more flexible arrangement can be seen in the V4 group on an overall level. The relative flexibility of the labour markets can be seen as a positive sign since, according to the European Commission, "*Economic theory and empirical evidence demonstrate that strict EPL diminishes labour turnover and vice versa.*" [13] Based on the above analysed shortcomings of countries, the European Commission makes country-specific recommendations in several fields, including employment and social policies, labour market participation or wage-setting mechanisms in order to reach the specific targets set in the Europe2020 strategy [1]. Table 1 summarizes most of the country-specific recommendations that are common in the case of V4 countries in the field of labour market regulation.

Table 1. Country-specific labour market recommendations to the V4 countries, 2011-2013

Measure / Country	Tax on Labour			Active Labour Market Policies			Labour Market Participation			Early Retirement and Pension Scheme			Employment Protection Legislation		
Year	2001	2002	2003	2001	2002	2003	2001	2002	2003	2001	2002	2003	2001	2002	2003
CZ		X	X	X	X	X	X	X	X	X	X	X			
HU	X	X	X	X	X	X	X	X	X						
SK	X	X	X	X	X	X		X	X	X	X	X			
PL	X		X	X	X	X	X	X	X	X	X	X		X	X

Source: Council Recommendations for the periods 2011-12, 2012-13 and 2013-14

It can be noted that the recommendations are quite similar for every country and also that there is no visible progress in achieving the goals in some areas specified by the European Commission. Furthermore, new recommendations also appeared – for instance, in the case of Poland (EPL) or the Czech Republic (tax on labour). Recurring recommendations for the Visegrad countries in this time period are the following: shift the tax burden away from labour, enhance participation of disadvantaged labour groups (women – HU, PL, SK or older people – CZ), tackle the problem of increasing youth unemployment, increase retirement age and reduce early retirement schemes (except for Hungary), and adjust employment protection legislation (only for Poland). It is worth noting that there have not been any recommendations regarding the intervention in the wage-setting mechanisms. The number of recommendations slightly decreased in the case of Poland and Slovakia (from 3 to 2), and remained the same in the case of Hungary and the Czech Republic (3) [1].

However, the fact that the number of recommendations has fallen only indicates that individual countries have implemented reforms in a given area (e.g. Hungary in early retirement scheme, wage-setting or EPL) but it does not indicate whether these regulatory reforms have had a negative impact on workers' individual and collective fundamental rights [1]. The next sub-chapter summarizes those changes that have been recently implemented in the Visegrad countries because or in spite of the country-specific recommendations, and tries to draw a brief conclusion on the way the labour market reforms shaped in recent years.

3.2 Changes in labour market policies since 2011

Among the Visegrad countries, *Hungary* has made the most profound changes in recent years by adopting a completely new Labour Code, which came into effect on 1 July 2012. The aim of the government was to make the regulation of working environment flexible in order to convert Hungary into one of the most competitive economies in Europe, and cut the traditional rights of the trade unions to a minimal level [16]. In order to achieve flexibility, there is a comprehensive re-regulation aligning labour law with civil law, allowing individual and collective agreements to make different labour conditions than in the Labour Code, This can lead to less strict minimum working standards. For instance, OECD highlights that the dismissal of workers has become easier: the employee is not obliged to give an opportunity for defense against the objections raised against him or her, while the limit of the grounds for a fair dismissal have become less restrictive (e.g. a worker can be fired due to loss of trust). It is also no longer the obligation of an employer to reinstate an employer in every case of violation of equal treatment [13]. The Labour Code also allows for the dismissal of employees in previously protected situations, such as sick leave. It is also cheaper to terminate employment for employers since the payment is based on basic salary and not on average income [16]. Dismissal is also supported by enhancing the allowed time of trial period from 3 up to 6 months in certain cases [13].

In addition to changing the conditions of employment by more flexible rules on dismissal, more flexible arrangements regarding working time and overtime payment are also introduced. For example, the maximum overtime hours are raised from 200 to 250 (the maximum can be even 300) hours. The change in the working time regime shall be notified before 4 days, instead of 7 day as before. The overtime payment and supplement is also decreased in case of a sudden surge of demand for work [16]. The other type of main amendments in the Labour Code intends to cut the rights of trade unions: union officials have less protection, less rights and duties. They cannot, among others, negotiate better conditions than a minimum standard stipulated by the law at state-owned companies. These regulations aiming at a higher flexibility are complemented by other rules, introducing new flexible forms of employment (such as division of work or employment at more employees) or by a radical decrease in the number of persons eligible for early-retirement schemes [14] or the decrease in the amount and eligible time period of unemployment benefits (compulsory lasting only for 90 days).

In contrast to Hungary, Slovakia rather decreased the flexibility of its labour market relations in the past years. The recently adopted Labour Code entered into force on 1 January 2013. Unlike Hungary, Slovakia increased employment protection for regular and temporary contracts. A recent study by the Deloitte Legal European Network of law firms shows that the terms of dismissal are stricter in Slovakia than in the Western European countries. However, the costs of dismissal are only half of the Western European level in Slovakia and the country is one of the few EU member states (together with the Czech Republic and Poland) where the costs of dismissal can significantly defer in case of a termination for organizational reasons or due to reasons of the employee [2]. The trade unions regained more negotiation and decision-making powers and, for example, shall not any longer prove that they represent at least 30 % of employees. The new law reintroduced the possibility of longer notice periods (up to 3 months) and higher severance payments (to 4 months) in case of lay-off [10]. Even though

Slovakia has the lowest labour turnover in the EU, a Labour Code amendment from 1 January 2014 gave an automatic extension of higher collective agreements to all employers with 20 and more employees in a given sector [11].

Major changes to the pension system were adopted in 2012: the redistribution in the system was increased and rules regulating early retirement became stricter, generous pension schemes for special categories were cut back. Also in 2012, Slovakia adopted important measures reducing the large differences in taxes of different types of employment. The large discrepancies between various employment types were thus reduced. The latest changes may reduce the tax burden on dependent work.

A reform regarding active labour market policies (ALMP) is in force since May 2013, While which aims to increase the provision of personalised services and to improve evaluation of ALMPs. Three ALMP measures supporting internal mobility aims to decrease the very large regional employment disparities in the country: the first gives contributions to commute to work; the second to move to work; and the third compensates operational costs of a sheltered workshop/workplace or transportation of employees. Furthermore, a comprehensive reform is planned in the field of unemployment and social assistance for 2014. [10].

Based on OECD indicators, the regulatory set-up of the labour market in *Poland* is quite competitive: the labour taxes are comparatively low, labour laws provide for a substantial degree of flexibility, and the level of unionization is low and the wage bargaining system is highly decentralised (conducted mostly at the company level [13]. Nevertheless, low employment rates of older workers, women in particular, linked to a relatively low effective retirement age and sector-specific pension systems pose a challenge. In order to solve these problems, the possibilities for early retirement have been significantly reduced and the statutory retirement age between men and women have been gradually increased and equalised.

At the same time, Poland has started to implement a couple of short-term measures to improve the social activity of people over 60 years. In order to increase the participation of women in employment, a programme has been started to increase the number of nurseries, and the paid parental leave has been extended by six months. Poland has taken some minor steps to address the extensive use of temporary employment. The country has the third highest share of involuntary fixed-term employment in the EU, particularly among young people. Therefore, this issue is addressed in the framework of the Youth Employment Initiative and the government takes part in a discussion with social partners on possible changes to labour law as regards fixed-term contracts, permanent contracts and a contract for a probationary period [9].

Similarly to Poland, the OECD indicators indicate that the labour market situation in the *Czech Republic* has proved to be relatively robust, the unemployment rate is well below the EU average and employment rate is also the highest among Visegrad countries; however, the participation of women and disadvantaged labour groups shall be increased. The Czech Republic made limited progress in this regard to increase the availability of affordable and good quality early childhood education and care so as women can re-join the labour market more easily. The performance of public employment services was also improved in 2012 in order to provide better job search assistance for unemployed people [8].

In spite of the country-specific recommendation, the Czech Republic introduced a new early retirement scheme in 2013, which offers the possibility of drawing pensions up to five years before reaching the statutory retirement age (which is also lower than the EU-average, making an early retirement possible before the age of 60). While temporary measures adopted in 2012 increased the progressivity of the labour taxation system and the tax burden on labour, the existing legislation includes a reduction of the total labour burden in 2015. Structural challenges remain in taxation of labour, i.e. there seem to be taxation reasons behind the very low utilisation of part-time work and there are discrepancies in the tax treatment of employees and the self-employed (some progress was made in that regard in 2012) [7].

CONCLUSION

A non-representative survey, conducted among trade union leaders in 16 (mostly state-owned) companies in Hungary, revealed that the new Labour Code has not resulted in (immediate) employment growth although this has been the main rationale of the government for adopting the new policies [12]. However, almost all interviewees reported on the negative effects of the new regulations regarding the reduced bargaining power of trade unions or the more flexible aspects of employment relations, such as new rules on severance pays or dismissals favouring the employer. As seen in Figure 4, the labour market regulation is not less flexible in the Visegrad countries than in the Continental and Nordic countries, and the major recommendations of the European Commission did not concern either too strict employment protection legislation, too rigid wage-bargaining mechanisms or too high coverage of trade unions (Table 1) so the effort of the Hungarian government to introduce the most drastic amendments in these areas is not professionally justified. Based on the indicators and statistics of the OECD, after the introduction of the new Labour Code in 2012, the Hungarian labour market has become more flexible, the strictness of EPL has fallen, the power of trade unions have fallen (and also significant progress has been achieved in lowering the number of people in early retirement) but the main overall problems have not been solved: labour market participation is still relatively low, active labour market policies are weak, and the tax on labour is still too high.

This behaviour is also characteristics for the other Visegrad countries: policy-makers ignore or implement various recommendations according to their political needs. While in *Hungary* the labour market has been made more flexible (even though not requested by the EU in the first place), job security has become weaker and high long-term unemployment problems have not been solved since the government has chosen not to introduce effective ALMPs (except for the controversial “public works” programme), launch new training programmes or Youth Initiative, and reduce the tax burden on labour (the introduction of a flat-rate tax has made the situation of low-wage workers worse hence the new country-specific recommendation for social excusion). *Slovakia* has focused on quite the opposite flexicurity aspect because the new Labour Code regulations have increased job security but higher labour market flexibility is required (the changes in taxation or the introduction of ALMPs in 2014 are steps in the good direction). *Poland* has only partially addressed the challenge of reforming special pension schemes for miners and farmers. These labour groups are politically quite influential in the country and policy-makers are not willing to reduce their job securities in order to achieve higher flexibility and regional mobility in the labour market (and also a sectoral shift away from agriculture towards more productive sectors). The *Czech Republic* has quite favourable unemployment rates even after the crisis but in order to keep this good position, changes are needed in the taxation so as the tax burden on labour is reduced and self-employed people are not put into a disadvantageous situation.

As we can conclude, policy-makers in the Visegrad countries focus on certain recommendation/policies that suit their needs and avoid implementing the politically sensitive recommendations (such as the reduction of special pension schemes in Poland or restructuring of tax system in Hungary). In the medium-term this can result in incomplete, one-sided modernization of their labour markets. In order to avoid this, the countries should start concentrating on comprehensive solutions that increase both flexibility and security.

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