European Trade Union Confederation (ETUC)
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Challenges and Prospects for Work in Europe

**A study on the topic "Challenges and Prospects for Work in Europe"
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Challenges and Prospects for Work in Europe

(Reflections on the audiovisual survey presented at the ETUC congress).

Preliminary remark by way of introduction: Work is not employment

Work can never be reduced simply to its economic dimension. It is part of a productive dynamic that determines the meaning given by workers to its action and collective recognition. Whereas the principal, who purchases labour, often tries to reduce work to compliance with the rules set, to remuneration, this aim has never been fully reached. It is not a matter of disregarding these constraints, but reducing the analysis of work to this sole framework is misleading. The productive dimension of work has to be considered in a broad sense and be turned, albeit in an extremely modest manner, into a way of transforming the world. This approach will make the psychological and social value of work (the quest for self-fulfilment, and the place it gives in society, respectively) comprehensible, without reducing such value to economic stakes. Yet nowadays, the notion of work is often obscured by the notion of employment. How can the use of these two terms, as well as the consequences of this semantic shift, be better understood?[1]

The notion of employment refers to the social recognition of the productive activity through a status. Assimilating work to employment means confusing the activity of work with the status that it confers. This conceptual simplification has been influenced by the development of mass unemployment in the 1970s. Work has since been often identified with gainful employment. There was rightful concern about the risks of unemployment. Policies to "tackle unemployment" are geared to fighting against the marginalisation of people, ousted from a gainful occupation, by promoting their return, albeit partial, to employment.

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[1] I am guided here by a paper presented by François Vatin in October 2010 at the congress of the Association Française des Histoire Economique [French Association of Economic History], entitled "Work and its Representations: from Activity to Social Institutions," and more broadly, by reflections that combine the history and sociology of work in Thierry Pillon and François Vatin, *Traité de Sociologie du Travail*, Toulouse, Octares, 2003.

These policies determine the way of considering work in European society even today. Unemployment was initially seen as lack of work at the macro-economic level (imbalance between supply and demand) and at the social level (lack of recognition). Work is then seen primarily as a commodity in economic theory and as the basis of a social identity in sociology. The analysis of work cannot however be reduced to the negotiation of a contract of employment – to the definition of an employment relationship. If a form of socialisation through work has to be considered, it cannot be without taking into account its productive nature, not only in terms of trade and wages, but also in a wider sense.

"Domestic work" has not disappeared even today. Whereas our societies essentially depend on trade and wages, they also depend on "informal" exchanges and on many non-trading institutions. These can be considered as defining – and being defined by – the conditions for, or even the possibility of, paid work.

An analysis of work as productive activity recognised socially, but not exclusively, through the market, is indispensable, today as it was yesterday, for understanding the forms of its legal, economic and institutional regulation. At issue here is not to look for the economic reasons – or to propose solutions – for these highly complex problems but to consider, by putting the audiovisual survey presented in context, particularly the policy difficulties often defined in terms of flexicurity. These considerations, which make no claim to originality or exhaustiveness, can initiate discussion about the possible claim to new "work policies" at European level.

I Work in Europe exposed to the risks of flexibility

A model for the organisation of work perpetually in crisis

The analyses by the group of experts commissioned by the European Union to study the "changes in work in Europe" remain valid in large measure. The distinctive figures proposed in 1999 seem more and more pronounced today. The work situation in Europe cannot be analysed without taking into account the long-term mechanisms that have, for more than thirty years, been disrupting the model of a socio-economic regulation put in place gradually since the beginning of the 20th Century.[2]

The Fordist approach to the production of little diversified manufactured goods, based on the distinction between the conception and execution of work, has come under serious challenge in nearly all countries, albeit in different timeframes. This approach is based first of all on gainful employment for often unskilled labour under stable, often open-ended contracts. Work is then considered primarily as a masculine activity, with the classic model of the worker as breadwinner guaranteed by the establishment of mechanisms for the negotiation of social issues at different scales, between the companies, the trade unions and the States.

The flexibilisation of the work relationship throughout Europe is reflected by the variety of contracts and the increasingly more problematic blur between the definition of "work in a subordinate capacity," and "work in self-employed capacity." This distinction served as the basis for the creation of a right to work extricated from the obligations of civil law in order to recognise the inequality between the parties and to protect the more vulnerable among them, i.e. the workers. Since the creation of the International Labour Organisation in 1919, the principle of this protection has been solemnly affirmed at international level: "labour should not be regarded merely as a commodity or an article of commerce."[3]

The systems of social protection established in particular after World War II – it is, of course, not possible to go over the varied historical development between what are

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[2] Alain SUPIOT (ed.), *Au-delà de l'emploi. Rapport pour la Commission européenne. Transformation du travail et devenir du droit du travail en Europe,* Paris, Flammarion, 1999.

[3] "Traité de Versailles, Partie XIII, Article 427," in BIT, (ed.), *Dix ans d'Organisation internationale du Travail*, Geneva, International Labour Office, 1931, Annexes.

known as "Bismarckian" and "Beveridgian"models of those systems – were created in large measure in response to and symbiosis with the rapid growth in the number of wage earners, characterised by the negotiations of particular occupational statuses. Their adaptations to new forms of production are today presented as one of the solutions to oversee the development of new forms of employment and, by extension, to define new statuses. We shall return to this question presently when we broach the problem of stressing the "employability" of wage earners. Nevertheless, the redefinition of this protection naturally runs into the general difficulty of defining collectively work and "non-work" standards. For instance, how can we agree on the meaning and definition of unemployment rates against the background of an increasing lack of job security?[4]

These major change models should not however give the impression of complete upheavals and the emergence of brand new management models, as some consultants would have us believe. In the audiovisual survey presented here, people from different countries bear witness to well known problems. These could have been evoked just as well in the 1960s or 1970s. Thus, Horst Detsch, an electronics worker, talks about the fatigue of being a link in a production chain, where the pace is difficult to bear. He is worried about an acceleration that is seen as inevitable. In spite of a certain progress, Margrit Moring, a technician in industry, cites the persisting difference in wages between men and women and the difficulty for the latter to have their professional skills recognised. Victoria Angulo, who works in a travel agency, mimes and evokes Charlie Chaplin's *Modern Times* not in a large factory, but in a small service firm. Whereas this difference in sectors signifies a change of times, her testimonial also serves as a reminder of a minute division of

[4] Cf. the work of Jérôme Gautié, "De l'invention du chômage à sa deconstruction," *Genèses*, 46, March 2002, p. 60-76.

labour denounced by surveys on the condition of the working class in the 1960s or by novelists such as Italo Calvino that denounced the absurd pace imposed at the time.[5] Nevertheless, many testimonials in the survey underscore the particular lack of job security in Europe, in particular when people join the labour market – usually through fixed-term contracts or particular forms of contracts for "young people." This is shown, for example, by the results of the "*European Working Conditions Survey 2010*" conducted by the *European Foundation for the Improvement of Living and Working Conditions.* Thus, 40 % of the people questioned who are under 30 did not have an open-ended contract, while only 20% of people aged between 30 and 50 were in this case. These proportions changed little between 2005 and 2010. On the other hand, these aggregated figures conceal very pronounced national differences relating in particular to the nature of the obligations arising out of the contracts of employment. This is underscored in particular by the difference – the adverse effects of the economic crisis notwithstanding – between the Spanish and British results in Table 1.

[5] The work at Renault by the sociologist Alain Touraine, *La Conscience ouvrière*, Paris, Le Seuil, 1966, is indicative of such works from the 1960s. At the same time, Italo Calvino magnified the delusion of the exploited worker in his book entitled, *Marcovaldo ovvero le stagioni in città,* Turin, Einaudi, 1963.

Table n°1:

What kind of contract of employment do you have? (question Q7)					
		Open-ended	Fixed term	Temporary	Other
EU 27	Under 30	60.4%	23.4%	2.8%	13.4%
	30 to 49	84.8%	9.5%	1.0%	4.8%
	50 and over	86.0%	7.3%	.7%	6.0%
	Total	79.7%	12.0%	1.3%	7.0%
Spain	Under 30	42.4%	33.1%	5.6%	18.9%
United Kingdom	Under 30	76. 0%	8.8%	2.6%	12.6%

Source: *European Working Conditions Survey 2010,* population employed for more than fifteen years, survey conducted by means of face-to-face questionnaires among a sample of 40,000 Europeans.

The audiovisual survey also clearly shows that there is a grey area where costs are limited in part by circumventing the social legislation and taxes required.
Juan Manuel Dominguez Foez, a temporary worker, is forced to work under the table to make ends meet. He refers to the vicious circle that such practices can entail. Such work experience is not recognised and does not enable him to find a "real" job. The social security charges payable can be avoided by making improper use of so-called "self-employed" workers. Robin Simion, an adman in Bucharest, cites the difficulties encountered by workers under "free-lance" contracts. A minimum salary is then padded by fluctuating unofficial activities. Under such conditions, it is difficult to conceive of a long-term future based on work experience. A simple example will illustrate the case. How can one provide proof of sufficient income to get a bank loan?

During the survey, very few requirements concerning work reflected the importance of the European scale or, when they did, it was from a negative point of view by wondering about the enhanced competitiveness required to join the European

market. Social and employment policies remain largely under the purview of the States. Nevertheless, from the outset, the construction of Europe was also conceived as a means to coordinate labour policies at a time when the markets were opened to competition. At times against the national trade unions and the opinion of workers, this Europe has been – often without affirming so – a "social Europe." This is not a matter of a panacea or of settling the issue, but of wondering about the historical oversight of these developments at a time where movements criticising the "market Europe" are gaining strength everywhere.

Tradition and need of "Working Europe?"

The current disarticulation of the modes and duration of work brings to mind the uncertainty concerning the difficulty of bringing about mass production and consumption in Europe from the 1910s to World War II. This period is characterised by the difficulty of devising logical methods of production on an international scale with new forms of political and social control. Comparison does not equal reason, and it is not a question of frightening one another, but right before the catastrophe of Europe in the 1930s, many trade unionists as well as entrepreneurs, were considering a European rapprochement as a solution to the "production process" crisis.

The economic and social imbalances revealed by the economic crisis of 1929 cannot be tackled by the national governments alone. New forms of economic and social cooperation were consequently needed. Accordingly, in the beginning of the 1930s, in the margin of the League of Nations, major public works programmes were developed to fight unemployment and to outline what could be a "European Labour Exchange" in order to manage labour flows better. These initiatives were seen as a first step toward an economy "organised" by tripartite negotiations to tackle the economic crisis and to preserve the development of social reforms.[6] These initiatives

[6] On these projects, cf. Johann Schot and Vincent Lagendijk, "Technocratic Internationalism in the Interwar Years: Building Europe on Motorways and Electricity Networks", *Journal of Modern European History*, 2, 2008, pp. 196-217.

failed, of course, but they were nonetheless important for the conception of a new post-war period and social programmes that stemmed from European resistance movements.[7]

Thus, the Europe of the 6 in the European Coal and Steel Community (ECSC) was created in part to solve this problem. Production questions were linked to the necessary convergence of working conditions from the outset of the negotiations. From this perspective, the ECSC can be said to have been social, inasmuch as it combined, at different levels, the opening of commodity markets with a determination to regulate the working conditions on the labour markets, in particular when national social security systems were created.

The historian Lorenzo Mechi has thus shown the very early development of a labour policy in the ECSC and specific social measures concerning migrant workers.[8] From the 1940s to the 1960s, the historian Cedric Guinand monitored the concomitant establishment of social security systems in ECSC countries by showing the importance of interactions at a European and international level, particularly within the ILO.[9] Whereas the "classic labour law model" evoked in the Supiot report has remained highly differentiated from country to country, its economic and social elements were nonetheless hammered out through European negotiations.

The aim here is not to go over the history of social attainments and the procedures implemented at institutional level. Nevertheless, at what was later to be referred to as the "*Delors Moment,*" it was possible to consider a real "European wages area."[10] The Maastricht Treaty actually initiated major developments on the social front. It widened the scope of the Community's competence under qualified majority (health

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[7] On this issue concerning the search for economic, political and social stability between the two wars, cf. the classic work by Charles S. Maier, *In Search of Stability. Explorations in Historical Political Economy*, Cambridge, Cambridge University Press, 1987.

[8] Cf. in particular Lorenzo Mechi, *La costruzione dei diritti sociali nell'Europa a Sei (1950-1972*, in *Memoria e Ricerca*, no. 14, September- December 2003, dedicated to the "*Grande mercato e diritti sociali nell'Europa del Novecento*," edited by B. Curli, pp. 69-81.

[9] Cf. Cedric Guinand, *Die Internationale Arbeitsorganisation (ILO) und die soziale Sicherheit in Europa (1942–1969),* Peter Lang, Bern, 2003.

[10] Claude Didry and Arnaud Mias, *Le Moment Delors. Les Syndicats au cœur de L'Europe sociale*, Peter Lang, Brussels, 2005.

and safety at work; working conditions, reintegration of persons excluded from the labour market, information and consultation of workers, equality between men and women). It also enabled the social partners to negotiate binding collective bargaining agreements at European level. This widening of the scope of purview was to offset the level of additional openness of the markets and to lead to better economic and social regulation.[11]

This possibility of a progressive rapprochement of market and working conditions seems to be specifically in crisis today. Since the 2000s, the determination to introduce competition among companies and to integrate the markets gradually was not really accompanied by the definition of an integrated labour policy that was up to these changes. It is therefore worth asking about this possible breach or lag in the search for a fragile balance in the construction of Europe. The social heritage of that construction is far from negligible, especially thanks to important directives on health and safety at the workplace. These attainments seem nonetheless to be partly ignored by European citizens. When Europe is invoked by the participants in the survey, it is more in terms of fear than of opportunity.

Whereas Niklot von Bülow, site supervisor in Berlin, does cite the need to introduce international labour standards so as to regulate the movements of labour, he focuses in particular on the difficulty of boosting productivity in the European market and even at world level. Juan Manuel Dominguez Foez sees a bleak working future and talks about "fighting against other countries," contemplates the possibility of emigrating, the need to learn languages and to be as competitive as other Europeans. Ion Vasile, a machine-tool technician, would like to see wages go up, but is aware that Romania – and his factory – are not competitive compared with countries such as Germany. He deplores the loss of industrial jobs because of Romania's entry in the European market.

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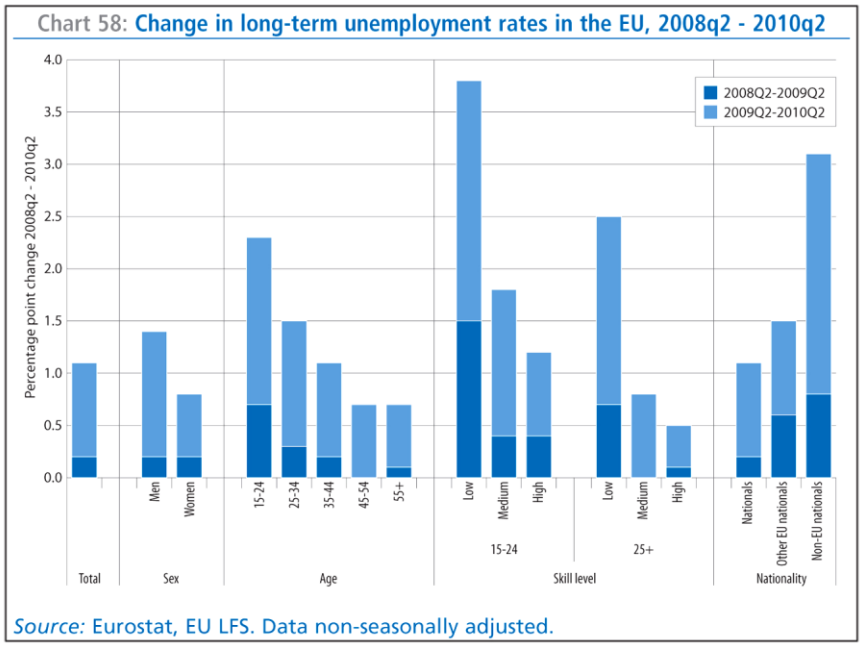
[11] I am citing partially here the remarks of Janine Goetschy, "Un espace salarial européen est-il en genèse?" in François Vatin (ed.), *Le Salariat. Théorie, histoire et formes,* La Dispute, Paris, 2007, pp. 227-242.

Estugul Ustuner, a worker in Berlin, talks about the competition from migrants from "Eastern countries" ready to work for half of what he earns.

The construction of Europe thus seems to be strewn with conflicts and faced with a difficult challenge, in particular for unskilled workers. The latter have been particularly hit during this crisis period by the rise of long-term unemployment in the Europe of the 27 between 2008 and 2010: up by nearly 4% for unskilled workers under 25.

Graph n°1: Change in long-term unemployment since the economic crisis of 2008.

Table taken from the *Report on Employment in Europe 2010* (available only in English at this time).



The recent crisis has revealed the need for European economic and financial coordination and all the criticism and hostility it can arouse. Nevertheless, the social measures taken were, even more than other such measures, largely decided as a scattered response. So, what do the European institutions now suggest about the future of work in Europe?

A very criticised European strategy for "employment"

The work of the European Commission and its partial (and contested) adoption by the Member States, are referred to by the neologism (and oxymoron) of "flexicurity." Officially, this is "an integrated strategy to improve simultaneously flexibility and security on the labour market."[12] It is nonetheless highly marked by the idea of "security through employability." Against the background of rapid changes in the modes of production, it is no longer the position that has to be guaranteed but the capacity to find a job as rapidly as possible. Instead of proposing an enhanced regulation of the labour market, there is a need to support and secure the transition between jobs in order to avoid in particular long-term unemployment and the social exclusion that ensues from it.[13]

Labour law specialists and many trade unionists have always criticised the philosophical premises and legal implications of "a labour force to be made flexible."[14] They recently underscored the imbalances of the mechanisms introduced by the Commission. This concept acquired importance thanks to the experience of two countries: the Netherlands and Denmark.[15] The approach of the European Union does not aim to make practices uniform, but to rely on the study of such models in order to harmonise the use of the "open method of coordination." These procedures have shown a clear preference for flexibility instruments to the detriment of defining what could be "active security." It is not possible to go over here the

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[12] European Commission, "Towards Common Principles of Flexicurity: More and better jobs through flexibility and security," Brussels, (COM), 2007.

[13] On this approach, cf. Peter Auer and Bernard Gazier, *L'introuvable sécurité de l'emploi,* Paris, Flammarion, 2006. Concerning this critical vision of flexicurity, I cite in part the conclusions of Jean-Marie Bonvin and Pascal Vielle, "Une flexicurité au service des capacités des citoyens européens," *Revue de l'IRES*, n°63, 2009/4, spécial "Flexicurité, sécurisation des parcours professionnels et protection sociale," pp. 18-33.

[14] Concerning the negative reactions of the trade union world, cf. M. Keune and M. Jepsen, "Not Balanced and Hardly New: the European Commission's Quest for Flexicurity," Working Paper, ETUI-REHS, Brussels, 2007.

[15] More specifically, on the Dutch case, T. Wilthagen and F. Tros, "The concept of 'flexisecurity.' A new approach to regulating employment and labour markets," *Transfer, European Review of Labour and Research,* n°2, 2004, pp. 166-187. More particularly on the Danish case, cf. H. Jorgensen and P.K. Madsen, (eds.) *Flexicurity and Beyond: Finding a New Agenda for the European Social Model*, Copenhagen, DJOF Publishing, 2007.

different criteria of "flexicurity" and its avatars, in particular the positions at the European trade union conference on this issue. It seems important, nevertheless, to broach this issue so as to underscore the difficulty of defining, from the path thus charted, a "European work policy," albeit in draft form.

As defined by the European Commission, the idea of "flexicurity" is linked to the "best practices" in the European social systems, using benchmarking models. Many recent studies have nonetheless shown how difficult it is to compare the efficacy of these measures when sticking to too simple a definition of the conditions of employment and the objective of boosting the employment rate. The search for what makes the connection between social protection and employment and between flexibility and security efficient in the national social systems actually entails considering, in a far more general manner, social issues and the place of work in society. Reducing a European convergence strategy to a simple "employment policy" then often becomes a pretext for making labour markets flexible at national level.[16]

The countries presented as models (Denmark and, more particularly, the Netherlands), today combine relatively low unemployment rates with partial employment higher than the European average (see Graph no. 2 on the next page). At issue is not to criticise systematically the particular conditions of so-called "win-win" agreements cited by proponents of flexicurity in their different versions, but to bear in mind that these results must be gauged within the framework of more global labour policies.[17]

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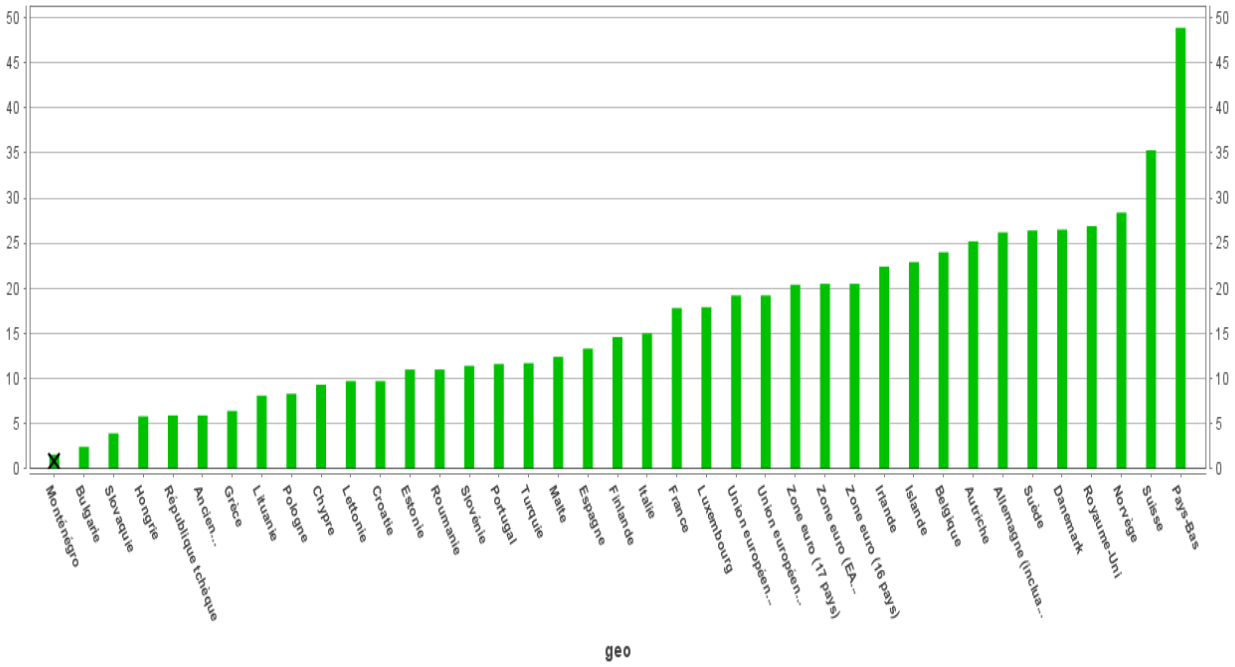
[16] Cf. Robert Salais, "La politique des indicateurs. Du taux de chômage au taux d'emploi dans la stratégie européenne pour l'emploi," in Bénédicte Zimmerman (ed.), *Les sciences sociales à l'épreuve de l'action. Le savant, le politique et l'Europe*, Paris, Editions de la Maison des Sciences de l'Homme, 2004, pp. 287-331.

[17] On this question, cf. Laurent Duclos, "La flexibilité et la question de sécurité adéquates," *Revue de l'IRES*, n°63, 2009/4, spécial "Flexicurité, sécurisation des parcours professionnels et protection sociale," pp. 35-62.

Graph n°2: Partial employment rates in Europe by country in 2010 (in percentage of total employment)



Source: Eurostat, *A distinction is drawn between full-time work and part-time work in accordance with the spontaneous answer given by the person asked. It is impossible to draw a more precise distinction between part-time and full-time work because of variations in working hours between the Member States and the sectors.*

A real search for this combination between flexibility and security entails mobilising sizeable resources in terms of social protection. It requires a long-term investment on the quality of work, education, health, training and thus on the skills of workers. The state of finances of nearly all the European countries is such however, as to raise questions about their capacity to finance such policies.

It seems important today to insist on the need to escape from a rationale based exclusively on employment terms and to return to an approach to work under a concurrently productive and collective framework. The time has evidently come to ask the question and to call for other forms of action at European level. We shall put this audiovisual survey in perspective to make certain remarks about the future of work in Europe so as to fuel the discussion.

II European prospects for integrated work in a joint rationale of economic and social development

Analysis of new work situations

The attention paid to an abstract approach to employment stands partly in the way of conceiving an approach to new forms of work as "productive actions." Asking what working means today is also to ask how – and what – we produce. Work nowadays is said to be "abstract" and "intellectual." It is most often "tertiary" and yet "productive," i.e. it involves our environment, and changes it. Nevertheless, it is difficult to represent and to recognise the implications of work which is both dematerialised and destabilised. Many close studies of difficult work situations, particularly by socialists, have nonetheless shown the individual and collective knack for inventiveness in the face of such production requirements.[18]

For most of the workers questioned, work is first and foremost a means to earn a living. It may and often is a source of suffering and worries. Nevertheless, even under precarious conditions, there is a perceptible pride to produce things, whether material or abstract. In a field and under working conditions that are very different, Pablo Egea Palomares is proud of his creativity as a graphic designer. He has no boss and manages his contracts himself. He brings his inventiveness to this independence but pays a high price. He cannot plan anything and has no protection. This situation no longer seems viable in the medium term but he can also see it is a particular moment in his career that will enable him to look for something else later on. Like Robert Simion, the adman in Bucharest or Harry Rigall, a marketing manager in London, he acknowledges that he is sacrificing a certain security to work

[18] Cf. the book by Nicolas Dodier, *Les hommes et les machines. La conscience collective dans les sociétés technicisée,* Paris, Métailié, 1995.

in a field that he likes and where he can show a certain creativity in the face of varied demands.

At issue here is not, of course, to equate all forms of job insecurity with a search for a form of freedom. The difficult working situations and the lack of resources deplored by Laura Montoro Lopez, a cashier in a Madrid supermarket, or Iraida del Valle-Iturriaga, a waitress in a restaurant, cannot be equated with the previous examples. A fundamental challenge for the reform of social protection systems and for the search for this link between flexibility and security nonetheless entails taking into account the variety of these situations while sparing that room for freedom which can give meaning to the work accomplished, at a personal or collective level, and lead to a form of commitment, and produce new wealth.[19]

Microsociological studies as close to the working modes as possible are difficult to summarise with excessively simple "employability" models. Nevertheless, they can engage the fight for better recognition of acquired skills, the identification of new vocational training needs and the appreciation of group approaches to a vision of particularly "unskilled," exchangeable, and malleable work to be treated in terms of flows.[20] This closer re-engagement with production on the other hand also makes it possible to insist on the inherent risks of certain forms of job insecurity by underscoring the persistent problems of occupational harshness, accidents and diseases. The latest European statistics show that the expansion of the services sector makes working conditions only a little less difficult. The problems observed are different and still not properly identified, but they do exist. The control of risks and the application of regulations are moreover still inadequate because of the proliferation of outsourcing contracts.

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[19] On this general question, cf. Jean-Marie Bonvin, "Capacités et démocratie," in J. Demunck and B. Zimmermann (eds.), *La liberté au prisme des capacités. Amartya Sen au de-là du libéralisme,* Paris, Raisons *Pratiques*, n°18, Editions de l'EHESS, 2008.

[20] Cf. the work on employers' groups by Bénédicte Zimmermann, *Ce que travailler veut dire. Une Sociologie des capacités et des parcours professionnels,* Paris, Economica, 2011.

According to the *European Foundation for the Improvement of Living and Working Conditions*, European workers continue to make physical efforts or to undergo constraints in the same proportions as 20 years ago.

These figures remain relatively high. They hide serious disparities but indicate clearly that harsh conditions persist even in service jobs:

Table n°2:

Does your work involve painful or tiring positions? (Q24A) - (Nearly) all the time.				
Year		2000	2005	2010
EU27	Industry	24.8	22.3	21.7
	Services	15.5	12.5	13.2
	Total	19.0	15.8	15.7

Source: European Working Conditions Survey 2010, *population employed for more than fifteen years, survey by means of face-to-face questionnaires among a sample of 40,000 Europeans.*

It is not possible to cover, in this small study, all the initiatives in that direction. However, this bottom to top analysis can serve as a basis to consider and negotiate, at different levels, a more suitable articulation between working conditions and social protection, and thus of the recognition of "working life" and professional "capacity." Nevertheless, in my view, this process can only be carried out jointly with a reflection on the calls for new forms of work and by heeding to more general calls in terms of living conditions at European level.

Solidarity in the search for new rights and new forms of protection

The interviews with these wage earners point to solidarity in and through their work, not only for their activity and at their work place, but more generally, with a determination to participate in a collective effort and to establish a form of common

well-being. Luminita Olteanu, a social worker in Bragov, cites the satisfaction she gets from helping others. She is looking for collective recognition, "human warmth." Carolina Jiminez Marugan, an employee in personal services in Leganes has a physically and psychologically taxing job. She helps elderly people in their home. She nonetheless likes her work because she can see the utility of it. It meets the needs of an ageing society faced with the problems of dependence by people who can no longer count on traditional forms of family solidarity.

This approach to work is not merely linked to a sort of vocation but is also combined with the claim of particular fields where the flexibility rationale, imposed in part by the modes of production, cannot and must not be applied. Thus, Ewa Okon-Rocha, a psychiatrist in a public hospital in London, decries the chronic lack of means and resources of the health system and underscores the appeal of a private sector, thereby imperilling the idea of equal access to optimal care. These interviews are obviously concerned with defining public services and the professional status related thereto. They can nonetheless be analysed from the perspective of preserving what could be defined as "collective assets:" Health, Education and Culture. Far from being considered as separate approaches to production, they can also be seen as determining, in the medium term, both the professional capacities of each one and the changes in the collective forms of organisation.

This recognition calls for a collective approach to these issues. The question which then arises is not that of "the disappearance of employment" or the "end of work," but the possibility of following and safeguarding individuals considered as actors bound by "working life" in collective situations. This approach cannot be undertaken without consideration of the concrete conditions of production for the different products and the inherent difficulties, at different scales, of changing the working conditions. This is the basis for discussions and negotiations today for many European trade unions on the question of a "professional social security."[21]

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[21] Cf. in the case of the CGT, Jean-Christophe Le Duigou, "La sécurité professionnelle. Une utopie réaliste," *Analyses et documents économiques,* n°98, February 2005, pp. 44-49.

It is, of course, impossible to summarise in this study the reforms, planned or in progress, in the different social protection systems. Nevertheless, there is a certain development in labour law in Europe concerning not only the recognition of "working life" but the guarantee of "professional capacity." Thus, French law and the Supreme Court recently ruled that the employer is required to maintain the capacity of his employees to occupy a position.[22]

Bénédicte Zimmermann has studied extremely flexible forms of organisation of work and has shown the importance of mobilising common references for the concrete implementation of production.[23] In this connection, she has relied on the definition of a "capacity-based" approach given by Amartya Sen. For the latter, capacity refers to the ability to do or to be that which is valued. She does not subscribe simply to an individual rationale of the self but also to particular social forms of what he calls a "substantial freedom."[24]

In this respect, support for the changes in the organisation of work does not suffice. Consideration for the question of "capacity" essentially raises the question about the conditions for recognition and the establishment of new forms of solidarity by adopting a broad definition of what work is. This entails reflection, on different scales, in space and time, about the negotiation of a joint process of economic and social development.

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[22] On these issues, from a more general point of view, cf. Simon Deakin and Alain Supiot (ed.), *Capacitas? Contract Law and the Institutional Preconditions of a Market Economy*, Hart, 2009. On the analysis of case law, cf. Alain Supiot, *L'esprit de Philadelphie,* op. cit., p. 139.

[23] Bénédicte Zimmermann, op. cit.. *Ce que travailler veut dire. Une Sociologie des capacités et des parcours professionnels,* Paris, Economica, 2011.

[24] Cf. in particular Amartya Sen, "Capacity and well-being," in Martha Nussbaum and Amartya Sen, (ed.), *The Quality of Life,* Oxford, Oxford University Press, 1993.

Thus, unlike "employability" which is imposed by a market designed to be self-regulated, we can put forward the possibility of changes in the organisation of work and its articulation with the calls for new "social rights." Such an ambition has a fundamental normative dimension. Should it perhaps be seen as a European problem? Isn't it crucial not only merely to invoke these themes in a European framework, but to think of such solidarity in future on a European scale? [25]

Demand "social justice" on a European scale?

Faced with the changes in work, the European Commission proposes an approach in terms of adapting work to these new conditions by developing so-called "modern" social security systems. A more ambitious definition in terms of "working life" and "capacity," involving professional rationales and productive mobilisation, can only be based on a far broader definition of the European objectives on the social front.

The economic crisis which broke out in 2008 has impaired the employment situation in most European countries. Where unemployment rates have not gone up substantially, it has often been because of a forced recourse or the negotiation of part-time work, generally at industry level. These safeguarding policies have come about through little consultation at European level. These areas are largely seen as specifically national but the economic crisis is today often presented as being due, in part, to "deregulation" policies initiated in Brussels. The European institutions are then presented as the Trojan horse of "liberal globalisation." This separation of the European and national levels does not really make sense when the way these institutions operate and their historical development are borne in mind. Nevertheless, it would appear that there is an urgent need to redefine a European agenda capable of answering such questions and allaying such fears. The people who devised the European Coal and Steel Community were not driven simply by a

[25] On the difficulties of its use and, in a certain way, the reformulation of this notion in a European framework, cf. Robert Salais, "Capacités, base informationnelle et démocratie libérale. Le (contre) exemple de l'action publique européenne," in J. Demunck and B. Zimmermann, (eds.), *La liberté au prisme des capacités. Amartya Sen au de-là du libéralisme,* Paris, *Raisons Pratiques*, n°18, Editions de l'EHESS, 2008, pp. 297-329.

determination to open the markets and to manage the social consequences. They were also imbued by the ideals of the Resistance and by the proclamation of "social rights" at the end of World War II. I am obviously thinking here of the "spirit" of the Philadelphia declaration adopted in 1944 by the International Organisation of Labour but also of the inclusion of a "right to work" in certain European constitutions.

It is not a matter of raising abstract concepts or wallowing in the nostalgia of the battles won in the 1940s or the compromises reached in the 1950s, but of recasting the question of the bases for collective action concerning the work and living conditions of workers. With a view to the efforts of the ILO on the international front, what does the guarantee of "decent work" mean at the European level?

Faced with these fundamental questions, the answers in principle are obviously widely different, given the economic and social differences between countries that have been exacerbated by the consequences of the crisis. Nevertheless, the changes in work and social protection call for a European reflection on the factors of "social justice" in terms of wages but also, more precisely, in terms of health, housing, education and mobility. Yet, although the crisis has cruelly underscored the European stakes of the destabilisation of labour markets, the debates are still conducted largely at the national level.

How can discussions that link local negotiations and mobilisation with the more general problems identified by the trade unions at European level be given greater visibility? Aren't there new forms of mobilisation to be invented to that end? Surely at stake is, and in future will be, to combine the charting of "labour policies" with the development of the characteristic traits of "European citizenship?"

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