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Trade unions and precarious work

– Danish country report to the BARSORI-project

Mikkel Mailand & Trine P. Larsen

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Forskningscenter for
Arbejdsmarkeds- og
Organisationsstudier

Sociologisk Institut
Københavns Universitet
Øster Farimagsgade 5
1014 København K
Tlf: 35323299
Fax: 35323940
faos@sociology.ku.dk
www.faos.dk

SOCIOLOGISK INSTITUT
KØBENHAVNS UNIVERSITET

Indholdsfortegnelse

Preface

One of the key concerns related to the post-industrial labour markets of EU countries is the tendency towards increased levels of precarious work, accompanied by processes of segmentation and exclusion. Growing proportions of the active population do not correspond to the traditional industrial type of employment with full-time open-ended contracts, access to social security arrangements and represented by trade unions. Increasingly the labour market is fragmented, with so-called non-standard employment status like fixed term contracts, part-time contracts, temporary agency workers, dependent self-employment and informal work becoming increasingly important. Depending on the specific national situation, the individuals in such non-standard jobs are often at a disadvantage where employment and social rights are concerned, both from a legal point of view (labour and social security legislation) and from the perspective of other forms of labour market regulation (collective agreements, company policies, employment policy). Moreover, the disadvantages that derive from these non-standard employment forms often accumulate among specific social groups like the young, migrants or women. It is these groups that are over-represented among the precariously employed.

In the project this report relates to precarious employment is understood as an objective condition (instead of a perception-based phenomenon). It refers to employment with high levels of uncertainty and/or low levels of wages or social protection. Such employment has insufficient social rights where the main dimensions are low dismissal protection, non-standard employment relationships (flexible contracts, dependent self-employment), low wages, and/or insufficient unemployment, pension and other social security entitlements. Hence it is strongly influenced by labour market and related regulations. The definition is admittedly broad and the project excludes exact quantitative measures for estimating when a specific non-standard job can be considered precarious or not. Nevertheless, an evaluation of the risk of precariousness for various employment types will be made country by country. Moreover, it is important to emphasise that not all forms of non-standard employment should be seen as precarious. It depends on the circumstances and varies across countries and sectors. Non-regular employment can in many cases meet both employers' and employee demand for flexibility and provide sufficient income and acceptable wages and working conditions. In addition, non-regular employment can sometimes be a stepping stone to regular employment in the labour market.

Most previous research on precarious work has focused on the analysis of the labour market structures, vulnerable groups, and various dimensions of precariousness and state policies that increase or decrease levels of precariousness. The main focus of the present pilot project - BARSORI - is on the contribution that trade unions can make to the reduction of precarious employment through collective bargaining and social dialogue. The project studies experiences in six EU countries: Denmark, Italy, the Netherlands, Slovakia, Spain and the UK.

The national research teams were asked to draw up a country report in two parts. The first part should focus on types of employment that *might* (depending

on national circumstances) represent precarious work. These were: part-time work (both regular and marginal); temporary contracts (fixed-term, assignments/service contracts), training/apprenticeship contracts; temporary agency work; self-employment; other relevant categories. The dimensions of precariousness to be examined for these employment types are: Incidence of low wages; social security rights (health care coverage and access to medical care; pension rights (old-age and invalidity pensions); unemployment benefits; maternity leave (paid-unpaid); sickness leave (paid-unpaid); job security, labour rights entitlements, and career prospects; notice period for termination of the employment relationship; severance payment if applicable (peculiarities of dismissal/redundancy law); access to training; other relevant differences on labour conditions. The second part of each country reports should focus on trade union actions and strategies and include a general description of trade unions strategies related to precarious work as well as four specific cases to illustrate the trade union actions.

The project 'Bargaining for Social Rights' pilot project is financed by the European Commission's Directorate General for Employment, Social Affairs and Inclusion. More specifically, it is funded by Article 04 04 08 of the EU Budget ('Pilot Project to encourage conversion of precarious work into work with rights'). The project is led by the Amsterdam Institute of Advanced Labour Studies (AIAS), University of Amsterdam.

1. Description of precariousness and non-standard employment in Denmark

In recent years, the Danish labour force has increasingly become more diverse. A new study suggests that 28 per cent of the Danish workforce holds an employment contract that no longer reflects the traditional permanent full-time position. Parts of this group of employees can be considered to represent different types of precarious workers (Scheuer 2011). The term 'precarious work' – a term which is rarely used in Denmark – covers a wide spectrum of different forms of non-regular employment ranging from temporary agency work, fixed-term contracts, teleworking, self-employment, flex-jobs, au-pair jobs to part-time work. However, in Denmark only parts of these employment types can be considered precarious.

In section 1 we briefly review different non-standard employment types, which in the literature are often seen as being related to precariousness. Secondly, we examine the incidence of low paid work among workers with different types of non-standard employment, their different rights and access to social benefits, along with their job security and career prospects.

1.1 Employment types related to precariousness

1.1.1 When is non-standard work precarious?

In the Danish context, *part-time* work is typically defined as working less than 37 hours per week over a five day period, since the 'normal' working week is considered 37 weekly working hours. However, no consensus exists as to whether part-time work in Denmark is considered precarious or not. In this report, part-time workers are considered at a greater risk of precariousness in so far that it 1) is involuntary and/or 2) involves a low number of weekly working hours, which affects part-time workers' eligibility to unemployment benefits, occupational pensions and other social benefits along with their ability to sustain a reasonable living standard. However, we cannot point to a precise number of weekly working hours which divides precarious from non-precarious part-time work. Regarding unemployment benefits, a rough indicator is though the threshold which stipulates that a part-time worker needs to have worked what is equivalent to 52 weeks of full-time work during the last three years to qualify for unemployment benefits. In other words, a part-time worker needs at least on average to have worked 13 working hours per week over a five day period during a continuous three year period to qualify for unemployment benefits. The term marginal part-time work will also be used and is here defined as less than 15 working hours per week over a five day period.

Regarding *fixed-term contracts*, Danish collective agreements and law distinguish between three types of fixed-term workers based on the occurrence of a specific event, project contract and a specific date for termination. Being a fixed-term worker does not necessarily equal being precarious. Some employees voluntarily opt for a fixed-term position. Therefore, a fixed-term worker can

be considered at a greater risk of precariousness only if similar to some part-time workers they have 1) involuntarily ended up in a fixed-term position, 2) have relatively few weekly working hours which affects their eligibility to social benefits and income levels, 3) if their working contract is relatively short-term and thereby affects their eligibility to different forms of social benefits and employment security.

The definitions of *teleworking and temporary agency work* follow the European directives and European social partners' definition of these concepts. The extent to which teleworkers and temporary agency workers can be considered to be precariously employed depends on whether they face similar problems as part-time workers and fixed-term workers in terms of 1) being involuntarily in such a position, 2) not having enough weekly hours, and 3) having an employment record that restricts their eligibility to different social benefits and/or makes it difficult to ensure a reasonable living standard.

With respect to the *self-employed* without employees, a person is considered self-employed without employees, if he/she receives no payslips, issues invoices, works at their own expenses and is not assigned the instruction of others (Ballebye et al. 2009). They typically fall between two groups, namely what is considered a 'normal' employee and self-employed with their own business. In some instances Danish law considers the latter as self-employed, whilst in other matters such as tax laws, sick leave etc, the self-employed are defined as employees (Jørgensen and de Paz 2011). In addition, with respect to the self-employed without employees a grey zone exists. They are often termed 'the third group' on the labour market, as in one way or another they are economically dependent workers. For example they include free-lancers and bogus self-employed, these workers are not engaged in a traditional employee/employer relation, but at the same time they are not typically self-employed, mainly because they receive most or all of their income from one client over varying lengths of time. Hence, they are not eligible for different social benefits due to their status as self-employed (Ballebye et al, 2009). It is this particular group that is at a greater risk of becoming precarious, as they often have limited or no rights to social benefits and no guaranteed income due to their status as self-employed.

Besides these more traditional forms of non-regular employment, flex-jobs and au-pair jobs represent yet two new forms of non-standard employment, which have become more widespread in Denmark. *Flex-jobs*[1] are permanent jobs on reduced working hours which are heavily subsidized by central government and aims at disabled people as an alternative to incapacity benefits. The employment contract is slightly different to the normal employment contract, as it is an agreement not only between the disabled person and their public or private employer, but also with Local authority (Gupta and Larsen 2008). In addition, when people in flex-jobs work reduced hours they are guaranteed a salary

[1] Flex-jobs are considered as being part of the active labour market policy in Denmark. Among the various active labour market policy measures we have chosen only to include flex-jobs, most importantly because the flex-jobs contrary to for instance the job training measures (subsidized jobs) are permanent positions.

equal to a full-time job irrespectively of their number of weekly working hours (DJØF 2011). To what extent flexjobs can be considered precarious is debatable, mainly because a full-time wage is ensured irrespectively of weekly working hours and in many other respects are also covered by the same rules and procedures as permanent full-time employees. However, exceptions exist. For example, people in flex jobs do not have the same right to membership of an occupational pension fund and are therefore at risk of having a reduced income in old age. They also receive reduced unemployment benefits in case of redundancy, which in some instances can put them at risk of becoming precariously employed.

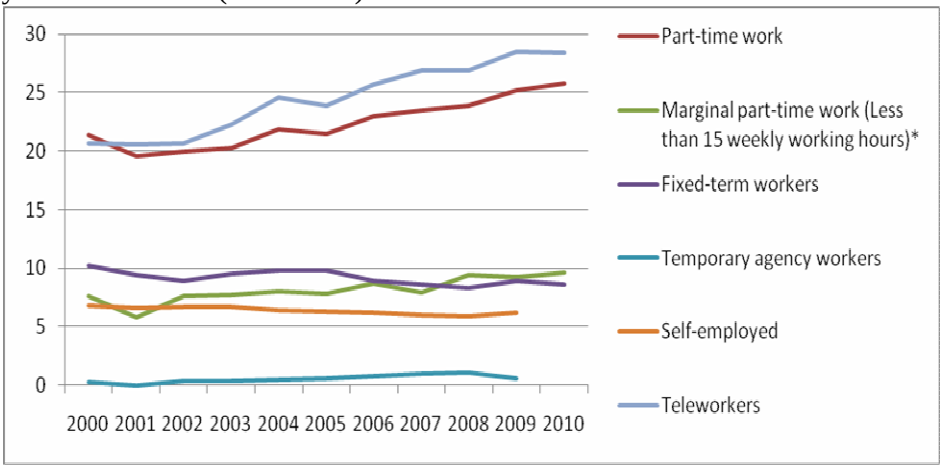
As to *au-pairs*, Danish law does not consider the au-pair job as an actual employment relationship. Instead, the au-pair scheme is described as related to further cultural understanding between cultures by a young woman or man aged 17-29 living with a Danish family for up 18 months, and in exchange for providing regular household duties they receive pocket money, paid accommodation and food (Stenum 2008; Korsby 2010). However, de facto au pair is an employment relation. This form of employment can indeed be considered precarious, as these groups of employees are without any labour law rights and are excluded from any collective agreements and labour legislation.

1.1.2 The development in non-standard employment in Denmark

In the following, the recent development of non-regular employment relations on the Danish labour marked are reviewed.

Temporary agency work, teleworking and part-time jobs, including marginal part-time work, have become more common on the Danish labour market in recent years. For example, temporary agency work increased rapidly up until it peaked in 2008, but has since then nearly halved, even though numbers remain comparatively higher than at the beginning of the new Millennium. Other forms of non-regular employment such as fixed-term contracts and self-employment have remained relatively stable or may even have declined during the last decade (see figure 1).

Figure 1: Non-standard work as a percentage of the workforce aged 15-64 years in Denmark (2000-2010)



Source: Eurostat (2011a; 2011b); European Commission (2010); Statistics Denmark (2011a; 2011b); Arbejderbevægelsens Erhvervsråd (2009)

Following the recent development of non-regular employment on the Danish labour market, the number of people working *part-time* amounts to more than one in four of the workforce and in 2010 around 10 per cent work less than 15 hours a week. However, most Danish part-time workers work more than 30 hours per week (46 per cent) and among all part-time workers around 15 per cent - just as many men as women - have involuntary ended up in such positions. Hence, the number of men being involuntary in a part-time position has nearly doubled since the early 1990s having increased from 8 per cent in 1990 to 15 per cent in 2010 - whilst the number of women in such a situation has remained relatively unchanged. In addition, recent figures reveal that one in three - mainly women - have opted for part-time work due to family obligations, whilst 37 per cent combine their studies or further training courses with a part-time job. It is primarily women - typically mothers or other care-givers - along with young people aged 15-30 years in education that work part-time (Eurostat 2011c; see table 1 and 2).

Teleworking is also relatively common among Danish employees with up to 28 per cent working from home. However, less than 4 per cent do so on a regular basis (Statistics Denmark 2007; table 1). Men aged 30-54 are more likely to work from home than women and their younger and older colleagues. A recent study also reveals that telework is just as widespread among full-time employees as non-standard workers, where the self-employed in particular more often work from home (Scheuer 2011).

Table 1: Danish employees working in non-regular and regular employment as a percentage of the total workforce (2010)

	2010		
	Total	**Men**	**Women**
Full-time work	74	86	61
Part-time work	26	14	39
Marginal part-time work (Less than 15 weekly working hours)*	10	8	12
Fixed-term workers	9	8	9
Temporary agency workers	0,6	:	:
Self-employed without employees	6	8	4
Teleworkers	28	32	24
People in flex-jobs	2,3		

Source: European Commission (2010); Eurostat (2011a; 2011b); Statistics Denmark (2011a; 2011b); Arbejderbevægelsens Erhvervsråd (2010). *2009 numbers

Around 6 per cent of the Danish workforce is *self-employed without employees*. They are typically men aged 25-54 years, and many operate within sectors such as agriculture, fishing, quarrying, construction, and the wholesale and retail industry (see table 1 and 2; Ballebye et al 2009). In recent years, the problems of bogus self-employed have increased, where particularly foreign workers from Eastern Europe come to Denmark and get registered as self-employed without employees. However, in many instances they cannot be considered as

"legally self-employed, as they often receive most if not all their income from one client (Ballebye et al. 2009). Unfortunately, no statistics are available regarding the exact numbers of bogus self-employed – Danish and foreigners alike. However, the share of bogus self-employed among all self-employed without employees is estimated to be marginal and mainly prevalent in the construction sector (Ballebye et al, 2009). In addition, self-employed without employees often work odd hours and tend to have longer working hours than their peers with normal employment contracts. The exception being artists, who tend to work reduced hours - often combined with a fixed-term contract (Ballebye 2009; Jørgensen and de Paz 2011). Jørgensen and de Paz also reveals in their study of self-employed Danish artists that nearly one in three work-part time, 17 per cent has a fixed-term contract and around 20 per cent has an additional job, indicating that such groups of the self-employed face a greater risk of job insecurity and short hours than the general workforce (Jørgensen and de Paz2011). Other studies also reveal that the majority of the self-employed are low skilled or unskilled workers. However exceptions also exist, where for example artists in particular tend to have a high educational background (Ballebye 2009; Jørgensen and de Paz 2011).

A relatively small number of Danish employees work as *temporary agency workers* (0.6 per cent). Their numbers have more than tripled in the last decade, even though this group of employees was particularly hit hard by the economic crisis. Most are recruited for jobs within sectors such as production and construction (18 per cent) transport and logistics (17 per cent) or the elder and child care sector (24 per cent) whilst relatively few work as nurses They are often young people and the majority are often unskilled or low skilled workers (Andersen and Karkov 2011). In addition, part-time work is also widespread among the group of temporary agency workers (Adecco 2006).

In Denmark nearly one in ten employees hold a *fixed-term* position and among this group around 13 per cent has a contract which is less than three months. Another 17 per cent has a contract which is between four to six months, whilst the length of the contract for one in five fixed-term workers is between seven to twelve months. Therefore, nearly one in two fixed-term workers has a contract of less than one year and they amount to around five per cent of Danish employees (Eurostat 2011f). Just as many men as women work in fixed-term positions often because they are unable to find a permanent position (47 per cent) or are studying (37 per cent) (Eurostat 2010). The number of people - women in particular - being involuntarily in a fixed-term position has increased in recent years. In addition, recent figures reveal that young people under the age of 30 years are over represented among fixed-term workers. Recent figures also suggest that fixed-term contracts are used across the job spectrum and their numbers are relatively higher in positions such as professionals, technicians and service workers (Larsen and Navrbjerg 2011).

Trainees and apprentices are normally not considered employees in Denmark. However the issue of trainee and apprentice contracts – and especially the lack of them – has been and still is a high profile issue in the Danish media and political debates. In 2010, among the 14.000 young people seeking an appren-

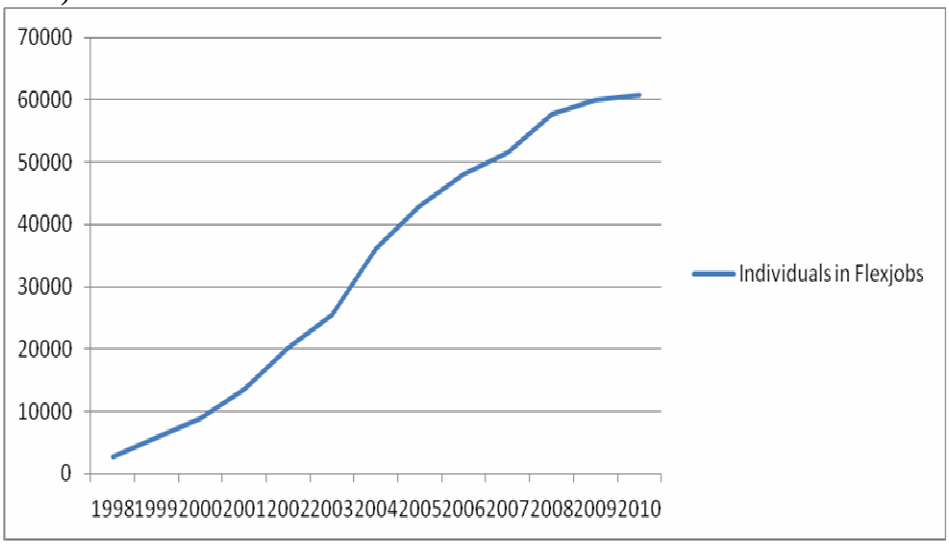
ticeship only 4.300 only were successful. The vast majority - 9700 - did not get an apprenticeship contract. This recent rise in both the number and the share of young people not succeeding in signing apprentice contracts has reverted the trend from 2004 to 2008, when most young people were successful in getting an apprenticeship contract (AE 2011). The Government has recently tried to increase the supply of apprentice contracts, but this has not been enough to stop the increase in surplus demand.

The scheme of *flex-jobs* was introduced in 1998 to reduce the rising number of people on incapacity benefits and is administrated by Local authorities (Bredgaard et al 2009). Flex-jobs are eligible to all disabled people who meet specific visitation criteria. Their work tasks and working hours are organized around the capabilities of the disabled person. Since its introduction in 1998 the number of people being part of this scheme has increased from 2770 to 60.818 individuals in 2010, which corresponds to an increase from 0,1 per cent of the workforce in 1998 to 2.3 per cent in 2010 (Arbejdsmarkedsstyrelsen 2011b; Center for ligebehandling af handicappede 2004).

The increasing popularity of the flex-job scheme not only by employers, but also by disabled people and local authorities, may be down to economic incentives as the scheme is heavily subsidized by central government (Bredgaard et al 2009; Gupta and Larsen, 2008). The people who are part of the flex-job scheme are mainly women (60 per cent) with reduced working abilities, primarily aged 40 to 64 years, followed by men aged 40-64 years,(22 per cent)(Arbejdsmarkedsstyrelsen 2011b). Less than 4 per cent of the people within the scheme are young people under 30 years of age (Arbejdsmarkedsstyrelsen 2011b).

Au-pair jobs have also become more common in recent years, as more and more Danish families recruit a foreign au-pair typically a young woman from the Philippines to do household chores and look after their children (Stenum 2008; Korsby 2010, see figure 3).

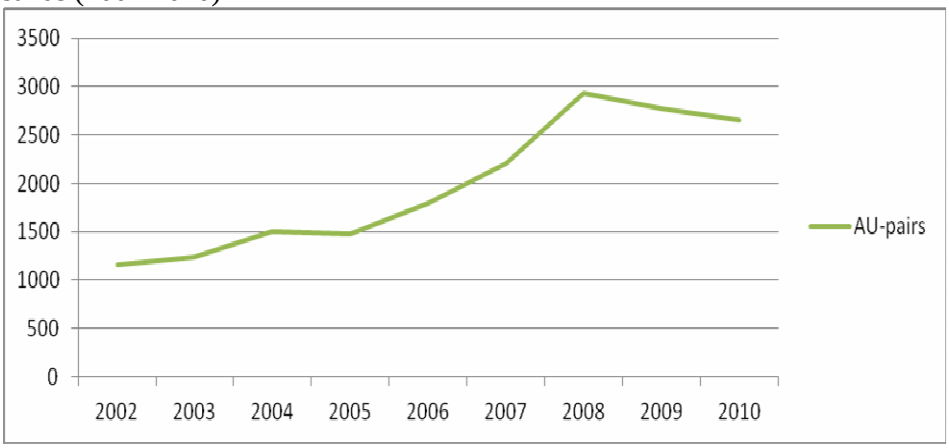
Figure 2: Number of individuals in flex-jobs in Denmark, per thousands (1998-2010)



Source: Arbejdsmarkedsstyrelsen (2011); Center for ligebehandling af handicappede (2004: 2)

In 2010, it is estimated that around 3974 au-pairs work in Denmark based on the fact that the length of the visa- and working permit for au-pairs run for 1.5 year, and corresponds to around 0.1 per cent of the workforce. However, this number could be even higher, as often au-pairs continue to work in Denmark without being registered or having a valid visa and permit (Korsby 2010).

Figure 3: Number of foreign au-pairs issued visa permits in Denmark in thousands (2002-2010)



Source: Ministeriet for Flygtninge, Indvandrere og Integration (2011); Stenum (2008: 7)

1.1.3 Comparing across the different types of non-standard employment

When looking across the different types of non-regular employment, it appears that whilst women in particular work part-time and men tend to be self-employed, such gender divisions are less marked when it comes to other groups of precarious workers. This accounts particularly for fixed-term work and marginal part-time work and temporary agency work (Eurofound 2006; Andersen and Karkov, 2011; see table 1). Hence, these forms of employment are more widespread among the younger generation whilst their older colleagues are more likely to work full-time (see table 2).

Table 2: Danish employees working in non-regular and regular employment according to age as a percentage of the total workforce (2010)

	15- 29	30-54	55-66	Total
Full-time work	12	50	12	74
Teleworkers	3	21	5	28
Part-time work	11	10	4	26
Marginal part-time employment	8	1	1	10
Temporary agency workers*			:	:
Fixed-term workers	5	3	1	9
Self-employed				6
People in Flex-jobs				2.3

Source: Statistics Denmark (2011a; 2011b; 2011c; 2011d). *2007 numbers

Nearly all employees in marginal employment are less than 30 years of age. The same applies for fixed-term workers and temporary agency workers. The findings suggest that non-regular employment is a particular phenomenon facing the younger generation on their entry to the labour market, although many Danish women aged 30-54 also work part-time and many Danish men work from home.

Other research reveals that migrant workers including non-ethnic Danish citizens tend to be over represented in non-regular employment relations. For example, a recent study by Arnholtz and Hansen (2011) reveals that whilst 57 per cent of Polish migrant workers are employed on an open-ended contract, 12 per cent work as temporary agency workers and nearly one in three hold a fixed-term contract, which is comparatively higher than among Danish employees. In addition, when looking at the type of employment contract of non-western migrants, they too are more likely to be self-employed (11 per cent vis a vis 6 per cent for the general workforce), whilst relatively few are part of the flex-job scheme (Arbejdsmarkedsstyrelsen 2011: Mailand 2011). Recent figures also suggest that similar to their Eastern European colleagues they tend to be working in different forms of precarious work such as part-time work, temporary agency work, fixed-term contracts and au-pair jobs (Korsby 2010; Scheuer 2011).

1.1.4 Summing up

All in all, the findings reveal that the Danish labour market is becoming increasingly diversified where non-regular work seems more widespread than just a decade ago. The number of agency workers, teleworkers and part-time workers (particularly male involuntary part-time workers and marginal part-time workers) along with au-pairs and people in flex-jobs has increased compared to 10 years ago, although the number of some of these groups has declined during the crisis as by contrast, the numbers of self-employed and fixed-term workers have declined slightly during the last decade.

The different figures reveal that the non-standard workers such as au-pairs, agency workers, fixed-term workers and labour migrants were the first to lose their jobs when the economic crisis reached Denmark in late 2008. In fact, since the number of agency workers peaked in 2008 it has almost halved. By contrast, flex-jobs continue to be relatively popular, probably due to the wage subsidies granted by government. Likewise, part-time work and marginal part-time employment remain relatively popular as their numbers continue to rise despite the economic crisis. This seems related to the fact that short-term and temporary lay-off schemes where unions and employers with the support from central government have become more widespread. The schemes entail that employees can work reduced hours for up to six months with a 50 per cent wage compensation of their normal salary to prevent job losses during periods of an economic down-turn in the economy (Andersen 2009).

Moreover, recent figures reveal that Danish men more than Danish women have become victims of the economic crisis. The male unemployment rate has increased from 3 per cent in 2008 to 9 per cent in 2010 compared to an increase of the female unemployment rate from 4 per cent to 6 per cent during the same

period (ibid.). In addition, young people and migrant non-western workers and their descendents have also been hit by the economic crisis. One in four people made redundant in recent years are under the age of 30 years. Likewise, the employment rate of non-western migrant workers and their descendents have declined by more than 6 percentage points during 2008 to 2010 (Baadsgaard 2011). As a result, some groups of employees – men, migrant workers and young people along with some groups of precarious workers – seem to be particularly hard hit by the economic crisis. In this context, the findings reveal that in particular women, young people and migrants are more likely to work in jobs with non-regular employment contracts whilst their older male colleagues tend to have permanent full-time jobs - findings which seem to follow the main trend of the rest of Europe (Leschke 2007). As already indicated, some of these groups face a greater risk of job insecurity than others. But what is their situation when it comes to wages, particularly the incidence of low paid jobs, social security rights, career prospects and labour market rights? These questions are examined in the following section based on a review of contemporary surveys and research.

1.2 Dimensions of precariousness in the employment types

In this section various dimensions selected by the project group as related to risk of precariousness will be related to the employment types described above. These dimensions include the incidence of low paid work, access to social security benefits, job security, labour rights entitlements and career prospects.

1.2.1 Incidence of low wages

Low paid work is comparatively less widespread in Denmark than other European countries and the problem is rarely discussed in political debates. In fact, the issue of the working poor is mainly debated in relation to migrant workers from Eastern Europe (Mailand 2011). However, different studies imply that the number of people in low paid jobs has increased during the last decade (Westergaard-Nielsen 2008; Eurostat 2011). Some groups of employees – young people, women, ethnic minorities, migrant workers and to some degree employees in different forms of precarious work tend to be over represented in low-paid work – defined as 60 per cent of medium gross hourly wages (Mailand 2011b).

Recent figures from Eurostat reveal that 7 per cent of Danish employees in permanent positions were low wage earners in 2006 compared to 9 per cent of fixed-term workers. The same study indicates that Danish women (12 per cent) are more likely to be low wage earners than men (5 per cent) and that especially low skilled workers are over represented in low paid jobs (Casali and Alvarez 2010). Regarding part-time workers, 9 per cent were low wage earners in 2009 compared to 5 per cent of full-time workers (Eurostat 2011e). Other studies confirm that part-time workers and fixed-term workers' average wages often are comparatively lower than their peers in permanent full-time positions and that they to a larger degree are over represented in low paid jobs (Gash 2005; Marlier and Ponthieux 2000; Lescke 2007). However, when taking vari-

ous background variables into consideration such as education and job type, Gash (2005) shows that the pay gap between part-time and full-time workers reduces and in some instances is able to account for the wage differences. Fixed-term workers continue, however, to earn less than their peers in permanent positions even when controlling for such background variables (Eriksson and Jensen 2003; Gash 2005). Another recent study implies that fixed-term workers often receive only the minimum wage, even when they have several years of relevant work experience. They also seldom receive pay increases during their employment, which may account for the wage gap (Larsen and Navrbjerg 2011).

Self-employed workers such as artists seem to face the same problems as fixed-term workers when it comes to pay increases. They too rarely receive more than the minimum wage when starting a new job or any increase to their wages during periods of employment. Their income seems also to be very instable and often varies from time to time due to the nature of their work. Some even have difficulties in maintaining a reasonable living standard based on their profession even if many are highly educated or skilled workers (Jørgensen and de Paz 2011). However, when it comes to other types of self-employed workers recent figures reveal that their average earnings are higher than Danish employees in general (Ballebye et al 2009).

With respect to temporary agency workers, they are typically unskilled or low skilled. In fact approximately 80 per cent of temporary agency workers are reportedly unskilled or low skilled labour. They tend also to be over represented in low paid jobs (Andersen and Karkov 2011). However, some studies reveal that some nurses and social care workers have opted for agency jobs due to the higher salaries offered by agencies and they typically earn more than their peers in permanent positions (Adecco 2006; Jacobsen and Rasmussen 2009). Not all temporary agency workers are so fortunate and particularly Polish migrant workers in agency jobs often receive a relatively low salary compared not only to their Danish peers working as a temp and Danish employees in general, but also to other Polish migrant workers (Hansen and Hansen 2009).

Other groups of non-regular employees such as au-pairs or flex jobbers also tend to be low wage earners. An au-pairs' monthly salary or what is typically defined as their pocket money range from the legal minimum of 2.500 to 5000 Danish kroner per month and on top of this they receive free lodging from the family they work for. Calculated differently, their hourly wage comes to around 42 Danish kroner when their pocket money, the value of accommodation and lodging and their official 30 weekly working hours are taken into consideration (Stenum 2008; Korsby 2010). This amount is considerably lower than other types of non-regular employees, and the au-pair job can indeed be considered a low paid job, even when such employees receive the top end of their monthly wage. With respect to people in flex jobs, a recent study reveals that one in two is unskilled and 35 per cent are skilled workers. Only one in ten of people in flex jobs are college graduates. They are typically recruited for service jobs or unskilled jobs, indicating that people in flex jobs are similar to most other

groups of precarious workers over represented in low paid jobs (Gupta and Larsen 2008; Hohnen 2000).

1.2.2 Social Security Rights

In Denmark, the social security rights of employees are regulated through a mix of legislation and collective agreements. Collective agreements cover approximately 75 per cent of Danish workplaces, where the coverage rate is almost 100 per cent in the public sector and 65 per cent in the private sector in 2010 (Larsen et al 2010). According to Danish law and collective agreements, all citizens and employees irrespectively of their employment contract and nationality have in principle equal access to all Danish social security benefits as long as they hold a valid visa permit, are registered with the Danish authorities and meet - similar to Danish citizens - the various assessment criteria outlines in the different rules and regulations (Hvidt et al 2010). However, the collective agreements only cover parts of the labour market, and as a result employees working on the unorganised labour market – which is one in four employees - have no rights to the social benefits stipulated in the collective agreements, unless their employer offers such benefits or if these benefits are regulated by law. In some instances, this also means that these groups of employees have restricted access to certain social security benefits, mainly because 1) some benefits such as extra holiday entitlements, the minimum wage and paid short-term leave are exclusively regulated through collective agreements; and 2) the collective agreements tend to offer more generous social security packages than the law.

A recent survey by Scheuer (2011) reveals that non-regular employees are less likely than their peers in full-time jobs to be covered by a collective agreement and thereby have rights to the social security benefits within the agreements. Hence, wide variations exist between the different groups of non-regular employees. For example, employees in permanent full-time - (74 per cent), part-time - (79 per cent) or fixed-term positions (86 per cent) tend to a larger degree to be covered by a collective agreement, whilst less so their colleagues working as temporary agency workers (62 per cent) or having another form of non-regular employment relations (61 per cent – Scheuer 2011: table 5.16). In addition self-employed and to some degree temporary agency workers are not covered by the collective agreements (Jørgensen and de Paz 2011; Andersen and Karkov 2011). However, the rights of agency workers have increasingly been recognised within the collective agreements; and following the implementation of the European directive on temporary agency work legislation will cover those not covered by a collective agreement and thereby ensure they will in principle acquire similar rights as comparable workers in permanent full-time positions (Andersen and Karkov 2011).

To varying degrees teleworkers also have restricted access to the social benefits. Most unions and employers associations have failed to transpose the European social partners' autonomous agreement on telework into collective agreements at sectoral and local levels, and the government has no intension of introducing legislation which would secure these social benefits for those who are not covered by a collective agreement (Larsen and Andersen 2007).

Regarding fixed-term workers and part-time workers they are by law and collective agreements ensured similar social security rights as their colleagues in full-time permanent positions as along as they meet the legal criteria. Nevertheless, marked differences often exist whether the focus is on the legal statutory rights or the de facto social security rights of the different types of precarious workers.

Health care coverage and access to medical care

The nature of the Danish welfare state with its universal services and benefits ensures that all Danish citizens, including precarious workers, enjoy the same rights to full health care coverage and free medical care (Esping-Andersen 1999). However, some restrictions apply to foreign citizens and migrant workers coming from outside the EU. To qualify for full health care coverage and access to free medical care on similar terms as Danish citizens, migrant workers from outside the EU need to have a valid visa permit and be registered with the Danish authorities. Migrant workers and citizens from within the EU on the other hand need just to be registered with the Danish authorities to quality for free medical care and full health care coverage (Hvidt et al 2010). However, in recent years a number of private and public companies have started to offer private health care insurances and it is an issue that is subject to much debate at company level.

A recent survey with around 8000 Danish shop stewards from the trade union federation LO reveals that one in two shop stewards have discussed private health care insurance with colleagues and/or management during the last year. 7 per cent have signed local company agreements on private health care insurance, and an additional 12 per cent have concluded agreements on private wellness schemes, which cover free massage, physiotherapy, gym memberships etc. (Larsen et al, 2010: 197).

To what extent such arrangements apply to all employees irrespective of their employment contract is uncertain. However, the general rule is that all employees working in a company covered by a collective agreement are guaranteed the same rights to the social benefits stipulated in the collective agreements. Hence, a recent study on the implementation of the EU's directive on fixed-term contracts in Local government sector suggests that some employers with the support of shop stewards differentiate between their permanent and fixed-term staff when it comes to accessing company paid wellness schemes (Larsen 2009). This suggests (along with the fact that some precarious workers are more likely to work on the unorganised labour marked as mentioned earlier) that they are less likely to have access to company paid private health care insurance and private wellness schemes compared to their peers in permanent positions.

Pension rights (old-age and invalidity pensions)

All Danish citizens irrespective of their employment contract have access to old age pensions and invalidity pensions if they 1) live permanently in Denmark, 2) have lived in Denmark for at least 3 years between their 15 birthday and their

retirement age and 3) are aged 65 years or more. However, the level of pensions can vary, if a Danish citizen has lived a number of years abroad (Borger.dk 2011). Migrant workers' access to old age pensions or invalidity pensions depends on their visa permits, their number of years on the Danish labour market and their age. The official retirement age is 65 years and to qualify for a full old age pension, a migrant worker will have to have stayed legally in the country for 40 years. 20 years of residency in Denmark gives migrant workers rights to half of a full pension. However, migrant workers lost working abilities are similar to their Danish counterparts when it comes to setting the thresholds of invalidity pensions (Hvidt 2010).

Besides the old age pension and invalidity pensions, a number of collective agreements and Danish companies also offer occupational pension schemes. Recent figures suggest that precarious workers are less likely to be part of such schemes. Whilst 56 per cent of precarious workers defined as part-time workers, fixed-term workers, temporary agency workers, the self-employed and people with side jobs on the Danish labour are covered by an occupational pension scheme, this accounts for 94 per cent of employees in a permanent full-time position (Scheuer 2011 and own calculations). Great variations exist across the groups of non-regular employees. Part-time workers (87 per cent) are more likely to be part of an occupational pension scheme than their colleagues in fixed-term positions (64 per cent) and temporary agency jobs (46 per cent). The coverage rate is even lower for other groups of precarious workers with a different employment relation (Scheuer 2011). Another Danish study confirms this finding that one in two local government employers grant their fixed-term workers access to an occupational pension scheme While this could be seen as discrimination this is often because they rarely meet the legal criteria outlined in the law and collective agreements, even where recent rule changes have relaxed the restrictions (Larsen 2009; Lorentzen 2011).

To accrue occupational pension rights, all Danish employees have to work more than eight hours per week in one month and fulfil the various legal criteria, which often differ from one collective agreement to another. For example, the collective agreement covering municipal child care workers stipulates that only employees aged 21 who have been employed at least one year within Local government sector have the right to accrue pensions (KL et al 2002). Other collective agreements' pension schemes include shorter periods of employment such as the industrial sector agreements which require at least a two months employment record (Lorentzen 2011). Therefore, employees with relatively few weekly working hours and short-term contracts are excluded from the occupational pension schemes or receive reduced pensions, as they face a greater risk of never meeting the various legal criteria due to their short-term contracts, longer or shorter spells of unemployment and sometimes reduced working hours.

Temporary agency workers face similar barriers. Their rights to occupational pension schemes and the contribution rate vary significantly from one collective agreement to another. Some agreements apply the same rules and procedures to agency workers and permanent staff, whilst others require that the agency

workers are 20+ years and have worked at least 1443 hours over a three year period for the same agency to accrue occupational pension rights (FASID and FOA 2007; Danish Chamber of Commerce and Danish Nurses Union 2007).

With respect to the self-employed, they too are typically excluded from such occupational pension schemes due to their employment relation being somewhat between what is considered a "normal" employees and a true self-employed worker (Jørgensen and de Paz 2011). The same applies to au-pairs, since their employment relation is considered a relation of cultural exchange rather than a normal employment relation (Stenum 2008). Likewise, employees in flex jobs have limited access. Their ability to accrue pension rights often depends on which occupational pension scheme they join when starting in a flex job. They tend as well to experience a reduced contribution rate, lower coverage rate, increased red tape and difficulties when having to move from one pension fund to another when they start a flex job or move from one flex job to another (Center for Ligebehandling af handicapped 2004).

When it comes to migrant workers such as Poles, their coverage rate is even lower than their Danish colleagues, including most other groups of precarious workers. 45 per cent of polish migrant workers are reportedly covered by a pension scheme whilst working in Denmark (Hansen and Hansen 2009: X). Also according to a recent study other ethnic minority workers, particularly non-western migrants are less likely to be covered by an occupational pension scheme (Scheuer 2011).

Unemployment benefits

Unlike a number of European countries, the Danish unemployment system is based on a voluntary principle, where it is up to the individual, if he or she wants to join an unemployment insurance fund rather than being compelled to pay into the system (Ibsen et al 2011; Leschke 2007). The number of people being covered by an unemployment insurance fund has declined from 72 per cent in 1994 to 63 per cent in 2008. This means that 37 per cent of Danish employees were without unemployment protection and therefore in case of unemployment will have to rely on their own funds, unless they are eligible for social assistance (Ibsen et al 2011).

Employees without unemployment protection can apply for social assistance (kontanthjælp). To be eligible the unemployed will need to have 1) lived in Denmark for at least seven of the last eight years, 2) be actively seeking work, 3) be willing to participate in various active labour market programmes and 4) have assets less than 10.000 Danish kroner. The rate of social assistance depends on the individuals' family status where the maximum is approximately 1780 Euros per month. In situations where the unemployed are not eligible for social assistance, the person can apply for start-aid – a programme mainly targeted at migrant workers and their descendents. The rate of start aid also varies according to the unemployed worker's family status, where single parents with two or more children living at home can receive up to 1295 Euros per month (Mailand 2011b).

Non-regular employees are generally speaking less likely to be part of an unemployment insurance fund. According to a recent study, 95 per cent of employees in full-time permanent positions are covered compared to 85 per cent of part-time workers, 83 per cent of fixed-term workers and 75 per cent of temporary agency workers (Scheuer 2011). Other research suggests that the coverage rate is much lower for such groups. For example, a recent study among union members of LO reveals that one in two unionized fixed-term workers are members of an unemployment fund compared to 92 per cent of unionised part-time workers (Larsen and Navrbjerg 2011). Statistics regarding the coverage rate of other groups of precarious workers such as the self-employed, teleworkers and people working in marginal part-time employment is unfortunately unavailable. However, it has to be noted that at least two unemployment insurance funds exist specifically for the self-employed, whilst au-pairs due to their employment contract being one of cultural exchange cannot be members of an unemployment insurance fund (Bredgaard et al 2010).

Since May 2009 the same rules and procedures regarding unemployment benefits apply to Danish and Eastern European workers on the Danish labour market. Prior to this date, Eastern European workers' access to unemployment insurance was limited and depended on their visa permit which they could only qualify for if holding a job. Such restrictions still apply to non-European migrant workers coming to Denmark (Larsen et al 2010). However, recent figures suggest that only one in ten Polish migrant workers are members of an unemployment insurance fund, whilst the coverage rate of other ethnic minorities is much higher (Hansen and Hansen 2011; Due et al 2010). For example, 61 per cent of non-western migrant workers are registered with an unemployment fund compared to 41 per cent of their descendents and 71 per cent of employees of Danish origin in 2008. The same study reveals that men are less likely than women to be members of an unemployment insurance fund and that young people in particular are without unemployment protection. Only one in five aged 18-25 years are registered with an unemployment fund compared to more than 60 per cent of their older colleagues in 2008 (Due et al 2010).

Although non-standard employees are registered with an unemployment insurance fund, this is no guarantee for receiving for such benefits. To become eligible for unemployment benefits, an employee has not only to be a member of an unemployment insurance fund. They also need to have paid contributions for at least one year, have an employment record of at least 52 weeks over a three year period and have during these 52 weeks worked full time (Hvidt, 2010). Therefore, people with relatively few weekly working hours, and a short contribution record are often unable to meet the legal criteria, which in particular may affect people in marginal part-time employment and on short-term contracts. In addition, part-time workers, who opt for part-time insurance if working less than 30 hours per week, will also receive reduced unemployment benefits (Bredgaard et al 2009).

With respect to the self-employed, they too tend to face various barriers when it comes to qualifying for unemployment benefits, even if they are registered with an unemployment insurance fund. Their entitlements depend on

whether the unemployment insurance fund classify the self-employed as an economically dependant self-employed or as a "true" self-employed with their own business. If the unemployment insurance funds classify the self-employed as the latter, they loose their right to unemployment benefits, even if according to the tax office they are considered employees and not self-employed with their own business (Jørgensen and de Paz 2011).

People in flex jobs often lose their right to unemployment benefits when joining a flex-job scheme, as the law stipulates that a person cannot accrue rights to unemployment benefits if they are in a job subsidized by public funding (Center for ligebehandling af handicapped 2004).However, they are eligible to other forms of social benefits if they no longer are part of the flex-job scheme. Polish migrant workers also seem to benefit little from the unemployment schemes irrespective of whether they are formally registered. According to a recent study on Polish migrant workers none of the 18 per cent of Poles experiencing unemployment received unemployment benefits (Hansen and Hansen 2009). In addition, migrant workers loose their rights to unemployment benefits after 6 months, as their legal right to stay in Denmark to search for jobs is removed after 6 months (Hvidt et al 2010).

When looking at the compensation rate of unemployment benefits, the unemployment funds seem to favour mainly people in low paid jobs. Unemployment benefits account for up to 90 per cent of an unemployed person's previous earnings up to a certain threshold. Employees with earnings above the threshold will have to settle for the statutory flat rate which rarely matches their previous earnings. Therefore, high and average earners rarely receive unemployment benefits matching their previous earnings. According to an OECD study, the net replacement rate among low-income groups is around 83 per cent compared to 61 per cent for average-earners and 47 per cent for high-earners in Denmark (OECD 2010).

All in all, precarious workers seem less likely to be registered with an unemployment insurance fund compared to permanent full-time employees. Some also have difficulty in accrueing rights despite being covered in principle. Therefore a large number of non-standard employees are often without unemployment protection.

Maternity, paternity and parental leave (paid-unpaid)

It is not only the rules and regulations regarding unemployment benefits which restrict different groups of non-standard employees´ access to social security benefits, even when they are part of the system. Precarious workers also seem to be less fortunate when it comes to paid and unpaid maternity leave, paternity leave and parental leave due to the legal criteria outlined in the law and collective agreements. All employees irrespective of their employment contract have rights to unpaid 14 weeks maternity, 2 weeks paternity and 52 weeks parental leave. However, employees' rights to the statutory paid maternity, paid paternity and paid parental leave depends on: If an employee has been in continuous employment the last 13 weeks before the leave and have worked more than 120 hours; Is a member of an unemployment insurance fund and is entitled to un-

employment benefits; or has completed a higher education of at least 18 months; or is a trainee in paid job training (Lorentzen 2011; Barselsloven 2002).

The rules and regulations for the self-employed are slightly different. To be eligible, they need to have been self-employed for at least 12 months, and within this period their weekly working hours during the last six months have to be equivalent to at least half of the normal weekly working hours specified in the collective agreements (37 weekly working hours at present). If a person has been self-employed for less than six months, their previous employment record is taken into consideration (Lorentzen 2011; Barselsloven 2002).

The statutory rate for paid maternity, paternity and parental leave is equivalent to the unemployment benefits outlined above. However, most collective agreements offer full wage compensation for the 14 weeks maternity leave and the two weeks paternity leave, whilst some collective agreements offer full wage compensation for parts of the parental leave. The rules and regulations regarding parents' rights to full wage compensation during maternity, paternity and parental leave are often stricter. Most collective agreements require an employment record of up six or nine months within the company prior to the leave (Lorentzen 2011).

As a result, only employees covered by a collective agreement will be eligible for full wage compensation during maternity, paternity or parts of the parental leave. Their colleagues not covered by a collective agreement or covered by a collective agreement with less generous entitlements only have the right to the statutory flat rate, even if they comply with the legal criteria. As mentioned earlier, generally speaking precarious workers are less likely to be covered by a collective agreement compared to employees in full-time permanent positions. They therefore have restricted access to full wage compensation during maternity, paternity or parental leave. This particularly applies to the self-employed as they are not covered by the collective agreements (Jørgensen and de Paz 2011). Temporary agency workers also face such problems in addition to the fact that their collective agreements often offer them less generous compensation rates during maternity, paternity or parental leave (Larsen et al 2010). In addition, temporary agency workers are, similar to other forms of precarious workers less likely to be registered with an unemployment insurance fund, and as a result they are also less likely to have the right to paid maternity, paternity or parental leave, since a pre-condition for such paid leaves is membership of an unemployment insurance fund.

Even if different types of non-standard employees are covered by a collective agreement and registered with an unemployment insurance fund, some groups, particularly those working reduced hours or have short-term employment contracts may have difficulties in meeting the legal criteria, particularly regarding the number of minimum working hours and a continuous employment record. This mainly applies to part-time workers with relatively few weekly working hours, fixed-term workers and temporary agency workers with short-term contracts. People working in flex jobs and teleworkers similar to their colleagues in permanent full-time positions have the right to paid maternity as long as they meet the legal criteria. However, au-pairs are exempt from such rights as

their contractual arrangements are not considered a normal employment relation between an employee and employer (Stenum 2008).

Sickness leave (paid-unpaid)
Paid sickness leave is available to all Danish employees, irrespective of their employment contract including people who are part of the flex-job schemes, if they have been in employment for a continuous period of 8 weeks and have worked more than 74 hours during this period prior to their first day off sick (Arbejdsmarkedstyrelsen 2011). Migrant workers enjoy similar rights insofar they are working legally in the country (Hvidt et al 2010). The self-employed are also eligible for paid sickness leave, but first after two weeks of sickness. Self-employed workers can take out a private sickness insurance, which will cover them from the first or third sick day (Bredgaard et al 2009). However, a number of collective agreements offer full wage compensation during parts of the sickness leave. To be eligible for full wage compensation during sickness leave, most collective agreements require a nine months employment record and that the employee is covered by a collective agreement (Lorentzen 2011). Therefore non-regular employees, especially fixed-term workers, temporary agency workers and part-time workers may have restricted access to full wage compensation during sick leave and will have to settle for the statutory pay, especially if they have few working hours and short-term contracts. Au-pairs are excluded from such schemes due to the nature of their employment relation.

1.2.3 Job security, labour rights entitlements, and career prospects
Job security, labour rights entitlements and career prospects are also important elements when examining the levels of risks precarious workers face compared to full-time staff. In the following these issues are analysed starting with the notice period for terminating an employment relationship in Denmark.

Notice Period for termination of the Employment Relationship
Denmark has on average some of the shortest notice periods for terminating an employment relationship in Europe. The notice period for termination can vary from just a few days up to six months and depends on individuals' employment record and which collective agreement he or she is covered by. Those not being covered by a collective agreement - hence few exceptions exist - follow the notice period stipulated in the White Colour Act (Funktionærloven), which stipulates that employees with more than eight weekly working hours within one month have a right to a three months notice period after their first three months of employment in a company. This notice period increases to 4 months after 5 years of employment and to 6 months after 10 years of employment with the company. Within the first three months, an employee can be dismissed with one months notice and if an individual's employment contract is less than one month they can be dismissed without further notice (Lorentzen 2011). Some collective agreements have a much shorter notice period. For example, within the construction sector, the notice period is only a few days, even for those with an employment record of more than 10 years (LO 2003). In the industrial sector

which covers approximately 40 per cent of the workforce, the notice period is 21 days in the first year of employment and increases to 2 months after five years employment and to three months after 10 years of employment (LO 2003).

Despite the general rules, some groups of non-standard employees are subject to lower levels of employment protection. For example fixed-term workers with contracts of less than three months, or if their contract is terminated based on the occurrence of a specific event rather than a specific date they can be dismissed without further notice. Danish case law has indeed manifested this through various rulings (Faglig Voldgift 2008). Different studies reveal that the number of fixed-term workers with contracts based on the occurrence of a specific event has increased since the introduction of this form of employment contract as part of implementing the European directive on fixed-term contracts. It is now one of the most used forms of fixed-term contracts in, for example, Local government sector, indicating that fixed-term workers' job insecurity has increased in recent years due to the lack of a notice period before terminating the contract. In addition, many fixed-term workers circulate in and out of different fixed-term positions and experience shorter or longer spells of unemployment for them then to be re-employed typically at the same workplace rather than being offered a permanent position (Leschke 2007; Eriksson and Jensen, 2003; Larsen 2009). Their level of job security seems therefore relatively low.

In addition to the relatively low job security temporary agency workers face varied lower levels of employment protection. Some agency workers have to work at the same agency for at least five months before they have accrued the right to a notice period of 3 months. Others follow the criteria outlined in the Act for White collar workers, whilst a third group of agency workers have a notice period of two weeks and others can be dismissed without a warning (A.B. Consult APS and Union of Social Workers 2010; Danish Chamber of Commerce et.al 2007; Danish Chamber of Commerce and 3F, 2007; Lassen, 2011). In addition, Danish case law has revealed that companies sometimes prioritise the protection of their permanent full-time staff when having to dismiss staff during periods of economic cut backs. In such situations part-time workers, fixed-term workers and temporary agency workers are often the first to be dismissed despite the legal framework which prohibits such discriminatory practises (Lorentzen 2011).

With respect to au-pairs their notice period is also slightly different to other employees. An au-pair has a 2 weeks notice period, but can be dismissed without further notice under certain circumstances. When being dismissed the au-pair also loses her or his visa permit, if they are unable to find a new job position within 2 weeks (Stenum 2008). The fact that they do not have a working permit also means that they face a higher risk of job-insecurity as they are not able to apply for any job, but only an alternative au-pair job. By contrast, people in flex jobs and part-time employment follow the general rules and regulations that apply to employees at the employers premises.

These findings imply that although the Danish labour market in general has relatively liberal hire/fire rules and regulations for most employees, some

groups, especially fixed-term workers, temporary agency workers and au-pairs experience lower levels of employment protection.

Severance payment if applicable (peculiarities of dismissal/redundancy law)
In Denmark, rules and regulations exist regarding mass redundancies. Whilst most groups of employees are covered by these rules and regulations, these do not apply to temporary agency workers as they are not counted as company staff). In addition, severance payment according to the Act on White collar work is granted to all white collar workers with employment records of 12, 15 or 18 years within a company. Most collective agreements on white collar work have implemented these rules and regulations although in some collective agreements the required employment record is lower (3, 6 or 8 years) (Lorentzen 2011). In the private sector the last collective bargaining rounds severance payments were granted to blue collar workers in most collective agreements. The severance payments can be paid collectively in situations with mass redundancies as well as in individual cases. Nevertheless, the usage of severance payments is comparatively less widespread in Denmark than in most other European countries. Employees with short-term contracts are often excluded from such agreements and will be unable to claim severance payments. This applies particularly to temporary agency workers and fixed-term workers who typically have very short term contracts. That self-employed are exempt from the collective agreements and law also mean that they are without such employment protection. The same applies to au-pairs, whilst people in flex jobs, part-time employment and fixed-term positions have the right to severance pay if they comply with the legal criteria.

Access to training
The legal and collective bargaining framework to varying degrees include specific clauses on further training and education for non-standard employment. For example, in most collective agreements no specific clause states that tele-workers have the same access to training as other workers at the employers' premises. Likewise, the different collective agreements signed by Danish temporary agencies, trade unions and employers associations rarely include specific statements regarding agency workers' access to further training, and those which do are relatively unspecific on how temporary agency workers gain access to such funds (i.e Danish Chamber of Commerce and 3F, 2007; Danish Chamber of Commerce et al, 2007; Danish Chamber of Commerce and FOA 2007). Also the rules and regulations relevant for fixed-term workers fail to give the right to further training. Instead the law and collective agreements stipulate that employers should facilitate further training for fixed-term workers as far as possible to improve their employability and career options (KL et al, 2002: § 7 stk 2). The self-employed face similar problems, as they are typically excluded from the collective agreements (Jørgensen and de Paz 2011). Nevertheless, the general rules within various collective agreements often include the principle of non-discrimination which ensures that tele-workers, part-time workers and

fixed-term workers have the same access to training comparable to full-time permanent staff if they meet the legal criteria.

Despite the legal framework, precarious workers are less likely to access further training and education. Firstly, different collective agreements require a certain employment record within the company in order to qualify for further training. For example, the collective agreement covering the industrial sector stipulates that to be eligible for 2 weeks further training an employee must have worked at least 9 months in the company. Other collective agreements include a shorter period of employment (Lorentzen 2011). In addition, according to a recent study, 84 per cent of part-time workers, 28 per cent of fixed-term workers and 14 per cent of temporary agency workers have access to further training compared to 91 per cent of employees in full-time employment (Scheuer 2011). Other studies confirm such findings and even suggest, for example that fixed-term workers are only invited along to short-term training courses that are required for them to carry out their various job tasks such as health and safety courses, hygiene or accounting courses. Courses that improve employees' qualifications and thereby make them more employable are often restricted to the permanent staff typically with the blessing of shop stewards (Larsen 2009; Gash 2005; Leschke 2007).

Au-pairs also have limited access to employer paid training courses. The law does not stipulate that the host family/employer have to, for example, fund Danish courses. Instead such expenses will have to be covered by the individual au-pair. However, some au-pairs receive to some help and financial support for various training courses from their host family/employer (Stenum 2008; Korsby 2010). Other migrant groups such as Polish workers' access to further training is also limited with 9 per cent having access to further training courses (Hansen and Hansen, 2009).

All in all these findings indicate not only that some groups of non-standard employees' possibilities for upgrading their skills are limited despite their legal rights. They also imply that to varying degrees trade unions and employers support and agree on differentiation between precarious workers and permanent full-time employees in the Danish labour market. This is more marked in some collective agreements than others.

Other relevant differences on labour conditions

Other relevant differences in the labour conditions of non-standard employees and their peers in permanent positions are that they tend to be under-represented in the Danish collective bargaining model. Not only are they less likely to be covered by a collective agreement their union density is also lower than their colleagues in full-time positions (Scheuer 2011). The only exception is for example self-employed artists who often are members of more than one union and therefore have a relatively high union density (Jørgensen and de Paz 2011). The union density is particularly low among young people, migrant groups of

Table 5: The employment relations of shop-stewards, LO union members, and the general workforce according to gender in per cent 2010

	Shop-stewards LO		LO-union members 2010		General workforce 2010	
	Men	**Women**	**Men**	**Women**	**Men**	**Women**
Full-time work	98	80	87	74	86	61
Part-time work	1	19	3	17	14	39
Fixed-term workers	1	1	6	5	8	9
Other	0	0	4	4	0	:
Total	100	100	100	100	100	100

Source: Larsen et al (2010: table 4.14) Statistics Denmark (2011); Eurostat (2011Kilde) TR-2010: n=7876; LO-medlemmer: n=1169. High significance p=0,00 (Chi^2)

non-western descendents, Poles and temporary agency workers (Mailand 2011a; Ibsen et al 2011; Hansen and Hansen 2011). Fixed-term workers, part-time workers and non-western migrants are more likely to be union members, although their union density is comparatively lower than their peers in permanent full-time positions (Larsen and Navrbjerg, 2011; Ibsen et al, 2011; Mailand 2011a). In addition, non-standard employees tend to be under-represented in shop steward positions, even if most collective agreements stipulate in their general rules that tele-workers, fixed-term workers, part-time workers and temporary agency workers enjoy the same rights as comparable employees working at the employers' premises, which seems to ensure that they have the same collective rights (see table 5).

Non-ethnic Danes are also less likely to be elected shop steward, indicating that these groups along with fixed-term workers and temporary agency workers to varying degrees are underrepresented in the collective bargaining system (see table 6). Part-time workers on the other hand seem to be relatively well represented in the collective bargaining system.

Table 6: LO shop stewards, LO-union members and the general workforce according to ethnicity in per cent.

	Shop-stewards LO	LO-union members*	General workforce**
	2010	**2007**	**2008**
With Danish origin	97	93	92
With ethnic origin other than Danish	3	7	8
Total	100	100	100

Source: Larsen (et al, 2010: table 4.15) *LO (2009); **Statistics Denmark (2009: RASA; RAS1X). TR-1998: n=6705; TR-2010: 7874

1.2.4 Summing up

In recent years the Danish labour market has become more diverse not only in terms of new ethnic groups of employees entering the labour market but different types of non-regular employment relations have also become more widespread. Some of the latter groups seem to face a greater risk of unemployment, low paid jobs, restricted access to social security benefits and limited opportunities for career advancements than their peers in permanent full-time positions. The collective agreements and the law do, on the one hand, prevent increased segmentation among full-time employees vis a vis non-standard employees as social partners and policy-makers have granted various groups of employees in non-standard employment new rights to various social benefits in recent years. On the other hand, legislation and collective agreements alike do indirectly facilitate an in-creased segmentation among different types of employees due the various rules of seniority and eligibility criteria. Some groups of employees, particularly those with short-term contracts, agency jobs and few weekly working hours, face great difficulties to accrue rights to the various social benefits, unemployment benefits, occupational pension schemes, private health care insurance schemes, paid maternity, paternity and parental leave along with further training and the various notice periods for terminating their employment contract, as they are never able to meet the legal criteria out-lined in the law and collective agreements. In this context, Danish fixed-term workers with employment contracts of less than six months, which amount to nearly one in three fixed-term workers, seem to be particularly at risk. They are rarely able to meet the eligibility criteria regarding rights, for example, to occupational pensions, further training, paid maternity, paternity and parental leave. Most collective agreements require an employment record at the workplace of up to nine and twelve months before such forms of social benefits can be accessed. Most Danish temporary agency workers face similar risks, mainly because their contract often is even shorter than their colleagues holding a fixed-term position. However, their lack of social benefits is often compensated with higher wages. Also self-employed without employees – bogus self-employed in particular – face a risk of precariousness, as they have limited or no access to the various social benefits due to the nature of their contractual conditions. By contrast, most part-time workers hold a permanent position and seem therefore less at risk. Hence, a smaller group – especially those with few weekly working hours – may be affected in other ways, since their occupational pension contribution and access to unemployment benefits depend on the number of weekly working hours.

Groups such as women, ethnic minorities and young people about to enter the workforce tend to be over represented in fixed-term jobs, part-time employment, agency jobs and au-pair jobs. Danish women are also more likely to be part of a flex-job scheme than their male counterparts. It also seems that low skilled workers are over represented in non-regular employment. This is particularly the case with respect to temporary agency work, flex-jobs and less so when it comes to part-time and fixed-term positions. In addition, young people and migrant workers, particularly Eastern Europeans and non-western descendents are less likely to be registered with an unemployment insurance fund.

Likewise, disabled people in flex jobs are less fortunate when it comes to receiving unemployment benefits as they cannot accrue such rights whilst working in a government subsidized job. In fact, being a member of an unemployment insurance fund is indeed vital, as this is typically a pre-condition for receiving various social benefits such as unemployment benefits, paid maternity, paternity and parental leave. Therefore, groups not covered by such unemployment insurance funds often face greater risks of been excluded from other forms of social protection. In addition, non-standard employees are less likely to be covered by a collective agreement, being union members and part of the shop steward teams and are therefore to a greater extent outsiders in relation to the Danish collective bargaining model.

2. Precarious and non-standard work and trade unions' strategies

It is often argued that unions first of all are the representatives of the interests of standard (core) employees and much less so of non-standard employees – and among them precarious workers – this is also reflected in the membership of the unions. At the same time, unions often see themselves as representatives for all workers, including non-standard employees. The Danish trade unions have taken a number of actions to improve the working conditions of these groups. In this section, attention will be paid to the strategies of trade unions with respect to collective bargaining and other measures to address non-standard of the work that – at least to some extent and in the eyes of some actors – could be seen as precarious work. The analysis includes initiatives that have been successful, as well as initiatives that have failed.

In the first part of this section the unions' general strategy, objectives and areas of attention of concern will briefly be reviewed. In the second part, we will present four cases of trade union strategies and actions which aim to improve conditions of work that – at least to some extent – can be seen as precarious. The cases illustrate various dilemmas the trade unions face when addressing the problems of precariousness. They also give an impression of the plurality of ways actions can be taken as well as the plurality of problems the trade unions face. *The first case* focuses on the initiatives taken to improve the working conditions of new migrant workers coming from Central and Eastern Europe in the construction sector, one of the sectors where most new migrant workers is found. The aim of such initiatives is - as will be further elaborated below - to improve the working conditions of migrant workers indirectly by encouraging such workers to become union members. The second case looks at trade unions' attempts to improve the pay and the social rights of temporary agency work (TAW) in the manufacturing industry. Here, the initiatives have mainly taken place at the collective bargaining table. The third case examines the largest Danish trade union confederation's (LOs) attempts to improve the conditions of youth workers (age 13 - 17). In this case, the strategy is not to improve the formal regulation by law and collective agreements, but to ensure that employers comply with the rules for youth workers and, in the case of non-compliance with these rules, take various forms of action. The fourth case focuses on trade unions' attempts to improve social rights of part-time employees at Danish universities as they too might be seen as precariously employed.

The analysis draws on contemporary academic research, reports from the trade unions, official statistics and interviews. Six interviews with ministerial representatives, trade unions and employer organisations were conducted during spring and autumn 2011 in order to get additional information regarding the description of the trade unions general strategies and the four cases studies (see Annex A).

2.1 Non-standard and precarious work and Danish trade unions' general strategies

2.1.1. Who are the Danish trade unions?

There are about 2.050.000 trade union members in Denmark. With a labour force of 2.660.000, excluding the self-employed this means that the union density is 77 per cent, although the figure is somewhat lower if retired union members are excluded. A recent study conducted for the largest union confederation LO estimated a union density at 67 per cent in 2010. An important reason for the comparatively high union density is due to trade union's involvement in the administration of unemployment insurance funds, the so-called Gent effect (Due and Madsen 2010).

LO is by far the largest trade union confederation in Denmark. The unions belonging to LO have 1.201.000 members and they organise both manual and non-manual workers. The second largest confederation is the FTF, with 358.000 members. FTF is largely made up of unions which organise public sector employees such as civil servants, teachers and nurses. However, the FTF also has members within the private sector including non-manual workers, particularly in banking and finance. The third largest confederation is the confederation AC, with 136.000 members. This union organises graduate level employees in the public and private sectors. AC lost 43.700 members in 2008, when the largest union affiliated to it, the Danish society of engineers (IDA), decided to leave the confederation. There are a number of major union bodies outside these three main groupings, which in total have 353.000 members. As well as the IDA, which in 2010 had 84.000 members, other groupings include the Christian union KF, with 102.000 members, and LH, which organises managers and executives and has 83.000 members (Statistics Denmark 2010; workers-participation.eu).

Many of LO unions are relatively small craft unions, but the largest have a wider membership such as: HK (shop and clerical workers' union) with 314.000 members; FOA (public employees with shorter education) with 201.000 members, and Dansk Metal (metalworkers) with 126.000 members. The largest union in LO is 3F. 3F was formed by a merger between the general workers' union SID and the union for women workers KAD in 2005; 3F had 319.000 members. Overall the union structure is complex. The traditional craft-based unions has over the years – through mergers and other developments – led to a structure with a combination of craft, industry and general unions. There are attempts to limit competition for membership through demarcation agreements, but competition still exists in some areas. The FTF and the AC are organised on a combination of an occupational and industry basis. The four affiliates of the FTF are; the teachers' union with 65,900 members, BUPL for staff in childcare institutions with 53,700, the nursing union with 53,100 and the finance union with 46,600. The largest AC affiliates are the association of lawyers and economists with 74,000 and the Danish Association of Masters and PhDs (DM), with 39,500 members, which organises employees with a higher degree. LO has historically had close ties to the Danish Social Democratic Party and up until

1995 the two bodies were represented on one another's executive committee. However, LO broke its final links with the social democrats at a special congress in February 2003 when it ended the practice of giving the party financial support. The FTF and the AC insist on their complete independence from political parties (Statistical Yearbook 2010; workers-participation.eu).

2.1.2 Trade unions general approach to non-standard and precarious work

The Danish trade unions have had difficulties in deciding how to address several of the employment types that are described as non-standard and precarious work in the present project. Ignoring the differences between the various unions and focusing on the Danish trade union movements' strategies towards non-standard and precarious work in general, it would be fair to describe these as having developed during the last 10 to 20 years from trying to reduce these types of employment towards trying to improve the pay and conditions of them. However, this development is not seen to the same extent with regard to all types of precarious employment. Moreover, when it comes to some types of precarious employment, the two strategies coexist.

Apart from on this overall level, it is difficult to draw a general picture of the Danish trade unions' policies on precarious work. Focusing on LO - the largest trade union confederation – LO-interviewee could not point to a general overarching strategy on non-standard employment in LO prior to 2011. However, in September 2011, LO decided on a new strategy, where they will promote the rights of non-standard employees when new legislation is adopted or existing legislation revised. LO also decided to work on changing the seniority rules and regulations in so far as legislation excludes certain groups of non-standard employees. Another sign that non-standard employees are of increasing priority within LO, is their recent study from 2010-11, which includes a large-scale 'mapping' of non-standard employees and their wages and working conditions.

Regarding the member-organisations, they do not see non-standard employment as a growing phenomenon on the Danish labour market and the issue has accordingly not been given high priority – at least not until very recently. However, some member-organisations have nevertheless developed strategies and do take actions in different areas (see below). The attitude towards non-standard employment and precarious work varies among the member-organisations of LO. The attitude seems to depend on the type of non-standard employment under consideration. For example, the self-employed and freelancers can only be members in some of the member-organisations of LO, whilst all the unemployment benefit funds connected to the member-organisations welcome them as members. By contrast, all temporary agency workers (TAWs) can be union members and the majority of the trade unions work actively to get TAWs working in their area covered by collective agreements. Moreover, LO-interviewee found that the member-organisations interest in the issue has increased very recently. Among other things, this development might be caused by a large scale mapping of non-standard employment that LO published in 2011 (Scheuer 2011; Lorentzen 2011). The report received some attention from both within the trade union movement and within the media. Moreover, LO has recently priori-

tised the issue of social dumping which is mostly related, but not only so, to the new labour migrants.

The employment types

Below, we will briefly describe the main trade union strategies for each of the types of non-standard employment.

Regarding *part-time work*, it is important to stress again that only 15 per cent of Danish part-time workers work part-time involuntarily and that only a non-specified share of those holding a voluntary part-time position could be considered as precarious workers. With respect to part-time work, it is also important to underline that the trade union movement does not perceive part-time work as either non-standard (since it is very widespread), nor precarious work (since they no longer see specific problems connected to this type of employment). The trade unions have nevertheless preferred full-time to part-time employment as the latter has been seen as the best contract type to secure a reasonable living standard. However, for decades the trade unions have accepted the existence of part-time work, possibly because they have succeeded in getting nearly as good conditions for the part-timers as for those in full-time positions. Around 2002, when the Liberal-Conservative government introduced their law on part-time work (making the possibility for part-time work universal), the trade union movement did not so much criticise that the law would make part-time work more widespread, but that it would be a tool for employers to, de facto force weak employees onto part-time contracts and, furthermore, that the law violated the rights of the social partners to make voluntary agreements on the issue (LO 2002).

Danish trade unions, generally speaking, have rarely addressed the issue of *fixed-term work* and they are even less involved in this issue compared to the issue of part-time employees and temporary agency work. However, prior to the EU's directive on fixed-term contracts (1999) some Danish collective agreements specifically included clauses on fixed-term employees. After the implementation of the EU directive on fixed-term work only a few collective agreements seem to have specifically targeted fixed-term workers, since all part-time employees and fixed-term workers are now covered by the existing collective agreements unless the collective agreement explicitly specifies otherwise (Lorentzen 2011). De facto, however, many fixed-term employees - despite of being covered by collective agreements almost to the same extent as the average Danish employee - do not receive the same benefits as full-time employees (Larsen and Navrbjerg 2011). Hence, the Danish trade unions have found reasons to take action, especially after the directive was adopted. The actions have included campaigns as well as bringing cases to the labour court.

According to LO-interviewee more trade unions have recently addressed the issue than previously. An example is the latest collective bargaining round where the seniority threshold was reduced on pension rights in many collective agreements. One of the selected cases, which will be analysed below focuses on how a Danish trade union through decades has tried to improve conditions for part-time temporary employees at Danish universities (case 4).

The Danish trade unions' policy on *temporary agency work* (TAW) clearly shows a development as described above from trying to reduce the scope of this employment category to developing initiatives that will improve the working conditions of temporary agency workers. This being said, some resistance towards TAW still exists in a number of trade unions. According to LO-interviewee the trade unions have had more success with this strategy in some sectors than in others – and the legal state of affairs for TAW is in many areas still unclear.

Prior to the mid 1990s, the trade unions tried to minimise or even avoid agency work and hence no efforts were made to cover it. The number of agencies was also minimal until the year 1990 in that the public employment policy had a legal monopoly on job-broking until that year, when new legislation liberalised it. Gradually, the approach changed, and in the mid-1990s the first protocols (annexes to the collective agreements) were signed between the employers' organisations and the trade unions. Moreover, the trade unions have also taken initiatives to improve the conditions by bringing violations of the rules and regulations to the Labour court and arbitration system. The agency that acts as job brokers for migrant workers from the new member states is currently where the Danish trade unions put most of the efforts as part of a wider attempt to avoid social dumping (LO 2011). One of the selected cases focuses on the Danish trade unions attempts to improve the working conditions of TAW in the manufacturing sector, primarily through coercing user companies with existing agreements for the manufacturing industry (case 2). At the time of writing, LO is also trying to influence the conditions of TAW through their participation in the working group on implementation of the temporary work directive, where the main task is to find solutions as to how to implement the directive in Denmark (see also case 2).

The Danish trade unions have, to a limited extent only been engaged in the question of the conditions for the *self-employed*, including freelancers. An ongoing debate about offering membership to self-employed workers and freelancers has been underway between the trade unions over the last decade, and attitudes and strategies towards the self-employed vary between trade unions. LO member organisation HK lost a large number of members during the 1990s due to jobs being outsourced and transformed into temporary contracts – for instance, within the IT, desktop publishing and graphic design industries. As a result, some former employees became freelancers. HK identified this shift and started to organise freelancers. Although HK cannot negotiate on behalf of self-employed persons, it can offer judicial and administrative help, for example when setting up standard contracts. In the construction sector, the debate on bogus self-employment has led to a proposal in 2004 to offer membership to self-employed persons who worked alone and within the framework of the definition related to tax legislation of a 'self-employed person'. The debate took place within the trade union cartel in building, construction and woodworking, the BAT Cartel and an idea was proposed to create a temporary work agency of self-employed members within the cartel. The suggested temporary work agency is an alternative way of organising these workers, and at the same time

offering them protection in employment relationships. This issue is still being debated (Jørgensen 2010). According to LO-interviewee, the problem of the bogus self-employed is also addressed as part of the trade unions movement fight against social dumping.

Trainees and apprentices is the last of the six potentially precarious employment types selected in the present project. In relation to this employment type, the trade unions strategy has mostly been to improve their wages and working conditions during collective bargaining rounds, whilst paying respect to the wages and conditions of the skilled workers. At the latest collective bargaining round in the manufacturing industry and many other sectors an occupational pension-like scheme for the apprentices were included in the collective agreements. The trade unions seem to have put more effort into the quantitative dimension of the apprentices. It has constantly been a challenge to secure a sufficient supply of firms that are willing to offer apprenticeships (which in Denmark is of the dual type with a mix of periods at an employer and periods at school). The trade unions, the confederation LO especially, have repeatedly been involved in tripartite and bipartite arrangements to face the challenge of providing a sufficient number of apprentices. Recently, the government has offered a premium to employers recruiting apprentices in order to increase the supply of apprenticeships.

If we move the focus from trade unions strategies on various types of employment to their strategies regarding groups of employees where precarious work is especially widespread, the group which by far has created the greatest concern among the trade unions in recent years is the migrants, especially the *labour migrants from the new EU member states*. This in one of the areas where trade unions strategies have changed along the general line described above. More specifically, the trade unions have - to some extent - moved from a position in the early 2000s, where they tried to convince employers to not hire new migrant workers, to a new situation, where they rely on various tools including collective agreements, case law, recruitment efforts, blockages, lobbying and tripartite arrangements to ensure that migrants have wages and working conditions similar to their Danish peers on the labour market.

This strategy faces several challenges. One is that not all the different types of employment and contracts are easy to handle for the trade unions. These types includes: Workers directly employed by an employer; workers employed in a Danish TWA, but hired by a Danish firm; posted workers, employed in a Central and Eastern European firm, which operate as a subcontractor in the Danish construction sector; and finally the self-employed from Central and Eastern Europe, who take advantage of the possibility to set-up one-man companies in other EU countries. Also, the phasing out of the transitional agreement in May 2009 (which included incentives for employers to employ on wages and conditions as laid down in the collective agreements) combined with the lack of a statutory minimum wage has led to a situation where there is no lower limit for what unorganised employers can offer their employees from the new member states, as long as their working conditions are in line with the Work Environment Act and other parts of the relatively limited legal framework. This

situation has led to new discussion about the advantages and disadvantages of introducing a statutory minimum wage in Denmark. One of the selected case stories focus – as described above - on the Danish trade unions efforts to organise the new migrant workers in the construction industry.

The *non-western migrants and their descendants* is another focus group among the Danish trade unions. However, they receive less attention from the trade unions than the new labour migrants. Compared to the labour migrants from the new member states the non-western migrants are a larger and more heterogeneous group – and only a share of them can be considered to be labour migrants. It is difficult to say how large a share of the non-western migrants that are working in employment that could be described as precarious, but they are over represented in branches and sectors with low qualifications demands, and strongly under-represented in managerial positions. Their employment rate has increased considerably in recent years, but Denmark is still among the countries with the largest difference between ethnic Danes and ethnic minorities (Mailand 2011a). After having performed well at the beginning of the economic crisis the ethnic minority groups' employment rate was reduced dramatically later in the crisis (AE-Rådet 2010). The non-western migrants are under-represented as trade union members and strongly under-represented among trade union officials. The trade unions themselves have tried to address this problem through various initiatives, like they have tried to increase the employment rate and the general labour market situation of the non-western migrant workers, but in general the initiatives have been more numerous than successful (Mailand 2011a).

The trade unions policies and strategies on the *employees on flex-jobs* - like the trade unions policies on several measures related to the activation policy – have been ambiguous. On one hand the trade unions supported the flex-job opportunity which also helped their members with a reduced capacity to work, and they prefer this kind of arrangement that pays a 'rate for job' to those activation measures that do not. On the other hand the trade unions fear that ordinary employment might be substituted with flex jobbers. The massive numerical success of the flex-job scheme has contributed to this. The Liberal-Conservative Government, that had to step down in September 2011, was preparing pre-pension reforms which – among other things – aimed to decrease the number of young people especially on the pre-pension scheme and in flex-jobs by increasing the number of people with a reduced capacity to work in ordinary employment. The Danish trade unions support this overall aim, but not the measures proposed by the government. At the time of writing (late September 2011) it is still unclear what will happen in this field.

Young people are, to some extent at least, performing precarious work - also when looking beyond their positions as trainees and apprentices - and the trade unions have partly addressed this problem. One of the larger scale initiatives is the Job Patrol, which in the summer period when the use of youth workers peak, checks whether private companies are complying with legislation and collectively agreed rates and standards for youth workers. The Job Patrol is described in one of the selected cases below (case 3).

Impact of the crisis and comparative perspective

Furthermore, an important question is to what extent the economic crisis that started in the second half of 2008 has led to any changes in the trade unions' strategies on non-standard and precarious work. As described in section 1, the number of non-standard employees has decreased since the beginning of the crisis, although this is not the case for all types of precarious work. The trade union strategies, though, have not substantially changed so far. Still, several of our interviewees reported indications that the trade unions will pay more attention to non-standard employment during the coming collective bargaining round compared to what has previously been the case. In this regard, it can be added that some of the European trade union federations - including the EMCEF – is also paying increased attention to the issue.

With regards to the new labour migrants, a change can be seen, but not so much with regard to the trade union strategies as to the employers' response to these. In the construction sector, observers point to a more cooperative attitude from the employers' in supporting the trade unions' efforts in ensuring that ordinary employees, posted workers and self-employed workers from the new member states comply with rules and regulations. Hence, the theme of 'social dumping' became an important issue during the collective bargaining round in the private sector in 2010 and the so-called '48 hour meetings' has been established. These are meetings the trade unions can invite the employer organisations to attend if the trade unions suspect non-compliance with rules and regulations with regard to new migrant workers. The relevant employers' organisation is then obliged to attend the meeting. The deadline has to be so short in order to prevent the company concerned leaving the country. The meetings are also in the interest of the employers' organisations in that they diminish the trade unions pressure for introduction of supply chain responsibility (Arnholtz 2011).

Finally, it is difficult to say if the Danish trade unions address the challenges raised by non-standard and precarious work to greater or lesser extent that other European trade unions. To our knowledge there exists very few comparative studies on the issue that include Denmark. One exception is Greene's et al. (2005) study of British and Danish trade unions perspectives on Diversity Management that also includes information about trade unions policies on ethnic minorities and migrants. This study also indicates that Danish trade unions did not develop anti-discrimination activities to the same extent as their British counterparts. Comparing the national reports from the present study, however, might lead to rough estimates about the quality and quantity of the Danish trade unions' approach to precarious work.

2.2 Case 1: Organising new migrant workers in the construction sector[2]

One of the sectors in Denmark to have reviewed most migrant workers in recent years is – as in many other European countries – the construction sector. As described in section one, a large share of the work performed by these migrant workers can be seen as precarious. In Denmark, the unions' attempts to improve the wages and conditions for these groups have been by trying to organize them. The case study below will relate to the situation in all of Denmark, but will focus especially on the Greater Copenhagen region. The case study is part of a comparative study including Norway and the UK. Hence, some comparative information is conducted in the end of the case.

In Denmark, three trade unions have organized CEE workers in the construction industry. First and foremost Fælles Fagligt Forbund (3F), which organizes workers in many of the industries that employ migrant workers from Central and Eastern Europe (CEE workers) in branches such as agriculture, construction, manufacturing, hotels and catering. The other two unions are more specific to construction: Træ-Industri-Byg (TIB), which organizes carpenters, joiners, etc. and Malernes Fagforening, which organizes painters[3].

Prior to the EU enlargement, construction unions had mainly been concerned with maintaining their own rates and the boundaries of union representation. This has gradually changed since then. The first clear indication of this change was a strategy document published in late 2006 by Bygge- Anlægs- og Trækartellet (BAT), which coordinates and represents the interests and activities of all eight trade unions in the Danish construction sector. This document argued that more emphasis should be put on considering CEE migrant workers as potential union members rather than adversaries to be excluded. The next official step was the innovative measure of a joint, cross-union standard collective agreement for foreign enterprises to ensure that all employers are covered by the same collective rates. At the same time, a tacit consensus grew that it is more important to get CEE workers organized than who organized them.

Interestingly, these initiatives at the central level are only an official indicator of recent developments that had been ongoing at Local level for some time. Local construction unions had for a while co-operated on activities aimed at organizing CEE workers and ensuring that they were formally covered by collective agreements. The two things were seen as closely interlinked, but with an emphasis on increasing the coverage rate. What local unions needed was the official establishment of a cross-union collective agreement for foreign enterprises which could facilitate an ongoing cooperation. BAT and the central levels used this local need as an opportunity to promote their efforts to organize CEE workers at Local level. In this way, a two way exchange between local activist unions and more pragmatic nation officers took place.

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[2] Where nothing else is stated the source of information for this section is a paper that one of our colleagues, Jens Arnholtz, contributed to: Eldring et al. (forthcoming). Thanks to the authors for giving permission to a partial recycling of their work in the present report.

[3] 3F and TIB have recently merged, but were separate unions at the time of the study.

2.2.1 Wages, working conditions and number of employees

There are basically four types of CEE workers in the construction sector: 1) workers directly employed by an employer; 2) workers employed in a Danish TWA, but hired by a Danish construction firm; 3) posted workers, employed in a CEE firm, which operate as a subcontractor in the Danish construction sector; 4) self-employed from CEE, who take advantage of the possibility to set-up one-man companies in other countries (Hansen and Andersen 2008).

According to a survey among Danish construction companies, the five most often mentioned advantages when using CEE workers was 'they are in supply', 'willingness to take on the tasks asked for', 'greater working time flexibility', 'greater functional flexibility' and 'cheaper' – so the cost-related issue was only mentioned as number five. By far the most often common drawback when using CEE-workers was 'communication-problems', followed by 'missing knowledge standards and security rules', 'more time and resources required for introduction to work tasks' , 'working slower than Danes' and 'problems with accommodation' (ibid.).

It is difficult to say how many CEE workers who actually work in construction. A survey from 2007 estimated that 3.500 working permits were issued in 2Q 2006 (Hansen and Andersen 2008). The Ministry of Employment's official statistics show a decline in the numbers of construction workers from CEE and Germany from approximately 4.500 at the peak in 1Q 2008 to 2.000 in 1Q 2010 after the effect of the economic crisis could be traced (jobindsats.dk).

According to another survey, which only covers by far the biggest group of CEE workers (Poles) and only the Greater Copenhagen region, the average wage difference is highest in the construction sector among the sectors with a high concentration of Poles. The average wage of Poles was approximately Euro 16.00 per hour, whereas it for Danes was Euro 21.80 per hour[4]. Tax-issues were also covered by the survey on poles in the Greater Copenhagen region. The results showed that only 51 per cent of the skilled workers and 70 per cent of the unskilled workers paid taxes in Denmark – only domestic workers were below this level (Hansen and Hansen 2009).

2.2.2 Local activities

Local unions in Copenhagen in particular have engaged in a large number of activities, including cooperation across union boundaries and the exchange of information on a regular basis. Overall their approach has two complementary strands based on *firstly*, the traditional approach of industrial action to support existing collective agreements, and *secondly* more innovative initiatives of trying to engage with CEE workers in the workplace and community as a whole. The first strand of initiatives involved significant industrial action which included a large number of blockades and industrial conflicts, undertaken with comprehensive media coverage in order to prevent employers from using CEE workers to exert a downward pressure on wage levels. The consequential significant rise in construction industrial action has helped both union legitimacy

[4] Construction work in Denmark is primarily skilled and the average wage is relatively high.

and unity between (Danish) construction workers. The second strand of initiatives began in early 2006 when the association of local unions in Copenhagen, Byggefagenes Samvirke, hired a Polish-born officer to assist Danish trade union officials on matters related to migrant workers. A Polish club was subsequently established by local unions in which meetings and various social activities now take place. Inspired by these local initiatives, national union federations have provided funding to employ an additional five Polish-speaking 'consultants' whose main aim is to assist local unions across the country. Following this, funds have been raised at national level to support local CEE workers organizing various initiatives. Local unions can, for instance, apply for funds, if they want to start a Polish club or want to hold information meetings for CCE workers. At Local level, all unions in Copenhagen decided to assist non-unionized CEE workers, which is contrary to normal practice. The assumption was that this assistance would lead to the unions gaining a good reputation in the ever growing CEE community and would eventually result in higher union density among this group. However, it has been difficult to balance this dual strand strategy of combining traditional blockade approaches (which might be perceived as aggressive behaviour by new migrants) and the newer, more clearly inclusive initiatives.

2.2.3 Comparative perspective

In September 2008 the three above mentioned local Danish unions in Copenhagen had a total of 300 CEE members combined, which amounts to approximately three per cent of the number of total members in the construction sectors. The information from the two other countries in the comparative study includes no estimation of the actual numbers of CEE or Polish union members recruited in the UK. Norwegian unions have enjoyed a greater degree of success in their attempts to unionise CEE workers than their Danish and British counterparts. What can be reported is that in Norway, most of the unionised Polish workers are regular members, paying their union fees in the standard electronic manner, mainly through their employers. In contrast, a central barrier when recruiting new union members in both Denmark and the UK is the actual electronic process of payment, which was a significant issue for CEE workers. For example, in the UK this way of paying membership fees was impossible, mainly because Polish workers initially were unable to open bank accounts. In both countries this compounded barriers to organising transitory Polish workers who left after a short period. Furthermore, a survey amongst Polish workers in the Copenhagen area indicates that a large number of polish migrant workers have never had any contact with Danish trade unions (Hansen and Hansen 2009).

The study shows that the Norwegian construction workers' unions have been more successful in unionising CEE workers than their Danish and UK counterparts. This is an interesting finding given that the Danes normally have a higher union density and given that they have put a lot of resources into recruiting Polish workers, while it is less surprising that the weaker UK unions have not achieved similar results.

In reflecting on this difference one could consider differences from the point of view of CEE workers. However, there is no evidence to suggest that Poles coming to Norway should be more positively inclined towards unions than those coming to Denmark or the UK. Rather evidence suggests the opposite. For example, a survey among Polish workers in Oslo indicated that their ideology or normative attitudes towards union membership would encourage them to join, rather than the opposite (Eldring 2007). This conclusion is consistent with findings in a similar survey conducted in Copenhagen (Hansen and Hansen 2009) as well as the empirical findings from the UK construction case study (Fitzgerald 2006) and a national UK Trade Union Congress study of CEE workers. In this study CEE workers when asked why they would choose to join a union, indicated the need for a 'sword of justice' and collectivist values, rather than more individually oriented 'service' and self-interest needs (Anderson et al. 2007). Thus, union strategies are of vital importance in understanding our studies.

Implicit in the discussion of the three main themes above is that our case study unions have all been inclusive in their organising strategies and made an important contribution to integrating migrants. However, there were differing tensions with regard to this question and of the effort that was put into organising CEE workers and opposing social dumping. In Denmark, the stronger union framework has meant that a delicate balance exists between the traditional blockade strategy and a more novel approach to recruit new members. This balance has been hard to strike, as Danish unions typically rely on 'passive recruitment' factors such as the Ghent system, which de facto has linked eligibility of unemployment benefit to trade union membership.

Regarding Denmark and Norway, one key explanation for how apparently identical frameworks and purported strategies can result in widely different outcomes in terms of recruitment of labour immigrants can probably be found in the institutional dissimilarities in the two countries' traditions for handling conflict (Evju 2008). In the Danish labour market, the legal opportunities to take industrial action are wider, and historically this has resulted in a far higher number of labour conflicts (Stokke and Thörnqvist 2001). Denmark and the UK also have these disparities. Thus, whilst the Danish unions' efforts to establish collective agreements may have appeared too aggressive in the eyes of migrant workers, Norwegian and UK unions' approach of providing assistance to individuals may have appeared more convincing as they are based on solidarity. The Danish trade unions are larger and more powerful than their sister organisations in Norway and the UK and act to a greater degree as monitors and administrators of the industry, rather than as organisers and activists. This latter role may inspire more confidence in the power and usefulness of the union, but with time and resources focused on maintaining rules and regulations, labour migrants might not feel that unions are there for them. In Norway and the UK, resources have been used for local recruitment and to develop personal contact and strong engagement with migrants.

2.3 Case 2: Improving pay and social rights of TAW in the manufacturing industry

After having to some extent changed their reluctant approach to a more inclusive one as mentioned earlier, the Danish trade unions have taken action to normalise pay and working conditions of temporary agency workers (TAWs), that can partly be seen as precarious workers, although less now than previously. Collective agreements have been by far the most important instrument to improve pay, employment and working conditions of the temporary agency workers. However, the temporary workers directive (2008) - which should be implemented at the latest in December 2011 by law solely or by collective agreement supplemented by legislation covering the groups without a collective agreement - are also expected to have important implications. The focus here will mostly be on trade union strategies in the manufacturing industry, one of the sectors where most TAWs are found.

Since the employment relationship with regards to TWAs is a triple relationship between the TAW, the agency and the user company, one of the core questions has been, if the TAW or the user company should be seen as the main employer and, hence, if the relevant juridical relationship is the one or the other. This has also had consequences for which of these the trade unions should target in their aims to cover the temporary agency work with collective agreements.

2.3.1 Different strategies in different sectors

The Danish trade unions have followed different strategies in the manufacturing industry and in the private service sector. In the manufacturing industry, the strategy has been to cover the TAW in the user company by the existing collective agreement for the manufacturing industry. This strategy was chosen, firstly because the dense network of shop-stewards and the tradition for local bargaining in this sector could be used to ensure the real coverage of the TWA and, secondly, because the trade union cartel estimated that it would be difficult to organise the agencies without the presence of shop-stewards. In the private service sectors the trade union strategy has in contrast been to strike agreements with the agency, or with the agency's employers' organisation, because there is no strong presence of shop-stewards or strong tradition of local bargaining in the private services sector. According to the CO-Industry interviewee, an important reason was also that the trade union section 3F Transport wanted to recruit new members, i.e. the employees at the agencies. Temporary agency work in the private services sector in Denmark has been dominated by some major international temporary work agencies such as Manpower, Adecco and Randstad. Among the trade unions, TAW in the private services have mainly, but not exclusively, been addressed by Trade & Office (HK), and more specifically the section HK/Privat. Since 1992, TAW has been included in the agreement for retail, office and storage-workers signed with one of the major service sector employers' organisation DH&S (now part of Dansk Erhverv). There are no separate protocols as found in the manufacturing industry, but sections added stating that TWA are covered (see also Kudsk-Iversen & Andersen 2006).

In the manufacturing industry, the bargaining parties have been Danish Industry (now DI) and the trade union bargaining cartel CO-Industry (CO-Industri), dominated by the metal workers union (Dansk Metelarbejderforbund) and the General Workers Union (SiD, now 3F).

To avoid unfair competition Danish Industry has also shown interest in covering TAW with collective agreements. The area could in general be described as dominated by consensus between the trade unions and employers' organisations, although not on all aspects (see below). This is also the perception of interviewees from CO-Industri (trade union) and DI (employers association). Contributing to this consensus is the fact that most Danish temporary work agencies are estimated to be members of employers' organisations – at least in the manufacturing industry. However, the agencies providing migrant workers represent a challenge and many of these are not covered. These are rare in the manufacturing industry, but numerous in the agricultural and the construction sectors.

2.3.2 The first ten years

In 1995, it was agreed to add a special protocol to the collective agreement for the manufacturing industry regarding TAW. The protocol implies that TAW (within the relevant occupations and work-functions) sent to member companies of Danish Industry, would automatically be covered by the collective agreement for the manufacturing industry. If the user company does not comply with this, legal action will be taken. The 1995 protocol further made it possible for TAW to accumulate seniority in the case the user companies were members of Danish Industry. This facilitated the provision of social benefits such as occupational pensions. In 2005, a number of important extensions of the protocol were made. *Firstly*, it was specified, that where the agency is a member of Danish Industry, legal action will be taken towards the agency – where the agency is not a member, legal action should target the user company. *Secondly*, it was added that seniority could be transferred from the agency to the user company, if the TAW had an employment record of six months in the agency and was hereafter employed by the user company (Kudsk-Iversen & Andersen 2006).

One of the important challenges in the manufacturing industry - as well in private service - is the large number of TAWs (temporary agency workers) who perform work-tasks of the type that salaried employees ('funktionærer') normally perform. However, these TAWs are not in a juridical sense salaried employees and are therefore not covered by the Salaried Employees Act, which gives rights to a number of social benefits as well as, for Danish standards, relatively long notice periods. In 2005, the status of the TWAs vis-à-vis the salaried employees was tested in an arbitration case, involving HK-Privat, Dansk Metal and Danish Industry on behalf of the telecommunication firm TDC. The ruling specified that the Collective Agreement for Salaried Employees in the Manufacturing Industry does not cover TWAs. In the ruling, the Court emphasised the failed attempt by the social partners to agree on a protocol on TWAs. The fact that the social partners had attempted to cover TWA by the self-regulated col-

lective agreements was seen by the arbitrator as a clear sign that both partners agreed the Salaried Employees Act does not cover TWAs (ibid.).

2.3.3 The case laws

Apart from the collective agreements and the (limited) relevant labour legislation the labour court rulings has also had implications for the trade union strategies in relation to TAW. Five of these rulings could be said to be of special importance, and also to some extent for the two sectors examined here. They have not made the rights and responsibilities of TAWs, agencies and user companies clearer, but have rather, some would argue, contributed to the unclear legal state of the art. Most rulings have been named by the companies involved. The result of the Bravida- and the Promecon-cases were that the agency is covered by the user-company's collective agreement, which has a higher status than the agency's collective agreement, where the agency has one. These two rulings were followed by less TAW-friendly ones. The ruling in the TDC-case made it clear that the Manufacturing Industry's Agreement for Salaried Employees do not cover TAWs, unless the agency has signed up to the agreement. In the Lego-case, a special bonus paid to retrench employees were not paid to TAW, although Lego is a member of Danish Industry and the TAW-protocol refers to local agreements. Nevertheless, the court found the retrenchment-bonus as 'not appropriate to use for agency workers'. In the latest case, the Cantine-case, the court rejects that the Bravida- and Promcon-cases automatically implies that the user-company's collective agreement always has the highest status and should automatically be the one followed. In the Cantine-case (related to private services, but could still have implications for the manufacturing industry), the Court emphasised that the cantine-TAWs are not normally covered by collective agreements; that no loss for the TAW could be demonstrated by the trade union (3F) that raised the case; and that there are differences in relation to, on the one hand, wages, extras and working hours, and, on the other hand, issues such as terms of notice and pensions. The latter, according to the ruling should not always have to be given to the TAWs - or be equal to the user company's employees - 'if there are serious reasons not to do so' (www.danskeerhverv.dk).

However, the perception of the two interviewees from the manufacturing industry was that although the legal state of the art for TAW in general is unclear in Denmark, it is much clearer in the manufacturing industry, and only a few of the case laws mentioned has consequences for this sector.

2.3.4 Recent developments

A few further improvements in the conditions for the TAWs in the manufacturing industry have been made during the last five years. In the 2007 collective bargaining round no further improvements were made. In the collective bargaining round in 2010 in the manufacturing industry it was agreed to lower the minimum employment period for earning an occupational pension from 9 to 2 months (DI and CO-Industri 2010). This change was not especially targeted at TAWs and was not part of the TAW-protocol, but had implications for them in that employees with relatively short employment records - such as TAWs -

would also be able to accrue pension rights. According to the CO-Industry interviewee, the relatively limited progress during the recent collective bargaining rounds is not caused by resistance from the employers' organisations, but is more a result of a lack of discussions of the issue at the bargaining table. This should be seen in the light of the social partners' interpretation of the protocol in the collective agreement of the manufacturing industry. The social partners find that the protocol covers the majority of the important pay and working condition issues. However, the collective agreements and legislation still include exemption periods, which can be a threshold for equal treatment of TAW. One example is sickness pay. According to the Sickness Benefit Act ('Lov om sygedagpenge') a period of nine months of continuous employment is required in order to be eligible for normal pay during a sickness period. Moreover, regarding salaried employees there is more room for improvement - as illustrated in the court's recent rulings regarding TAW and Salaried Employees Act. There are also some uncertainties regarding the salaried employees in relation to the implementation of the temporary agency work directive (see below). Finally, agencies not respecting the collective agreements as well as the agency not covered by a collective agreement are still challenges facing the social partners in the manufacturing industry.

2.3.5 The implementation of temporary workers directive

The member states have until December 5, 2011, to implement the EU's directive on Temporary Agency Work. Some of the most important features of the directive, which as a general principle has non-discrimination between TWA and employees in the user company, are: *Firstly*, the directive covers TWA no matter the length of their contracts – the minimum periods in the drafts of the directive are not found in the final version. *Secondly*, only 'the most important working conditions' will be covered – the level of these should be 'at least equal to those valued for the employees in the user company. According to the directive, the most important working conditions are: pay; the length of working hours; overtime; pauses and rest periods; night-shifts and holidays. It is notable that notice period and training, for instance, are not included. One of the remaining uncertainties is if 'as least equal to' should be understood issue by issue or in total. Another one is if occupational pensions are covered by 'pay' or not. Here, the CO-industry interviewee was more sure that occupational pensions will be included than the DI-interviewee. *Thirdly*, the directive gives possibilities for some exemptions. One is that the non-discrimination principle can be exempted when the TAW has a permanent contract with the agency and is paid by the agency. Other exemptions require an agreement with the TWA. The Danish trade unions have criticized the exemption possibilities as they fear these will lead to misuse and the issue is one of the most controversial issues in the Ministry of Employment working group for the implementation of the temporary work directive (see below). *Fourthly*, according to the Danish trade unions the problems regarding the agencies providing migrant workers are not really addressed in the directive (ftf.dk; arbeidslivinorden.org).

Until recently there have been no new protocols on TAW or other changes in the collective agreements since the 2010 collective bargaining round in relation to the deadline for implementation of the directive, which is December 5, 2011 (Jyllandsposten 29. juni, 2010). According to interviewees, the social partners in most sectors have chosen to wait for the forthcoming legislation before implementing the directive. The legislation is prepared by a working group in the Ministry of Employment, which in March 2011 finished an internal working paper. This working paper gives indications on what to expect when it comes to the Danish legal implementation of the directive. There are at least three notable clarifications. *Firstly*, although the TAW might not be granted the status of the salaried employee, the ministry is of the opinion that an employee performing tasks equal to a salaried employee as a result of the non-discrimination principle should have the same rights as a salaried employee in the areas where the non-discrimination principle is applied. *Secondly*, the non-discrimination principle should be understood issue by issue, and not in total. *Thirdly*, although this is the case, the ministry is of the opinion that each of the areas mentioned leave some room for flexibility. As a result, the relation between basic salaries and extras do not have to be the same between TAW and the employee at the user company (Beskæftigelsesministeriet 2011). The social partners have participated in the meetings.

The interviews from the manufacturing industry reveal that the processes have been highly politicised and that the opportunity for exemptions has been among the most controversial issues. The employers' organisations see in this an opportunity to limit the consequences of the directive, which the trade unions will naturally try to prevent. The interviewees foresee that the working group's recommendations and the following law will be extremely important for the TAWs' conditions, and that the change of government from right to centre-left in September 2011 will most likely delay the implementation. Moreover, they see a reverse process compared to the situation when previous labour market directives have been implemented. Normally, implementation by collective agreement comes first, and is then supplemented by legislation for groups not covered. In case of the temporary work directive there are too many uncertainties and the social partners – apart from in the manufacturing industry - await the law before they dare to write anything in the collective agreements.

Implementation of the directive through legislation will be relevant in those sectors where it will not be implemented by collective agreements (which is all sectors but the manufacturing industry), but will also be relevant for uncovered firms and uncovered types of employees within sectors where implementation by collective agreements are chosen. Prior to the latest private sector collective bargaining round in 2010, Danish Industry and CO-Industry agreed - as the only collective bargaining partners - that organisations should address the implementation of the Temporary Agency Work directive at the sector bargaining tables. The organisations gave themselves a deadline to March 5 to conclude their work, but the working groups report was only approved at the political level of the organisations in August 2011. The agreement simply states that the present article 17 of the protocol on TWA 'over-implements' the directive. This is so

because the protocol implies non-discrimination of not only the most important conditions as listed in the directive, but all issues included in the manufacturing industry's collective agreement.

However, it is only in relation to the manual workers/hourly paid workers that an agreement has been made in the manufacturing industry. The area of salaried employees is still not settled – here the trade unions wanted an 'extension' of normal conditions as for hourly paid workers. But as there was no existing protocol to back-up the trade unions, and since the employers were against such an 'extension', no agreement could be reached. Hence, the salaried TAWs in the manufacturing industry will not be covered by a bipartite agreement, but will be solely covered by the coming law implementing the Temporary Agency Work directive.

2.4 Case 3: Checking social rights of youth workers – The Job Patrol

For more than 30 years the Danish Confederation of Trade Unions, LO, has been running a type of a mobile task force, the Job Patrol ('Jobpatruljen'). The Job Patrol checks wages, working conditions and work environments of youth workers below 18 years (13 – 17 years). The aim of this initiative is not to improve the regulation of wages, working conditions and work environment for youth workers, which is rather encompassing and protective and cannot be said to contribute to a precarious status. Instead it is to ensure that employers' comply with the regulation. The reason why youth employment as such is included as precarious work in this country report, is the very widespread non-compliance with the formal regulation found by the Job Patrol (see below).

According to the law (the Working Environment Act) youth workers aged 13 -15 are only allowed to perform some light work tasks in some instances. These include putting price-tags on products for sale, working in corner-shops, bakeries, and greengrocers, sorting empty bottles and the like, light cleaning, and working as piccolos. Youth workers from 16 - 18 are in addition allowed to operate some machines (washing machines, kitchen machines etc.), prepare food under some conditions, serve food and most types of cleaning (www.3f.dk). Family owned companies to some extent represent an exception from these general rules.

The minimum wages are set in the sector collective agreements. LOwest are for youth workers under the age of 15 in the construction sector which in 2010 was 44,30 DKR/hour (around 5.90 Euro). A large number of occupations within service youth work share LOwest minimum wage for the 16-18 years old, which in 2010 was 54,35 DKR/hour (around 7,25 Euro).

2.4.1 Core activities and scope of non-compliance

The core of the Job Patrol is company visits and interviews with youth workers employed by the companies visited. In 2007, 3051 companies were visited and 1018 interviews conducted – in 2010 the numbers had risen to 8.560 company visits and 2.516 interviews – 29 per cent of the companies were found to employ youth workers. The companies are selected in areas where LO and their

local departments know youth workers normally work – and also where the Job Patrol know there have been previous problems regarding compliance with regulation. However the Job Patrol avoids visiting work-paces with ongoing labour issue related disputes.

The Job Patrol is coordinated from LO Denmark, but anchored in LOs local sections – in 2010, 38 of the sections participated. The sections have coordinated 41 'patrols' with the participation of 400 voluntary trade union members, some below the age of 18. The Job Patrol interviewee reported that it is not a problem to use workers below 18. They are reliable enough to secure the validity of the statistical information they collect, and they always work in teams of two to make them feel more secure if they meet non-cooperative employers.

The Job Patrol found a little more than a third of the companies visited did have one or more problematic cases. At first sight, this figure is high, when it is considered that Denmark is presumed to have one of the best organized labour markets in the world. Also some percentage shares shown in the case-by-case figures above seem high. However, the selection method for the company visits and interviews mentioned above means that the figures are not representative for the Danish labour market as such. Still, although this is the case, the numbers in themselves indicate non-compliance on a problematic level.

According to the statistics from the Job Patrol's own evaluations – and confirmed by the interviewee from the Job Patrol - there does not seem to be any notable development in the degree of non-compliance. The number of companies visited and the widespread media coverage of the Job Patrol (facilitated by timing visits to the companies during the summer when the number of the youth workers peaks and Local newspapers have little else to write about) it surprised the Job Patrol interviewee that a decline in non-compliance cannot be seen.

The area where most cases of non-compliance with regulation are found is 'restaurants and catering.' This share cannot simply be explained by the fact that this area is numerically an important employer of youth workers. It is especially non-compliance with the rules regarding serving alcohol which explain this. Apart from this , no areas or sectors are over represented when it comes to the number of cases of non-compliance.

In some cases, the problems located by the company visits and interviews are solved on the spot in discussions between the Job Patrol and the company. In other cases, the Job Patrol takes the initiative to get other actors involved. In 2010, 17 per cent of all interviews led to the involvement of the trade unions (mostly regarding the lack of employment contracts and wage issues); 18 per cent of the interviews led to involvement of the Labour Inspectorate (mostly regarding carrying heavy burdens, work with dangerous machines and too long working days); 6 per cent of the interviews led to the involvement of the police (regarding violation of legislation regarding serving alcohol). There has been an increase in the extent to which the trade unions were involved – they were contacted in 35 per cent of the cases in 2008. The involvement of the Labour Inspectorate and the Police was on the same level in 2008 as in 2010. However, according to the Job Patrol interviewee, this decline does not represent a change

on the side of the employers, but a strategy from the Job Patrol to target their involvement of trade unions on the more severe cases of non-compliance.

Table 7: Share of firm with non-compliant cases, by cases

Area	*Non-compliance with legislation/collective agreements*	*Per cent 2008**	*Per cent 2010*
Working time	working more than the allowed 8 h/week during holiday period	10	8
	working more than 40 h/week during holiday period	5	3
	working more than 2 h/shift during school period	75	90
	working more than 12 h/week during school period	n.a.	12
	working after 20h00 during school period	33	25
Working conditions	do not have an employment contract	20	16
	do not get holiday allowance	n.a.	10
	do not get 20 minutes break if working more than 4.5 hours	10	13
Wages	do not get the extras they are eligible for according to CA	n.a.	23
	do not get paid according to CA	n.a.	n.a.
Working environment	have received no instruction how to avoid work-related injuries	35	35
	carry burdens more than 12 kg	33	35
	missing required security equipment	10	7
	work at where alcohol is served	10	7
	work alone in hours not allowed	n.a.	69+83s

Source: LO (2010b). * = estimated from source that use expression such as 1/10, 1/8 etc.

Other external Job Patrol activities, apart from the company visits and the interviews, includes the publication of a 'Guide to jobs in your free time,' including information about the rights of youth workers. The guide is targeted at both employers and youth workers.

According to the Job Patrol, most employers welcome annual evaluations following their visits, although a minority does not. In 2010, 127 companies denied access to the Job Patrol which they consider a relatively low number. A media search has only found one case of complaint by an employers' organization about the Job Patrol. The employers organization in the agricultural sector, GLS-A, in an internal mail to its members explaining that the Job Patrol is neither a public agency, nor a part of the system of labour dispute settlements, and should therefore only be given access to the company if the company's management wish so (Arbejderen 14.04.2011). The Danish employers' organizations have no official opinions on the Job Patrol and the Job Patrol interviewee does not know of any informal position either. According to the interviewee, it is in the interest of the employers' organization that their member-companies comply with legislation and collective agreements.

2.4.2 Evaluation and future

Has the Job Patrol been a success then? According to the Job Patrol interviewee it has, because it has helped to improve wage and working conditions as well as health and safety for a large number of youth workers, and, furthermore, given the trade union movement good publicity. The interviewee is also content with the increasing activity-level of the Job Patrol especially during the last couple of years.

However, in May 2011 LO decided to terminate the Job Patrol as part of budget cutbacks related to a decline in the member-organisations contributions, which again is caused by declining union density[5]. It is now up to LO's member-organisations to decide to what extent they themselves – organisation by organisation or in partnerships - will continue the tasks previously performed by the Job Patrol. The Job Patrol interviewee is certain that the activities will continue in one form or another. And close to the deadline for the final version of this country report, it was reported that at least some member-organisations had allocated financial resources to continue the work. In the future, instead of being responsible for the Job Patrol, LO will start up a knowledge centre on youth work, from which the member organisations and other stakeholders can get information. The knowledge centre will collect analyses from elsewhere as well as conducting analyses themselves.

2.5 Case 4: Improving social rights of part-time employees at Danish universities

Danish trade unions not only have to face challenges from non-standard and precarious work in the private sector and not only among manual workers. In recent years, it has become clear that at least some part-time temporary employees at Danish universities - although salaried and employed in the public sector – might be seen as performing precarious work.

Due to statistical challenges, it is very difficult to get reliable information about the number of part-time employees at Danish universities and other higher educational institutions. However, according to the Ministry of Finance there are 3.865 external lecturers (499 fulltime equivalents) and 18.300 teaching assistants (1.134 fulltime equivalents) currently employed. The latter numbers include not only teaching assistants at universities, but also other public institutions. According to DM (The Danish Association of Masters and PhDs) figures from the Ministry of Science show that there are around 500 teaching assistants (full-time equivalents) at universities. DM estimates that around 3.000 teaching assistants and external lecturers in total have their teaching at the university as their main source of income. This represents around 0.1 percent of everyone in the labour market.

The part-time opportunities at universities (which exists in various forms, primarily as teaching assistants and external lecturer) goes back to the 1960s

[5] A source not among the listed interviewees to the present project was of the opinion that another reason for closing down the Job Patrol was that the member-organisations did not want LO to be responsible for tasks as this - tasks such as the Job Patrol should instead be carried out by LO's member-organisations.

and should be seen in relation to the increasing number of university students at that time. The part-time position was initially targeted at persons who had their main source of income from elsewhere, for instance civil servants from public administration (Informationen August 21, 2007; Faglig Voldgift 2007). However, since then this has changed whereby many of the part-time employees at universities have the major part of their income from these jobs. So far it has not been possible to provide figures on are how large this share is. The trade union DM, which organises the majority of the part-time temporary employees, estimates that for the majority of their part-time members their main source of income comes from the university, whereas the minority are represented by the other relevant trade unions that also organise part-time temporary employees at the universities. These include the Danish Society of Engineers (IDA), The Danish Association of Lawyers and Economists (DJØF) and Danish Medical Association (Yngre Læger). That most of the part-time employees are members of DM might explain why DM gives higher priority to the part-time temporary employees compared to the three other trade unions. According to both the DM and the Ministry of Finance interviewees, it is always DM who attempts to get the issue at the table during the collective bargaining rounds. The Ministry of Finance estimates that only a small minority of all part-time employees at the universities have this university job as their main source of income.

2.5.1 Wages and working conditions

Neither the teaching assistants, nor the external lecturers are covered by the standard collective agreement for scientific personnel. The wages and conditions of part-time employees are regulated by two specific circulars ('cirkulærer'[6]) and the employment contracts between the individual university and the part-time employee that do not normally vary between individual employees from the same occupations). The two circulars differ in many respects. The circular related to wage conditions for external lecturers are subject to collective bargaining between the Ministry of Finance and AC at the (normally) biannual collective bargaining rounds in the public sector. This circular is considered by the Ministry of Finance as a normal collective agreement, although it includes relatively few benefits compared to most other Danish collective agreements. The situation is different for the teaching assistants. They are one of the few groups of employees within the Danish public sector, whose wages and working conditions are not covered by a collective agreement. The circular relevant to this group of employees is not subject to collective bargaining, but only a 'hearing' process of the relevant trade unions.

The standard wage rate for teaching assistants is in 2011 DKK 226,95 (approx. Euro 30,30) per. hour. For external lecturers it is DKK 247, 01 (approx. Euro 32,90) per. hour. The rate for preparing each hour is important for the total wage and varies from a multiplication factor of 1.5 for teaching assistants to 2.5 for external lecturers. Measured per hour, according to the DM interviewee the part-time employees at the universities are not low-paid compared

[6] 'Cirkulære om timelønnet undervisning samt cirkulære om censorvalg' and 'Cirkulære om eksterne lektorer ved universiteter m.fl. under Undervisningsministeriet'.

to the full-time employees – the hourly based wages correspond more or less to those of comparable fulltime employees' basic pay. The Ministry of Finance finds that the wage-level is comparatively high and that this partly explains the lack of social benefits for this group of employees.

However, there are still a number of potential problems related to the pay according to DM. First, the part-time employees normally have no access to extras/bonuses. Second, the often relatively limited pay for preparing lessons means that not all working hours are paid. Third, part-time employees are not paid for work in some working groups and committees, although at some universities they are expected to take part in these. Fourth, the annual indexation of the standard rates has only been related to the inflation rate in general, and has not taken into consideration the various extras and benefits that have been included in the relevant collective agreements. Fifth, but only partly related to the pay issue, is the tightening of the eligibility criteria for the right to part-time unemployment benefits (se section 1), which puts an even greater pressure on the part-time employees to have several employers, which could be stressful. Six, although an automatic indexation of the wage rates exists, it is only possible to raise the basic tariffs of these groups if the trade unions prioritise this during the collective bargaining rounds. And this has not very often been the case and as a result the wage development of these groups of employees has been relatively slow. The interviewee from the Ministry of Finance confirmed this. Seven, a ceiling on the number of hours each teaching assistant is allowed to teach in each job means that teaching assistants often need to have more than one job.

2.5.2 The main aim – mainstream collective agreement coverage

According to the DM interviewee, although pay-issues represent a problem for many of the part-time employees as described, the biggest problem is of another other kind and DM has primarily focused their demands at collective bargaining rounds on these. DM's overall aim at the collective bargaining rounds related to the part-time employees at universities has been to secure coverage of the standard collective agreement for university scientific personnel - but so far this aim has not been fulfilled. Such a coverage would have provided the part-timers with, *inter alia*, standard terms of notice (minimum three months after a trial period on three months), pay during holidays, pay during maternity/paternity leave, a right to training and most importantly – according to the DM interviewee – occupational pensions at a level similar to 18 per cent of the total pay. Since the collective agreement-based occupational pensions now make up a sizable part of most peoples total old age pensions, a lack of these can be expected to have more than marginal consequences for living standards.

According to the interviewee from the Ministry of Finance, there are two different reasons why the teaching assistants and the external lecturers have the collective agreement positions they have. In the case of the teaching assistants, the reason for the lack of collective bargaining coverage is that the relevant trade unions - and their confederation AC - have not been able to demonstrate who the legitimate bargaining partners for the Ministry of finance are. The trade

unions have accordingly been asked for documentation on this issue, but have so far not provided this information. If this information is provided, the Ministry of Finance declares itself ready to bargain. DM rejects the accusation that it is unclear who the legitimate bargaining partners are and call the explanation a pretext for not entering negotiations. Regarding the external lecturers, the problem according to the interviewee from the Ministry of Finance is that the trade unions are not willing to make concessions on the wages in order to get social benefits included in the agreement. It would be costly (but how costly depends on how many people would be covered) to secure the social benefits DM asks for without concessions; and LOng notice periods would reduce the numerical flexibility this group of employee represents. Adding to these explanations given by the Ministry of Finance interviewees, the position of the Ministry of Finance with regard to the teaching assistants might also have procedural roots, in that the relevant order as mentioned above does not require bargaining with the trade unions, only a hearing process. De facto this means the Ministry of Finance can unilaterally set pay and conditions for the part-timers.

Thus, DM has so far not had success in getting the part-time employees covered in the (mainstream) collective agreements. There were no results in the 2011 collective bargaining round, which might not be surprising considering the economic situation. The Ministry of Finance on their part used the media to ask the universities to employ the part-time as full-timers with standard conditions, but are not willing to provide the universities with extra funds to do so. Without extra funding, however, the universities found themselves unable to transform the status of part-timers to full-timers (Informationen August 23, 2007). But neither did the previous bargaining round in 2008, under much more favourable economic conditions, result in any improvements for the group. The same was the case for earlier attempts.

Lack of support for DMs strategy from other employee organisations might also be part of the explanation for the failure to improve wages and conditions for the part-timers. One thing is that the issue of part-timers at universities as described does not have the same high priority in the three other relevant trade unions. Another thing is that DM, on several occasions has aired disappointment with the support from the confederation they are part of. DM is bargaining with the Ministry of Finance as part of the confederation The Danish Confederation of Professional Associations (AC) and DM do not feel they have sufficient back-up from AC in their attempt to improve the conditions of the part-timers. On one occasion AC concluded that the Ministry of Finance was unwilling to make any concessions, because the universities as employers appreciated the flexible employment category and the part-timers therefore should seek to improve their conditions by finding other jobs (REFERENCE). The DM interviewee adds, however, that the 2011 AC bargaining delegation was more open than previous ones when it comes to DMs aims vis-a-vis the part-timers. Internally in DM the different sections did not agree on what consequences any lack of results regarding the part-timers should have in the 2011 bargaining round,. The section for university teachers in DM recommended – as one of the few trade union entities across sectors – their members to vote ‘no’ to the col-

lective agreement. The failure to include the part-timers was mentioned as one of two reasons for doing so. DM in general advocated for yes.

After repeatedly having failed to secure the mainstream collective bargaining coverage, according to the DM interviewee DM has to some extent focused their attention on the external lecturers who in general are better qualified and already have better conditions than the teaching assistants. But in this regard the attempts of DM have also failed so far.

However, it is not that no progress has been made on the issue. For instance, the bargaining parties according, to the CM interviewee, have been close to striking an agreement on open-ended contracts for external lecturers with 'special competences' - the group that the part-time solution was originally targeted at. Nevertheless in 2011 the parties were unable - after four years of preparation - to conclude the agreement at the collective bargaining round due to disagreement on the issues of extra pay - more specifically if the external lecturers should have the right to bargaining on these at the same frequency as full-time employees. A third stakeholder – not directly part of the collective bargaining process – is the Ministry of Science. According to the DM-interviewee, the Ministry of Science would really like the media stories about bad pay and working conditions in universities to disappear, and have therefore showed interest in there being an outcome to the negotiations.

Apart from securing collective bargaining coverage of the part-time employees at universities, DM has aimed for introducing a quantitative maximum of 10 per cent non-standard employees among academic personnel, to secure a situation where the majority of the academic personnel work on standard collective agreement covered contracts. This should replace the present maximum of hours that each part-time employee faces, hereby improving the opportunity to raise earnings and limiting the employers' room for manoeuvre instead of the employees.

2.5.3 Alternative to the collective bargaining arena – juridical arenas and the universities

Due to the lack of results in the collective bargaining arena, the trade unions have also used the juridical arena in their attempt to improve pay and conditions for university part-timers. In 2007, the Danish Labour Court settled a rule by arbitration ('faglig voldgift') between DM and the Ministry of Finance (Faglig Voldgift 2007). DM found that the non-discrimination principle of the EU Directive on part-time work from 2001 was violated in the case of the 'external lecturers. However, the ruling of the arbitrator was against this, much to the surprise of DM, but of less surprise to the Ministry of Finance. The main arguments of the arbitrator were that the aim with the employment category 'external lecturer' has been a supplementary form of employment and not a main source of income. Moreover, the arbitrator could not find a suitable comparable employment category. Hence, the arbitrator found it impossible to test the non-discrimination principle. According to the DM interviewee, DM's decision to raise the case with the arbitrator has had negative repercussions on relations between DM and the Ministry of Finance at the bargaining table, in that the

Ministry of Finance was provoked by the case itself, although DM lost it. The Ministry of Finance interviewee denied that this was the case.

After having lost the arbitration case, DM and a group of active external lecturers are making an attempt in the EU juridical arena. After a professor in social law had questioned the ruling, a group of external lecturers – with DM on the sidelines – have used their social democratic network to get a Danish social democratic member of the European Parliament involved. This MEP raised the issue in talks with the previous Commissioner for Employment, Vladimir Spidla, who on his part asked the Danish government for an explanation after having consulted DM. The process of the Commission raising questions about the case and getting answers back from the Danish government has at the time of writing not come to an end.

While no improvements for the part-timers have taken place in the collective bargaining arena, and it remains to be seen what the involvement of the European Commission can led to, yet another opportunity for changing the conditions of the part-timers is the 'workplace level,' the universities themselves. There steps have been taken at some Danish universities in order to improve the conditions, but in general the university directors back-up the line of the Ministry of Finance – and they are unable to find the financial means to improve the conditions on a large scale. Some universities on their own initiative have offered part-time employees with 'seniority' open-ended fulltime contracts – Aalborg University is one of them (Informationen marts 23, 2007). But at the same time according to the DM interviewee, various steps are being taken to bypass the temporary employment directive. The directive prohibits more than two extensions of fixed-terms contracts, but some of the Danish universities get around this by giving the part-timers 'breaks' in employment or employing them in new, but similar, temporary employment categories. Hence, the DM interviewee is of the opinion that the directive de facto does not prevent misuse and are in general not fitted to take cases to court. In one case, however, DM succeeded in providing 30 part-timers with open-ended contracts, but this was the only case to do an illegal formulation in their contract about 'being employed until further notice.' In general, DM is of the opinion that the issue on the part-timers should be solved at the (sector) bargaining table, and not be left to the universities to solve.

3. Summary and conclusions

In section 1 we showed, that in recent years the Danish labour market has become more diverse, although the number of some types of non-standard contracts have diminished during the crisis. New ethnic groups of employees entering the labour market and different types of non-standard employment contracts have also become more widespread. Some of the employees with non-regular labour contracts seem to face a greater risk of unemployment, low paid jobs, and restricted access to social security benefits and limited opportunities for career advancements than their peers in permanent full-time positions. The collective agreements and legislation indirectly facilitate an increased segmentation among permanent full-time employees vis a vis precarious workers.

Most of the non-standard employment types analysed are somewhat related to a risk of precariousness. This is the case for some types of part-time employment, fixed-term contracts, some types of self-employment, temporary agency work, teleworking, au pairs and to lesser extent flex jobs, whereas it is not the case for apprentices and trainees. However, not all employees covered by the employment types related to the risk of precariousness should be seen as precarious workers. Some groups of employees, particularly those with short-term contracts, agency jobs and few weekly working hours, face difficulties in accruing rights to the various social benefits, unemployment benefits, occupational pension schemes, private health care insurance schemes, paid maternity, paternity and parental leave along with further training and the various notice periods for terminating their employment contract, as they are never able to meet the legal criteria outlined in the law and collective agreements.

Groups that are particularly vulnerable are women, immigrants and young people about to enter the workforce, as they tend to be over represented in fixed-term jobs, part-time employment, agency jobs and au-pair jobs. Danish women are also more likely to be part of a flex-job scheme than their male counterparts and particularly low skilled workers are overrepresented in non-regular employment. This is particularly the case with respect to temporary agency work, flex-jobs and less so when it comes to part-time and fixed-term positions. In addition, young people and immigrants, particularly Eastern Europeans and those of non-western origin and their descendents are less likely to be registered with an unemployment insurance fund. Likewise, disabled people in flex jobs are less fortunate when it comes to receiving unemployment benefits as they cannot accrue such rights whilst working in a government subsidized job. In fact, being a member of an unemployment insurance fund is indeed vital, as this is typically a pre-condition for receiving various social benefits such as unemployment benefits, paid maternity, paternity and parental leave. Therefore, groups not covered by unemployment insurance funds often face greater risks of being excluded from other forms of social protection. In addition, precarious workers are less likely to be covered by a collective agreement, being union members and part of the shop steward teams and therefore to a greater extent are outsiders in relation to the Danish labour market model.

In section 2 of this country report, we addressed firstly the Danish trade unions general strategies to precarious work and presented four cases that – at least to some extent – could be seen as representing precarious work. Over the years the Danish trade unions have had difficulties in deciding how to address several of the employment types that are described as precarious work in the present project. Ignoring the differences between unions and focusing on the trade union movements' strategies towards precarious work in general, these strategies have in general developed during the last 10 to 20 years from trying to reduce these types of employment towards trying to improve them. However, this development is not seen to the same extent with regard to all types of precarious employment. In some cases, the previous strategy does still exist – this is the case with some types of the self-employed – and in some cases the old and the new strategy coexist.

Apart from on this overall level, it is difficult to draw a general picture of the Danish trade unions' policies on non-standard and precarious work. Focusing on LO – the largest trade union confederation – it has at until very recently not been possible to point to a general overarching strategy on non-standard and precarious work. Nor does the issue of non-standard employment have a high priority among the member-organisations. However, some member-organisations have nevertheless developed strategies and do take actions in different areas. As a result, the attitude towards non-standard employment and precarious work varies among the member-organisations of LO and seems to depend on the type of non-standard employment under consideration. For example, self-employed/freelancers can only be members in some of the member-organisations of LO, whilst all the unemployment benefit funds connected to the member-organisations welcome them as members. By contrast, all temporary agency workers (TAWs) can be union members and the majority of the trade unions work actively to get TAWs working in their area covered by collective agreements. Despite the limited attention paid to the issue of precarious work among the member-organisations, there are indications that their interest in the issue has increased very recently and that the issue will be of some importance in the coming private sector collective bargaining round in 2012. In addition to this, LO has recently put a lot of effort into the issue of social dumping connected mostly, but not only, to the new labour migrants.

The main emphasis in this report has been put on four cases of trade unions strategies on non-standard employment and precarious work. The first case focuses on trade unions attempts to organize Polish constructions workers. It illustrates the general development from avoiding these groups of employees to attempts to improve their conditions and seeing them as a resource. After initially having had a semi-hostile approach to the new work migrants in the sector, the construction trade unions gradually changed their approach and attempted to recruit the Polish work migrants, some of who have pay and conditions that can be described as precarious. These attempts included employing trade unions officials with Polish backgrounds. It has, however, only been possible to recruit a limited number of members with a Polish background. The

Norwegian trade unions in the construction sector have had more success in their attempt to recruit new migrant workers.

The second case is about the trade unions attempts to improve the wages and conditions of temporary agency workers (TAWs) in the manufacturing industry. In this case the employers' organizations and the trade unions have by and large aimed at the same goals. To some extent the trade unions attempts seem to have been a success in that at least the hourly paid employees – with few exceptions – are now covered by the same conditions as the user companies' hourly based workers. There remains room for improvement, however, especially in relation to the TAW employees performing the same work tasks as salaried employees. Moreover, some agencies do not comply with the collective bargaining based rules regarding TAWs.

The third case could also be seen as a success-story. It examines the largest Danish trade union confederation's (LOs) attempts to improve the conditions of youth workers (age 13 - 17). In this case, the strategy was not to improve the formal regulation by law and collective agreements, but to ensure that employers comply with the rules for youth workers and, in the case of non-compliance with these rules, take various forms of action. The Job Patrol has given LO good media coverage and has improved the conditions for thousands of youth workers. However, it does not seem that there has been any learning on the employers' side: The number of non-compliance cases seems to be stable over the years. In 2011 LO chose to wind-up the Job Patrol for resource reasons. It is the hope of LO that member-organisations will continue the work of the Job-Patrol. LO will only be able to continue their actions in this area with a youth work knowledge centre.

The fourth case focuses on trade unions' attempts to improve the social rights of part-time employees at Danish universities as they too, to some extent – and definitely in the eyes of some of the trade unions – can be seen as performing precarious work. This case can be seen as a failure as it has not been possible for the trade unions to convince the employers (and first and foremost the Ministry of Finance) about the necessity to improve the conditions of the part-time employees' conditions through mainstream collective bargaining coverage. The trade unions have therefore – as an alternative to the collective bargaining arena – tried to use the Danish juridical arena (Faglig Voldgift, Arbitration) and the EU-arena to improve the conditions of the part-time employees using the basic argument that the non-discrimination principle of the part-time directive has been violated. Whereas this attempt failed in the Danish Arbitration system, it remains to be seen what the involvement of the EU-arena will lead to. The case illustrates, among many other things, different priorities among the relevant trade union entities. The most active trade union feels that in parts of the process they have lacked support from other public sector trade unions for professionals and especially from their own confederation.

Some of the four cases illustrate the partial development in trade unions strategies from trying to prevent to trying to improve – this is especially the case in case 1 and 2. Moreover, the cases include success-stories (case 2 and 3 primarily) as well as failures and less successful cases (case 1 and 4). Case 3

addresses the challenges the trade unions face in terms of resource issues, whereas case 4 illustrates dilemmas about what decision making arenas to use – collective bargaining, (attempts to influence) legislation, the Danish labour court system or the European decision-making arena. Furthermore, the trade unions choices about how to organise the actions and questions about the responsibilities of confederations versus member-organisations are addressed in case 3. Finally, the importance of the employers' attitudes to trade union strategies – from support in case 2 to counteractions in case 4 – is shown.

Annex A – List of interviewees

General picture of trade union strategies

Ane Kristine Lorentzen, LO (The Danish Confederation of Trade Unions), September 2011

Case 2 - Improving pay and social rights of TAW in the manufacturing industry

Arne Sørensen, CO-industry, June 2011

Erik Kjærgaard, DI (Danish Industry), September 2011

Case 3 - Checking social rights of youth workers: The Job Patrol

Mathias Bredde, LO (The Danish Confederation of Trade Unions), May 2011

Case 4 - Improving social rights of part-time employees at Danish universities

Ingrid Stage, (The Danish Association of Masters and PhDs), June 2011

Carsten Holm and Sofie Nilsson (Personnel Department, Ministry of Finance), October 2011

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