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The condition of European economic democracy: A comparative analysis of individual and collective employment rights

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Abstract

The condition of European economic democracy is generally recognised to be in a fragile state. Recent discussions have centred on pressures to converge towards an Anglo-American model of flexible and deregulated employment relations and systems, consonant with a broader neoliberal economic governance discourse. Existing approaches suggest an uneven experience between countries around a general trend of deterioration. In this article we offer two new contributions to these debates. First, we introduce findings from an Economic Democracy Index (EDI) we have developed. This goes beyond existing indices of employment and industrial democracy to allow us to examine the changing nature of individual employment rights as well as collective bargaining conditions between European countries. Second, we depart from existing studies of European employment relations, which tend to take a comparative national approach, by situating national employment relations and trajectories within a wider set of spatial and social relations. Qualitative analysis of three country cases (Denmark, Portugal, and Slovenia) supplements our EDI analysis. Our evidence suggests the importance of multi-scalar relational and institutional dynamics between social actors at the national scale and those at higher scales such as the European Union in understanding variations in country performance on the EDI.

Keywords

Economic democracy, comparative political economy, labour market restructuring, employment rights, financial crisis

Introduction

There is a consensus that the position of European employees has deteriorated in recent years (Heyes and Lewis, 2014, 2015; Hastings and Heyes, 2018; Hyman, 2019). This is largely attributed to a combination of increased global competition, and the influence

of market-oriented macro-economic and Anglo-American style labour market policies promoted by supranational governance institutions such as the International Monetary Fund (IMF) and the European Union (EU) and followed enthusiastically by most governments across the political spectrum. There is also a sense that policy responses to the financial crisis, and in particular fiscal retrenchment have resulted in further setbacks for workers and trade unions, with important knock-on consequences for living conditions in Europe (Cazes, 2009; Rathgeb, 2018).

Despite the general shift in the balance of power in the labour market, and the move to deregulate and liberalise employment conditions, there is continuing debate about the extent of convergence towards Anglo-American style employment relations and the implications for workers (compare, for example: Amable, 2003; Baccaro and Howell, 2011; Prosser, 2014; Thelen, 2014; López-Andreu, 2019). In particular, debates have focused on the extent to which more socially progressive forms of employment, associated with social democracy, continental European and Nordic varieties of capitalism have persisted alongside the incursion of more deregulated employment and labour market practices since the 1990s (Peck, 2010, 2013; Plehwe et al., 2006).

Given the deregulatory trends identified, including across the EU, there appears to be an erosion in employee rights. Yet, there is also evidence of some counter-tendencies, the most significant of which is the European Pillar of Social Rights (EPSR) (European Commission, 2017; 2018). This attempts to establish the standard for minimum requirements regarding access to social protection, especially for those in more precarious and atypical forms of work, and the self-employed (Schoukens et al., 2018), although it is too early to evaluate the effects of these, many of which are still to be implemented in national jurisdictions.

In the context of these debates, this article makes two novel contributions. First, it draws upon new analysis from our recently constructed Economic Democracy Index (EDI);¹ a novel composite index that attempts to capture levels of democratic engagement and rights across the economy as a whole; hence we refer to economic rather than industrial democracy here. The index is composed of four key dimensions: workplace and individual employment rights; degree of associational economic democracy (which includes collective bargaining and union representation); spatial

distribution of decision-making; and public participation in macro-economic governance. The first two dimensions are particularly apposite to our concerns in this article: the condition of individual and collective employment rights. Whereas there has been much research, both quantitative and qualitative, that has explored the collective dimensions of industrial democracy across Europe (e.g. Baccaro and Howell, 2017; Eurofound, 2016; Sanz de Miguel et al., 2020) the EDI is novel in capturing both individual and collective employment rights in a single index.

Second, while there is a growing recognition in the literature of the importance of ‘external’ (Sanz de Miguel et al., 2020; Marginson et al., 2017; Meardi, 2018) actors, relations and processes in shaping national trajectories of employment relations, research tends still towards comparative analysis of national trends and dynamics. Our approach here is novel in situating national trajectories within a broader multi-scalar employment landscape. Although there have been strong pressures to move European countries towards a more deregulated labour market model, we argue that this trend has been varied and incomplete. The underlying factors accounting for this variation are complex and still not completely understood. They encompass existing national traditions of employment regulation, multi-scalar power relations between national polities and higher institutional scales and actors, historical modes of insertion of national economies into the wider European and global economic spaces, and varied pushback and resistance to neoliberalism from trade unions and other civil society actors both locally and nationally. Given this, we argue for a more multi-scalar, variegated, open and dynamic perspective on employment regulation and economic democracy. We operationalise this multi-scalar perspective by supplementing the findings of our EDI with qualitative case study material from three countries, Denmark, Portugal, and Slovenia.

The remainder of the article is structured as follows. The next section reviews the literature on the general trends within European countries focusing on workplace and individual employment rights, collective bargaining and specifically structural changes in the labour market, particularly in the aftermath of the 2008 financial crisis and ensuing austerity policies. This leads us in the subsequent section to advocate an analytical frame utilising our new Economic Democracy Index (EDI), which explores

how both individual employment rights and collective bargaining and association have changed across EU countries over the period. Having described our mixed methods approach, the fourth section then drills down into three case study countries, Denmark, Portugal, and Slovenia, comparing their relative performance augmented by primary data from key stakeholder interviews. In doing so, we situate the three countries within their differently positioned relations with broader geographical actors and processes at higher scales. In this section, we explore the rankings of each of the countries selected and discuss the institutional underpinnings influencing the EDI. Finally, we conclude with a summary of the findings and some suggestions as to their policy implications for the work environment, extending this with a wider remit of enhancing democratic accountability and governance of the economy within the EU.

The condition of individual and collective employment rights in the European Union

There is general agreement among critical scholars that employment rights and economic democracy more generally have been subject to erosion throughout the EU in the twenty first century (e.g. Greenan et al., 2013; Howell, 2016). This has been exacerbated by austerity policies since the financial crisis (see for example, Hyman, 2019). Although a social dimension was introduced into European economic integration processes following the Maastricht Treaty in 1992, it is broadly recognised that social and employment protections have gradually been diluted across the continent through a combination of increasing globalisation and market-oriented policies (Standing, 2009; Meardi, 2012; Bieler, 2013; Stiglitz, 2016). During the 1990s and 2000s, the EU project did, in principle, espouse a social purpose, notably, involving recognition of trade unions as legitimate social partners, and the provision of basic labour rights and protections. However, and despite the definition of the European Union as a social market economy in the 2009 Lisbon Treaty (see Claasen et al., 2019), the dominance of a neoliberal competitiveness agenda and a programme of labour market deregulation and flexibility have, in practice, favoured employers and made it difficult to protect, let alone improve upon, existing employment standards and conditions (Meardi, 2012).

This period is typified by the view that employment protections and trade unions were potential market frictions and obstacles to growth (Kalleberg, 2009; Baccaro and Howell, 2011; Farnham, 2015). The Single Market agenda undermined many hard-won national collective bargaining rights in favour of corporations being able to operate more freely in their labour practices across an expanded European space, typically by levelling down labour standards and wages (Bieler, 2013; Cumbers et al., 2016). It is important to recognise that this situation was uneven across the EU, with the social dimension being more durable in some Nordic and north-west European countries (with the exception of the UK – see Gumbrell-McCormick, 2011). The Danish flexicurity model, where greater employer flexibility to deploy labour countered by greater economic security for workers, was briefly in vogue as a possible European-wide hybrid between the Anglo-American model and the existing social model (Heyes, 2013; Hastings and Heyes, 2018). The overall trend, however, has been the erosion of permanent and stable work, growing employment precarity, and ongoing decline of collective bargaining and trade union influence (Quinlan et al., 2001; Gumbrell-McCormick, 2011; Schulten and Müller, 2015; Heyes and Lewis, 2015; Prosser, 2016).

There has been an acceleration in these tendencies following the financial crisis where an austerity agenda has flourished and led to an intensification of already deteriorating employment conditions (ILO, 2012; López-Andreu, 2019). In particular, there has been an EU-wide ‘new economic governance’ agenda, that has renewed ‘attacks on collective bargaining, on collective organization, [and] on statutory employment protections’ (Hyman, 2019: 308). National government and political actors have – willingly in some cases, such as Spain, but coercively in others, notably Greece – helped drive a continental-wide set of measures to cut spending, privatise public services, and further deregulate labour markets. Indeed, for some, there has been a ‘deepening of the role of the European Commission and other supranational bodies’ in employment policy, especially for countries that received financial bailouts (Hastings and Heyes, 2018: 459). In some countries, this has also presented opportunities for right-of-centre governments to further attack collective bargaining frameworks, notably the anti-strike legislation in the UK introduced by the 2010-2015 Conservative-Liberal Democrat coalition government.

Against these broad tendencies, commentators continue to emphasise the limits of convergence, the diversity of labour market experiences, and the variety of employment governance arrangements that continue to exist across the EU, and advanced capitalist countries more generally (Hastings and Heyes, 2018; Thelen, 2014). While there is an acceptance of a general trend towards labour market deregulation, and a shift in the balance of power globally between labour and capital, Thelen and others emphasise the continuing diversity of national trajectories as existing institutional configurations, political conditions and social forces compete and realign along particular and often divergent pathways.

In interpreting these trends and their implications for employment relations and a broader agenda for economic democracy, it is important to move beyond the ‘methodological nationalism’ of much of the industrial relations and related literatures. While globalisation and broader processes of capitalist restructuring and supranational regulation (e.g. EU, IMF imposed policies) are widely recognised, these tend to be interpreted as external threats or consequences for nationally rooted actors and institutions. Drawing on labour geography scholarship (e.g. Cumbers, 2015), a multi-scalar and relational framework is particularly useful in this regard for positioning divergent national employment relations pathways within broader social relations, institutions and actors. A key point here, following Doreen Massey’s work in particular, is that local and national actors do have agency in interacting with broader ‘global’ processes as well as being shaped by them, although this agency is itself geographically uneven between places (Massey, 2004).

Changing employment rights through the lens of economic democracy

In developing a deeper understanding of changing individual and collective employment rights trajectories across Europe, we draw on our recently constructed Economic Democracy Index (EDI). This is a composite indicator, compiled from a range of data sources¹ and is novel in developing a broad sense of economic democracy across the economy as a whole, that goes beyond conventional economic democracy

concerns with collective bargaining, trade union rights, employee and cooperative ownership, to also incorporate individual economic rights, dispersal of economic decision-making, and levels of democracy in economic decision-making in macro-economic policy (Table 1). Together, these represent four sub-components or dimensions of our composite index. Particularly pertinent for our argument are the first and second dimensions: (i) workplace and individual employment rights (which includes rights at work for employees plus social benefits around unemployment); and (ii) the degree of associational economic democracy (which includes levels of union representation, collective bargaining rights and status of works councils). In the index, workplace and individual employment rights are differentiated from collective employment rights that are captured in our second component.

Insert Table 1 about here

In constructing the index, we strictly adhered to the OECD/JRC (2008) guidance. Space precludes a forensic account of the statistical process behind this (more detail is provided including decision-making regarding weightings of dimensions in Cabaço, 2017; Cumbers et al., 2021). In Figure 1, the vertical scale ranks economic democracy.

Insert Figure 1 about here

The index consists of data for 32 OECD member countries, with the exception of Mexico and Turkey, where the data is not available for a sufficient time period to allow robust analysis. It includes data from 2000-2014 allowing us to develop a perspective on changing employment relations and economic democracy, both before and after the

financial crisis. For the EU, the index excludes Latvia, Lithuania, Malta, and Cyprus, which are not OECD members.

Figure 2 shows the EDI ranking of OECD members. As with Figure 1, the greater the vertical height, the greater the level of economic democracy. The findings will not surprise those versed in varieties of capitalism arguments (e.g. Amable, 2003) with Nordic (social democratic) countries tending to rank highest, followed by continental European with Mediterranean and Eastern European countries tending towards the bottom. The UK is a modest performer relative to most EU and OECD member states, reflecting the comparatively lower levels of economic democracy in the Anglo-American model.

Insert Figure 2 about here

Figure 3, below is similar to Figure 1 in that it traces the trajectory of the index and its four components over time. This relates solely to the 21 EU members for which there is data. What is clear is that, overall, there has been a marked decline in the EDI since 2009 compared to the earlier 2000-2008 period, suggesting a possible association with the financial crisis, consequent economic downturn, and policy response. Particularly striking has been the drop in the first dimension of the index: workplace and individual employment rights, characterised by a marked downturn between 2013-2014 reflecting the onset of austerity policies, which involve multi-scaled political agency from EU and Troika institutions acting in concert with national governance actors (as we detail further below) and have resulted in cuts to employment protection, and more punitive welfare and unemployment policies in many member states. These trends have been especially pernicious in Eurozone countries compared to those outside the single currency, notably the Nordic countries. The general trend in the second dimension of the index – ‘Associational economic governance’ – has also been downwards although with fluctuations across the period. The other dimensions (‘distribution of economic

decision-making' and 'transparency and participation in macro decision-making') show greater stability across the period.

Insert Figure 3 about here

A multi-scalar analysis of economic democracy across three country cases

To further interrogate these trends across the EU, we selected three cases (Denmark, Portugal, and Slovenia) from different geographical regions that typify different varieties of capitalism (VOC) (social democratic, Mediterranean, Eastern European) drawing upon the recent extension of VOC analyses to include Central and Eastern European (CEE) countries (McMenamin, 2004; Feldmann, 2007; King, 2007; Lane and Myant, 2007; Blanke and Hoffmann, 2008; Jasiiecki, 2018). This reflects a new, promising agenda for the analysis of capitalist diversity, yet one that has so far been underexplored in comparative research.

We seek to demonstrate the diversification of capitalism in the EU, underlining the multi-scalar dynamics in operation between national institutions and actors and those at higher scales in interpreting different pathways in relation to economic democracy. As a starting point, it is important to highlight that each of the three contrasting cases have, to varying degrees, a history of national level social partnership, and in the cases of Portugal and Slovenia a constitutional commitment to economic democracy and workers' rights than some other countries within their geographical region and broader VOC. They therefore represent places in which there is a history of economic democracy in some shape or form.

We intentionally selected small nations (in population terms) so that our interviews would enable us to expedite the process of capturing the nature of employment relations and the overall policy trajectory within each country rather than in larger economies. We conducted a series of interviews, in English with key

informants from each of the selected countries. A total of 34 in-depth interviews were carried out across the three countries (twelve in Portugal and eleven each in Denmark and Slovenia), over a 4-month period (from December 2017 to March 2018). As Table 2 demonstrates, perspectives were sought from a range of different stakeholders, including academic experts, trade union officials, members of parliament and parliamentary staff (across the political spectrum), policy think-tank consultants, representatives from business and cooperatives, and so forth. All interviews were audio recorded and transcribed verbatim. Thematic analysis (Braun and Clarke, 2006) was carried out deductively, allocating extracts of text to each of the EDI's four dimensions to explore patterns in the data, as well as inductively to identify new themes emerging from the research.

Insert Table 2 about here

Figure 4 suggests that while economic democracy generally held up well in each country in the early 2000s, not least because this was a period of relative prosperity and job growth across the continent, there is a marked divergence from the late 2000s onwards. Denmark experienced a small increase in its EDI up to 2009 and a slight decline following the financial crisis, but overall, there is relative stability across the period. By contrast, Slovenia experienced a marked drop in its EDI after 2007 followed by some fluctuations, whereas Portugal, having experienced relative stability up to 2011, shows a decline thereafter. Interrogating the component dimensions of the EDI provides some potential indications for these divergences. For instance, while workplace and individual employment rights declined relatively slowly following the financial crisis in Denmark, there is a more marked decline in the other two countries mainly between 2013 and 2014 (Figure 5). We consider in a little more depth the variations in EDI across the three countries in the following sub-sections. Each sub-section begins with some introductory remarks on the country cases, which are intended

to give a flavour of variegated contexts and experiences both in terms of existing national employment regulation and structures and the way national economies are situated within wider international and global economic relations. It is important to note that the objective here is not to make systematic and structured comparisons between the three country cases, but rather to present their unique configurations and characteristics to encourage reflection on the complexity and diversity of specific country labour market trajectories within wider multi-scalar processes of employment governance and regulation.

Insert Figures 4 and 5 about here

Denmark's continuing traditions of negotiated economy and social partnership

When asked to reflect on the country's high EDI ranking, there was broad agreement among our interview respondents that this is underpinned by its 'negotiated economy' model (Nielsen and Pedersen 1991; Amin and Thomas, 1996). This relates to the institutional co-ordination of the economy between employers' associations and trade unions with some state mediation, allied to an active civil society of diverse interest groups, which has remained largely intact despite the pressures of global policy trends.

Specifically, there appears to be two foundational pillars to Danish economic democracy: a tradition of strong collective decision-making and high levels of individual economic rights. There is also a tradition of cooperatives (a variable in the second dimension of the index), which further enhances an active civil society (see also Cumbers, 2018) (Figure 6). Economic policy and governance tend to emerge following negotiation, deliberation and emergent consensus between social partners. Compared to most advanced economies, and certainly in comparison with Slovenia and Portugal, Denmark continues to have very high levels of union density and strong collective bargaining systems (Figures 6 and 7), although this is voluntarist, unlike the other two

countries where trade union representation and collective bargaining are supported by state regulation and constitutional rights.

Insert Figures 6 and 7 about here

There is generally less state involvement in employment relations than is found in some other northern European countries with, for example, no legal minimum wage and considerable support for the more voluntarist social partnership between trade unions and employers associations expressed in our interviews.

We have no law in Denmark for minimum wages and we don't want it – that's the point. It's better that we control it ourselves instead of the government because it will be the first hole to break down the system of our cultural agreements. (Trade Union Negotiation Secretary)

This is like a social contract between the trade unions and the employers. We want the government to stay away from the wage process; they should not interfere with how the labour market functions. They should help with the security and the education of the unemployed. (Trade Union Chief Economist)

Indeed, recent proposals by the European Commission for a co-ordinated continent-wide minimum wage regime (as a means of tackling income inequalities) have been strongly rejected by politicians, employers' associations and trade unionists in Denmark and other Nordic countries. Whereas such a measure might be greeted favourably in countries with poorly regulated employment relations, weak trade unions and more precarious forms of work, for example in most of Eastern Europe, from a Nordic perspective, it is deemed as a perceived threat to the well-established national collective bargaining system (Boffey, 2020). Furåker (2020: 421) explains the implications of this regarding the traditions of wage-setting in Denmark: 'It might consequently become

acceptable to use the legislated minimum as the reference point rather than the standard set through collective bargaining'. Maintaining the integrity of its national 'model' against further European integration has therefore been seen as an important priority for the different social partners for safeguarding the country's existing (relatively) high wages and conditions (Eldring and Alsos, 2015; Schulten, 2008).

Our interview respondents also highlighted a continuing important role for shop stewards at the local level in the negotiation of employment relations, with options canvassed within a positive climate of workplace negotiations based on wide-ranging consultation. While this is an important element of economic democracy, it also ties in with strong local civil-political democracy in the country. One of the consequences of this widespread and deeper commitment to social dialogue and negotiated settlement is that it binds the different partners into agreement, again, avoiding the worst elements of a 'blame culture' (authors' interviews) found elsewhere.

A second pillar has been a considerable degree of individual economic security, with high levels of unemployment benefit relative to wage (e.g. 90% of the wage on the first day of employment for the lowest paid), although this is linked to length of time served and membership of an insurance scheme. Nevertheless, the system, until recently, has succeeded in keeping poverty and inequality comparatively low. The development of the country's well-known 'flexicurity' labour market model is an exemplar of this and has attracted global interest. The model has been praised by the EU (European Commission, 2007), and the country's political establishment is keen to flag it in terms of its resilience and robustness in withstanding recent economic turmoil (Jørgensen, 2009).

The flexicurity model has been under some pressure following the financial crisis and with a centre right government in 2010 initiating a reduction in the time period of unemployment insurance from four to two years (Bekker and Mailand, 2019), leading some of our respondents to suggest that there had been a shift in the balance away from security towards flexibility:

Labour market insecurity has gone up significantly... You have the flexibility without the security, and that's the general experience in Denmark, that you're moving towards

much more insecurity. We still have the flexibility, but it doesn't work as well anymore.
(Academic)

There's a 'fox hunt' on unemployed people – all that kind of stuff that you know well from the UK, about people being humiliated in job centres and stuff like that. The internal logic of this model, it's fallen apart... I think Sweden is living through some of the same. (Academic)

Despite such negative perceptions, compared to other European countries the 'Danish model' remains relatively intact and robust. Our findings suggest that because of its relatively favourable economic position within the broader European economy, and the ability to retain control over its national economic policy and employment regime, partly as a result of not yet being part of the Eurozone, it has not been subjected to the kinds of austerity measures found elsewhere in the EU. Although there have been pressures to move towards a more active labour market model of reduced benefits and 'making work pay' (Bekker and Mailand, 2019: 149) with less income security than before, Denmark still displays comparatively high levels of individual economic security and workplace and individual employment rights (Figure 5), with a continuing commitment to social partnership.

Eurozone austerity, neoliberal labour reform and social movement pushback in Portugal

Portugal's experience with economic democracy must be understood in the context of its 1974 revolution which overthrew the country's longstanding dictatorship and led to the establishment of democracy and a relatively progressive constitution of economic and social rights. This included the legal recognition of trade unions as social partners, collective bargaining and tripartite employment relations (David, 2018). The country's middle ranking position in our index (Figure 2) reflects this legacy although its political and economic trajectory since has departed from these earlier progressive aspirations.

Nevertheless, since the 1970s, Portugal has continued to be one of the poorest economies in Western Europe, with relatively high levels of poverty and inequality and

a lack of economic modernisation. The country is dominated by small firms (with over 90% of firms in the micro-enterprise category, Costa, 2018) and an under-developed agricultural sector. Its entry into the EU in 1986 was important in accessing EU grant funding, markets, and inward investment, including the large Volkswagen car production plant (Autoeuropa) in Palmela.

Trade unions and collective bargaining are established in larger firms, manufacturing and the public sector, but have less presence in the small firm sector or in newer service-based firms (particularly tourism) where there has been a massive growth in casualisation and more precarious jobs, as one of our respondents noted:

We have some trade union importance in Portugal. People are still averse to unions in general, but they do actually belong to a union. [...] For instance, in the Bank of Portugal, which is the central bank in Portugal, almost everyone belongs to a union, but they don't have a clue or idea of what's happening in the union. Almost every sector has a union, apart from the services... [but] The recent jobs that are developing in the economy are not stable and do not have protection or unions to support them.
(Parliamentary Researcher)

Thus, there is a highly segmented labour market with a minority of secure unionised jobs, and a growing proportion of casualised employment, especially among young people (Costa, 2018). Notably trade union density is low, relative to the other two countries but has remained relatively stable (Figure 7).

The contrary effects of European integration have included labour market policy reforms and deregulation from the 1990s onwards, enthusiastically pursued by governments across the political spectrum, which have undermined constitutional rights and exacerbated existing trends towards unregulated and precarious forms of work developing over time (Soeiro, 2020). Furthermore, deregulation of employment conditions in some sectors has only compounded these issues. There was, for example, legislation granting employees the right to elect representatives to the boards of state-owned companies and other public bodies. However, in 1999 (Decreto-Lei n. 558/99) this was repealed; the justification centred on the dwindling number of public companies.

The deterioration in Portugal's EDI performance in the period since 2011 (Figure 4) can potentially be associated with policies and legislation enacted in the wake of the financial crisis, the Eurozone Sovereign Debt crisis and subsequent shift to austerity policies, the effect of which has been particularly negative for workplace and individual employment rights (Figure 5).² In contrast to Denmark's ability to maintain control of its own economy and governance structures, Portugal, with its weaker structural position has been more dependent on EU and Troika inspired policies from above. Although, to varying degrees, national government actors have also played their role. In return for a financial bailout package of €78 billion with the 'troika' of the EU, European Central Bank and the IMF (€12 billion of which was to bail out the banking sector), the government was forced to sign a Memorandum of Understanding (MoU) with the EU in May 2011. This required deficit reduction, cuts to public spending, widespread privatisations, job cuts and wage freezes in public services, reductions in benefits and pensions and measures to increase labour flexibility, notably reductions in severance payments and increased employer flexibility to 'hire and fire' (Caldas, 2012; David, 2018).

The election of a centre right coalition government in June 2011, using the crisis as an opportunity to push reforms (Moury and Freire, 2013), led to the implementation of even more drastic austerity measures including the freezing of the minimum wage for three years and an unsuccessful attempt to put the Eurozone's 3% budget deficit into the constitution (David, 2018). Fixated with shrinking the state and attacking a perceived culture of a country 'living beyond its means', state spending cuts were portrayed as an opportunity to expand freedom and liberate civil society (see David, 2018). The main effects of this austerity period were a dramatic rise in unemployment (from 10.8% in 2010 to 16.2% in 2016), with youth unemployment reaching 36% at one point (Caldas, 2012), a shrinking economy and decline in real wages, while public debt increased (Costa, 2018). The following quote from an MP of Portugal's centre left Socialist Party summaries the labour market and welfare retrenchment policies post-crisis:

The main legacy of the crisis was the weakening of social protections in all areas: pensions; unemployment benefits; family support allowances... public services were depleted of resources. So, very low investment for many years and big cuts... The country was considerably worse when we came out of the crisis, and all of the areas where Portugal already had significant challenges, those where the areas that were hurt the most. (MP Socialist Party)

Other changes included revising the legislation regarding employee representation within enterprises, allowing company-based employee representatives rather than trade unions to negotiate with employers and reducing the size threshold for this to happen from 500 to 150 employees (authors' interviews). In line with other countries, the crisis in Portugal led to the 'scaling down' of demands from the unions and workers' commissions, resulting in job insecurity, under-employment and unemployment, and leaving little latitude for any expansion of the demands of the labour movement (Rocha and Stoleroff, 2014; Távora and González, 2016). In short, in the wake of the financial crisis, workers and unions were primarily concerned with retaining jobs, resisting privatisations and the dismemberment of the welfare state.

However, the situation began to change as resistance to austerity policies developed from 2011 onwards, culminating in a massive wave of demonstrations, peaking with over 1.5 million people taking to the streets across the country for a day of action on September 15th 2012 (Moury and Freire, 2013). The trigger had been a proposal to shift social security contributions from employers to employees, which the centre right government was forced to abandon, but other proposals to cut holiday pay, severance benefits and sack civil servants were also struck down by the country's constitutional court (David, 2018).

Initially, the protests were formed outside the organised labour movement by younger workers in the gig and informal economy through grassroots, social media led mobilisations. As one of our interviewees put it: 'four guys from the precariat'. Although the centre right won the subsequent elections, the worst effects of austerity were diluted in the wake of the protests. The opposition was able to organise effectively with trade unions and left parties and enter into a broader coalition against austerity

(authors' interviews) to discursively begin to argue against labour market precarity and wider neoliberal reform as violating the democratic revolution (see Carvalho and Ramos Pinto, 2019). As Fernandes (2017: 181-182) explains:

‘Almost all major anti-austerity protest events were framed within the culture and tradition of the Portuguese revolution of 1974. Right from the start of the protest cycle in 2011, there was the systematic use of the key songs of the revolutionary period of 1974–1975; the slogans raised the memory of the revolution as something that should be repeated or as a standard by which contemporary politics should be evaluated.’

This discourse was powerful in both energising a newer generation of younger and more precarious workers as well as activating older trade union and left traditions from the revolutionary period (Accornero and Ramos Pinto, 2015).

This anti-austerity mobilisation paved the way for a radical departure in Portuguese politics in 2015, leading to the election of a left coalition government where the Communist Party and Socialist Party came together for the first time since the revolution and, to many commentators' surprise, were able to sustain the coalition, with parliamentary support also from the Left Bloc. The government has been able to pursue moderate progressive reforms such as raising the minimum wage substantially in March 2018, after three years when it had been frozen under the previous government, and new legislation to provide more security for casualised workers (particularly the younger precariat), and policies to encourage conversion of short-term contracts into more permanent forms of work.³ However, the limitations on the ability to develop more radical proposals that would enhance economic democracy and tackle neoliberal led employment reforms should not be underestimated, given the country's continuing subservience to Troika-imposed financial conditions and the restrictions of the Eurozone. Nor should the ideological hegemony of flexible labour market nostrums be discounted. One interesting reflection by an interviewee (from the Left Bloc), reporting on a conversation with a Socialist minister, bears this out. The minister reportedly said: ‘I agree with what you're saying but we can't introduce labour market rigidity’, an opinion that could come straight from the OECD playbook on labour market policy.

This reinforces the sense that even more progressive minded Portuguese political actors are still to a large extent embedded in multi-scalar neoliberal governance discourses.

Eastern Europe's economic democracy under stress: particularist legacies of post-communist transition and EU-Troika encroachment in Slovenia

In their analysis of different variants of Eastern European capitalism within the EU, Bohle and Greskovits (2012) differentiate the Slovenian neo-corporatist model from the more extensive deregulatory measures evident in the Baltic states and the 'embedded neoliberal' forms of the less market radical Visegrad states (the Czech and Slovak Republics, Hungary, and Poland). This sense of Slovenian exceptionalism is certainly borne out in our findings. Compared to other Eastern European countries, Slovenia scores highly on the EDI with the combination of a strong system of collective bargaining, a considerable level of individual employment rights, and a commitment to a corporatist national macro-economic framework (Figure 2). On the other hand, trends in the country's EDI score, allied to our evidence from interviews, suggest an erosion in individual rights, collective bargaining and trade union effectiveness in protecting employment rights and conditions since the country's entry into the EU in 2004. Indeed, our findings suggest that the country's political and economic autonomy and subsequently commitment to economic democracy have been heavily undermined by its integration into neoliberal European governance structures.

Understanding these complex trends in the Slovenian model of capitalism requires an awareness of how the continuing legacies of Yugoslavian self-managed market socialism intersect with the country's transition to capitalism in the 1990s and the recent changes through its accession to the EU, membership of the Eurozone. However, as with Portugal, it is important to view these changes as not merely imposed from above or to see Slovenia in an overly dependent position to wider 'external' forces. Our evidence suggests that the country's political elites have been only too willing to follow technocratic neoliberal principles (see Crouch, 2005; Streeck, 2013) as one of our interviewees put it 'to be regarded as the EU's best pupil'.

Nevertheless, Slovenia's high EDI score (Figure 2) is founded upon a legacy from socialist times of strong social and employment rights and state-regulated agreements between social partners. This included a social pact structure between unions, the state and employers that has traditionally governed economic and employment policies (authors' interviews; Stanojević and Krašovic, 2011). The following excerpt is taken from an interview with a researcher from the Slovenian Parliament, reflecting on different models of capitalism and Slovenia's history and transition more generally:

I'm not surprised [at Slovenia's ranking in the Index], because there was a strong tradition of self-management from the socialist times. I think the difference between Slovenia and other Eastern European countries was basically that the socialist revolution here was not imported and supported by, let's say, the Red Army Soviet Union... it was done by a local national liberation movement, and it also developed some traditions, such as cooperatives and trade unionism, that were already present before the war. The restoration of capitalism was not as pronounced as in other Eastern European countries. (Parliamentary Researcher)

When Slovenia gained its independence from the former Yugoslavia in the 1990s, it introduced a pronounced social democratic style constitution (including work councils) with important basic social and economic rights for citizens, with some elements of direct democracy, allowing citizens and political parties rights to call referenda, in relation to economic and social matters, although these have recently been curtailed. Throughout the 1990s, Slovenia was the one country in the former Eastern Europe that managed to avoid economic 'shock therapy' in its transition to capitalism, with a more gradualist approach around a political consensus to develop a social democratic model based on its neighbour, Austria, or what one observer has referred to as the 'Franco-German social market model' (O'Rourke, 2012: 34). This included creating its own currency and allowing it to float freely to avoid over-pricing its exports (from interview with former Finance Minister). There are important labour market legacies of the old Yugoslav self-managed economy, including higher gender equality relative to many OECD countries and a very advanced system of state supported childcare. Slovenia also

has a high minimum wage (around 60% of the median), a seniority bonus for older workers (which can, however, create the problem that they become more expensive to employ), and in many firms travel and food expenses are paid by employers.

As with Portugal, entry into the EU had a positive effect initially in terms of reducing unemployment, but the quality of jobs created was questionable with a considerable decline in permanent employment, particularly for younger workers (Figure 8). Although the financial crisis and the subsequent Eurozone crisis did not have the same pronounced negative consequences for employment experienced in Portugal and other southern European countries, they did nevertheless lead to job losses and a growth in unemployment. While Slovenia avoided a Troika-enforced financial bailout, its centrist government did agree to cut public spending and some privatisations following IMF and OECD advice, although not as far reaching as the latter had originally advised (OECD, 2020). There have also been changes made to its progressive democratic 1990s constitution, including not permitting citizen referendums on economic matters (authors' interviews), another Troika-inspired technocratic post-democratic intervention (Crouch, 2005; Mair, 2013).

Insert Figure 8 about here

As with Portugal, the social protections of the Slovenian employment system have been partially eroded by policies of labour market deregulation and austerity, evident in a declining EDI (Figure 4) and workplace and individual employment protections (Figure 5). EU flexibility policies are influential here, encouraged by the IMF and endorsed by regular OECD monitoring (e.g. OECD, 2020). Privatisation is likely to have further negative labour market impacts given the more stable employment conditions (compared to private sector) and higher proportion of women employed in the public sector (OECD, 2020).

Our qualitative interviews shed further light on the ‘external’ pressures facing Slovenia’s employment system following increased European integration. One of Slovenia’s former Prime Ministers commented on economic rights and levels of participation following independence in the 1990s: ‘If you asked me probably at the beginning of the transition, workers had more rights than they have now.’ An interview with one academic reinforced this position, elaborating on declining workplace and individual employment rights and increased casualisation since EU accession:

Our capitalism became really wild so now there are ever more people that are pushed into doing jobs where they are not properly employed. They don’t have a formal document [saying] that they are employed. They don’t have any of the rights that are legally demanded for workers, including some basic things like paying for pensions and healthcare, having the right for a break during work, the right to take sick days... all these basic things. (Academic)

Hence, another similarity with Portugal has been the emergence of a highly segmented labour market with a growing proportion of casual work alongside a permanent core workforce with a relatively secure (and usually unionised) employment status and working conditions. While the unions remain recognised as social partners, with little appetite among governments to challenge their position in the labour market, their strength in the labour market is diminished by falling membership and a decline in collective bargaining coverage (see Figure 7). There is the sense from some of our interviewees that whilst superficially Slovenian economic democracy appears resilient, beneath the surface the cracks are appearing in the sense that despite strong apparent institutional apparatus and guarantees of employee rights and standards, informal practices are undermining legal rules. One element of this has been the increase in unregulated migrant labour from other parts of Eastern Europe:

[An] economist said this thing yesterday that in the last year, from September 2016 to September 2017, one-third of new employment has been from migrant workers... and this is really tricky because it can quickly become really nationalistic, but the fact is that you have like... mafia chains that deal with, not people smuggling, but people

trafficking or worker trafficking... and then they bring them either from Romania, or from Bulgaria, Bosnia, Serbia... (Journalist)

There is then a real concern that competition among unskilled labour might further undermine wages and conditions, whilst having the potential to stoke xenophobic sentiment and right-wing populism, as experienced in other parts of the EU. This accompanies a wider sense that although on the surface the more socially regulated Slovenian employment system appears relatively robust to neoliberal incursion, there is a more informal erosion of rights and established norms:

The problem is the control and regulation. It's interesting, the legal framework. Professors from the law faculty will say, you know, our laws are really good, the problem is they are not being enacted, they are not being enforced. And this goes well with this neoliberal theory of, you know, somehow shrinking the state and all state institutions, or even outsourcing some part of the control... but I don't think we're at that point yet. (Journalist)

The decline of trade union membership and the failure to enforce existing employment regulations are leading to a growing casualised workforce with more low-wage jobs, below the legal national minimum in some emergent service sectors. Changes, however, have not been uncontested with significant mass protests erupting in 2012 in the wake of the crisis, the closure of many established firms, and rising unemployment (Perković and Učakar, 2017). Growing evidence of corruption by political and economic elites and their close links to the EU has fomented new forms of collective solidarity and resistance to what are seen as exploitative measures (Perković and Učakar, 2017).

These have led to some privatisations and proposed changes being shelved for now. Slovenia appears as something of a half-way house between Portugal and Denmark. On the one hand, its relative economic strength and resilience has meant that it has not been subject to austerity, employment and labour market reforms to the degree that Portugal and some other Eurozone economies have. Yet, on the other, ongoing erosion of its existing model have meant a growth in more contingent and precarious work to a much greater extent than Denmark. While Slovenia's social corporatism

remains intact – although somewhat diluted by declining trade union membership and coverage – there has not, thus far, been the assault on the key institutions of economic democracy found elsewhere. There is still an impressive commitment to a ‘social’ model throughout Slovenia, with a recent survey revealing high numbers in agreement that the state ‘should be responsible or partly responsible for’: healthcare (98.6%); retirement and old age (98.4%); and reducing income differences (91.2%) (Johannsen and Krašovec, 2017).

Discussion and conclusion

Our aim in this article has been to use the lens of economic democracy to shed light on the extent to which European employment conditions have continued to shift towards a more deregulated Anglo-American form under neoliberal governance and austerity pressures following the financial crisis. Using our EDI and qualitative comparative case study work, our evidence suggests that a more socially regulated European model of economic democracy continues to be subject to pressures from broader deregulatory tendencies and forces, including dominant policy regimes advocated by the EU and other supranational bodies such as the OECD and IMF. The findings from our EDI index reveals both continuing variations in levels of economic democracy and its components of workplace and employment rights, collective bargaining and social partnership and corporate governance, but also a general decline across the European continent. An especially important finding from our index – and one that has not been picked up by other indexes focused more narrowly on collective bargaining rights – is that the most serious impact upon economic democracy since the financial crisis of 2007-9 has been in the decline in individual economic and workplace rights. Evidence from the case studies suggests that this must be interpreted in terms of a broader European wide shift – which has accelerated following the global financial crisis and subsequent Eurozone crisis – in economic and social governance away from welfare state principles and social protection towards greater labour market flexibility and scaled back protection for individuals against economic insecurity.

The decline in other components of economic democracy – associational economic governance, degree of decentralisation of economic power and macro-economic governance – is less notable or more ambiguous over the period 2000-2014. Whilst the position of trade unions has been weakened by the decline in stable permanent jobs and the continuing shift from manufacturing into services, our findings suggest that the key institutions of collective bargaining and social partnership largely remain intact – in a legal and regulatory sense – in those countries where they were strong before the financial crisis. However, our qualitative evidence suggests that their presence is diminished both by the growing share of work in deregulated and casualised employment and the lack of effective monitoring and regulation in some countries.

Our research also indicates continued variation in both varieties of capitalism and employment governance. Departing from existing approaches that tend to use a comparative national employment relations framework around discussions about convergence or divergence (e.g. Baccaro and Howell, 2011; Sanz de Miguel et al., 2020), our analysis here is novel in emphasising the importance of a multi-scalar and spatially relational analysis, suggesting a sense of variegated capitalism rather than national varieties (Peck and Theodore, 2007; Brenner et al., 2010). This involves recognising the ways that more global and spatially extended political and economic processes mesh with territorial state regulation processes. This is critical to understanding how different countries and their economic and political actors are relatively positioned in their engagement with supranational institutions (such as the Troika institutions) and wider neoliberal doctrine. Changes at the national level are both shaped by and responsive to structures, processes, and actors at other geographical scales (Massey, 2004).

As one of the wealthier countries in the EU with a strong economic democracy, relatively powerful trade unions, and continued shared commitment to a socially negotiated economy (Nielsen and Pedersen, 1991), Denmark continues to perform well in our index. Although, as our interview respondents report, there has been a slight shift in the balance of its flexicurity model towards greater active labour market policies and rights to ‘hire and fire’ for employers, also away from employment security and social rights, this so far has been at the margins rather than a deeper transformation. In the

other two countries, the individual economic rights component of economic democracy in particular has been more negatively affected, particularly in Portugal with the ‘austerity’ measures forced upon it by the Troika in return for financial support through the Eurozone crisis. While Slovenia has also witnessed a trend towards less secure employment, its more robust economic position meant that it was able to avoid Troika-driven reforms, although both here and in Portugal, governments have been willing accomplices of neoliberal labour market reform.

In all three countries, deregulatory Anglo-American style labour market reforms have increasingly percolated into national political elites’ narratives and policy reform agenda, but there has been pushback and resistance by workers, unions and other social actors to varying degrees. Yet, what is also a critical finding of our research is the extent to which in all three countries the existence of relatively strong institutions of economic democracy and underlying social and constitutional rights do continue to provide some important bulwarks against attempts to downgrade labour conditions and undermine economic democracy, and therefore act as a check on attempts to implement reform agendas. Where this agenda was most wholeheartedly applied in Portugal, we have seen the biggest pushback with effective social mobilisation and trade union action leading to a decisive shift and a left coalition government (elected in 2015 and still in power as of June 2021) introducing policies that, while still constrained by Eurozone political and financial pressures, have at least checked the march of labour market deregulation with new rights and protections for casualised workers. This allows us to demonstrate that local and national employees, unions and their broader support base can mobilise against powerful actors and institutions at national and higher scales.

As we noted in the Introduction, there has been a shift in the mood music at the European scale, through the EPSR (European Commission, 2017; 2018), which does at least signal some higher level recognition that labour market deregulation and the erosion of social and employment rights have gone too far, and the problems of increasing employment precarity and growing inequalities need to be confronted, not least because of the associated rise in disaffected populations linked to right-wing populism (Corti and Vesan, 2020). As part of the roll out of the EPSR, on 7 February 2019 the European Commission adopted a proposal for a directive on transparent and

predictable working conditions, strengthening workers' rights and placing a number of general obligations on employers, for example, to ensure that all employees are issued with their 'core' terms of employment within one week of commencing work, also limiting the length of probationary periods to 6 months (Bednarowicz, 2019). Moreover, on 28 October 2020, in the midst of the COVID-19 pandemic, another proposal was for a directive on adequate minimum wages, signifying a clear commitment to ensuring minimum wage protection in the EU and a basic standard of living for workers (Müller and Schulten, 2020). The latest proposal for a new directive on wage transparency was unveiled on 4 March 2021, making it easier to enforce equal pay, and empowering workers to claim their rights (European Commission, 2021).

The new directives outlined above are promising in so far as they signify a shift in EU views on issues such as collective bargaining, and have the potential to bring about some substantial and meaningful changes in employment legislation and measures to assist labour, including strengthening the position of workers. One interesting trend – evident in Figure 8 – has been the increase in permanent employment in the most recent data in all three countries, although this might equally be the result of a return to growth across Europe than a broader social rebalancing. Whether the new institutional momentum at EU level can be translated into broader and deeper progressive reform remains moot with some resistance on both sides of the labour market. To some extent, responses here differ according to the different spatial and economic positioning of trade union actors with Nordic trade unions in particular remaining suspicious of the potential for continental wide minimum wage directives to undercut existing national collective bargaining structures (Olsen, 2020). Elsewhere, the new proposals continue to be opposed by some business interests and right-wing parties at EU and national levels as undermining principles of labour market flexibility (Corti and Vesan, 2020). While welcoming the potential of a new social dimension for possible convergence to higher employment standards and rights, there is also considerable skepticism among trade union bodies that the existing dominant neoliberal discourse around economic and monetary union, and with it, labour market deregulation, can be so easily shifted given the powerful vested interests still promoting it (Lörcher and Schömann 2016; Rasnača 2017; Rasnača and Theodoropoulou, 2020).

Further research to shed light on the variegated spatial contexts in which these initiatives land – including through the further development of the potentials of the EDI – is clearly required.

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Notes

1. Methodological details: <https://democratisingtheeconomy.co.uk/2017/02/14/economic-democracy-index-methodological-note-13-02-2017/> (Cabaço, 2017).
2. Portugal’s fiscal crisis was largely the result of a build-up of private debt, resulting from the availability of cheap credit following the introduction of the Euro, and a deterioration in its trading performance as it lost market share in its main export markets of clothing and textiles to cheaper global south producers (Blyth, 2013). Although government debt had increased over the 2000s, it was relatively modest; problems only occurred once there was ‘a contagion-led fire sale through European bond markets’ (Blyth, 2013: 71).
3. For details, see: <https://www.jornaldenegocios.pt/economia/emprego/lei-laboral/detalhe/o-que-vai-mudar-na-lei-laboral-as-10-principais-medidas-do-acordo#loadComments> (accessed 25 November 2020).

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