

BOOK REVIEW

Employment Policy and the Regulation of Part-time Work in the European Union: A Comparative Analysis, Silvana Sciarra, Paul Davies, and Mark Freedland, editors, (Cambridge: Cambridge University Press, 2004, 386 pp. \$95.00(U.S.), clothbound).

reviewed by David Young[†]

Part-time work in the European Union is on the increase. The share of part-time workers in total employment has risen by about five percentage points since the early 1990s and now stands at 16.5% in the EU-25, compared to just over 13% in the United States. But it is the diversity among EU Member States that is most striking—from 2.5% in the Slovak Republic to 45% in the Netherlands. Moreover, the high share of part-time employment in some of the better-performing labor markets—such as those of Austria, Denmark, the Netherlands, Sweden, and the United Kingdom—leads many to ask whether it might not be part of the solution to the poor employment performance of most of the other Member States. In particular, readily available part-time work makes it easier for many women to participate in the labor market.

Therefore, a comparative perspective on the regulation of part-time work—including chapters on France, Germany, Italy, the Netherlands, Spain, Sweden, and the United Kingdom—should be welcomed by anyone interested in labor law or employment policy. This volume also devotes two chapters to EU-level actions—whether in the form of “hard law,” as in the 1997 Framework Directive on part-time work, or “soft law,” as in the Broad Economic Policy Guidelines or the European Employment Strategy, which involve Member States in a process of peer review on the basis of mutually agreed guidelines drawn up by the European Commission.

In many European countries, part-time work was long regarded as a deviation from the regular, full-time employment contract.

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Where standard contracts for part-time employment were available, employers often found them to be impractical, while unions have sometimes been openly hostile, fearing that a new group of employees might undermine working conditions and undercut wages. And individual employees may have been put off by reduced social security coverage or a perceived lack of career prospects and training opportunities (although in the EU as a whole, only around 15% of part-timers are “involuntary” in that they say they are working part-time because they could not find a full-time position).

The country-specific chapters illustrate the “demarginalization” of part-time work since the early 1970s. Restrictions have been relaxed, partly in order to promote job creation and more flexible work organization, while specific regulations have sought to provide a degree of protection for part-time workers. The chapters on the EU level show that the part-time work directive and the Employment Guidelines largely reflect these national trends. The directive is, after all, based on an agreement between the representatives of unions and employers’ associations, while the Employment Guidelines are adopted by Member States themselves in the Council. Thus, national compliance is high, yet it seems there are few instances where a significant causal impact of EU initiatives on national policies could be proven. Even in the United Kingdom—perhaps the Member State with the least restrictive labor law framework—the “minimalist” implementation of the non-discrimination principle in the part-time work directive (according to Paul Davies and Mark Freedland) may mean that the real impact is less than it appears on paper.

Nevertheless, EU policy coordination has narrowed what one contributor calls the “range of permissible policies,” in the sense that the broad consensus on the useful role played by part-time work makes it difficult to imagine any country seeking to remarginalize it. The significance of the principle of non-discrimination *vis-à-vis* a comparable full-time worker, on which the part-time directive and other similar acts are based, is also underlined. This should not be underestimated, according to Silvana Sciarra, because it aims to assimilate all forms of work under the same regulatory framework, thus overcoming the notion of “atypical” work.

The volume might have benefited from a more critical approach to the economics of part-time work. Many of the authors take it as read that labor law should seek to protect the “fundamental rights” of part-time workers (including, for example, access to training), while seeking to facilitate part-time work, and that this approach will lead to increased employment. But the link between greater availability of

part-time work and higher employment rates may be partly due to the costs and risks for employers of hiring people on standard full-time contracts (not to mention high marginal tax rates on labor and compressed wage structures, which reduce incentives to work longer hours). An alternative approach for some EU countries might be a more general overhaul of labor market regulation, allowing different working arrangements unless expressly forbidden (not *vice versa*), and under a common umbrella of protective conditions. This would help to avoid the distortions that inevitably arise when different types of contracts with quite different working conditions are available. In this perspective, some might even argue that the share of part-time employment is actually too high in some countries. Indeed, the chapter on Sweden notes that efforts there are now concentrated on reducing “the rather high number of under-employed persons,” especially women, in the service sector.

But this is a very minor criticism of a volume that approaches the subject from the perspective of comparative law, while at the same time providing a very readable account of the development of part-time work in the countries mentioned and at the EU level. In addition, since labor law is one of the areas where the influence of the EU has been extended in recent years, this study of the interaction between EU and national levels, and between the hard and soft law approaches, is highly recommended for those interested in governance issues more generally.

