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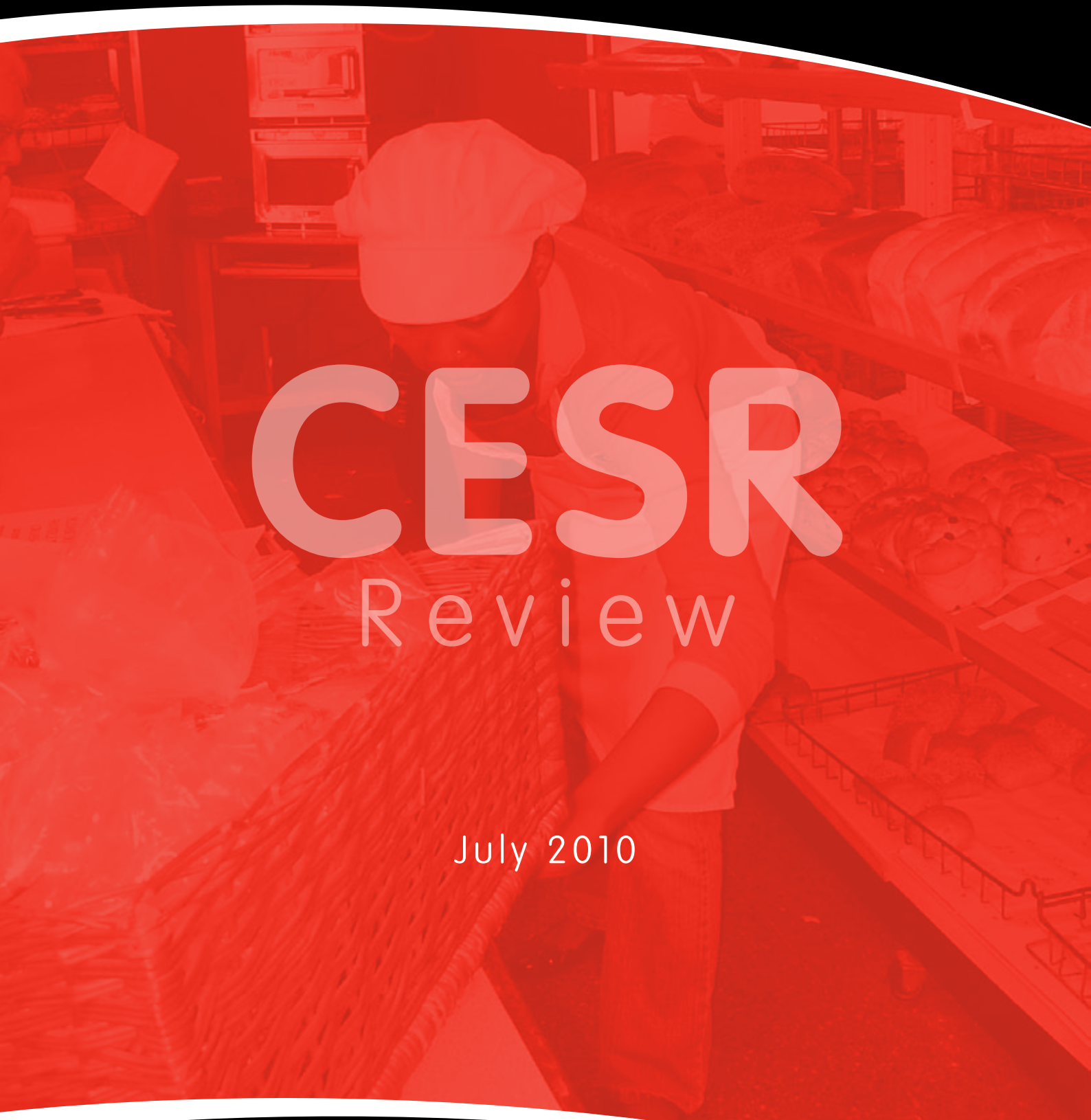

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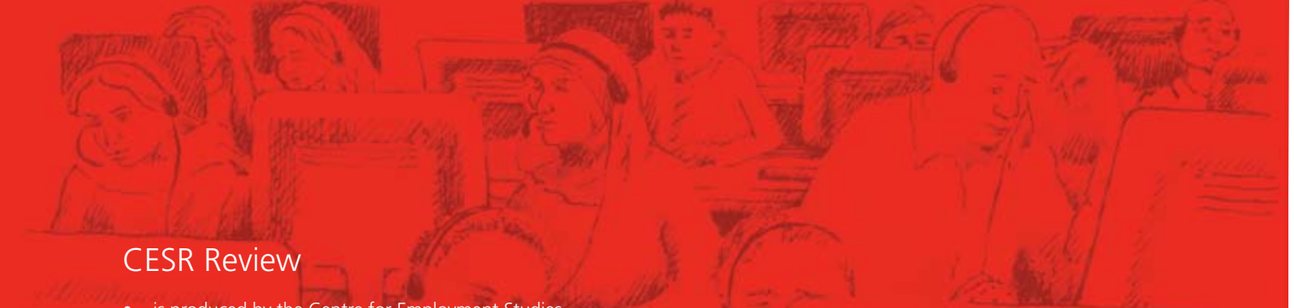

CESR Review

- is produced by the Centre for Employment Studies Research, Bristol Business School, University of the West of England.
- Features short articles, bulletins on CESR research in progress, interviews, book reviews and guest articles from academics in other institutions
- Is aimed at employment relations and HRM practitioners, trade unionists, researchers, lecturers and students in these and related fields.
- Is published twice per year.

CESR members include

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Employment studies

is a broad and multi-disciplinary field, encompassing different theoretical and interest group perspectives on

- the nature of the employment relationship
- the changing world of work
- the structure and functioning of labour markets
- the role of social agents and government.

BOOKS by CESR members

Steve Fleetwood & Anthony Hesketh, Explaining the Performance of Human Resource Management, Cambridge University Press, July 2010

Human resource departments increasingly use the statistical analysis of performance indicators as a way of demonstrating their contribution to organisational performance. In this book, Steve Fleetwood and Anthony Hesketh take issue with this 'scientific' approach by arguing that its preoccupation with statistical analysis is misplaced because it fails to take account of the complexities of organisations and the full range of issues that influence individual performance. The book is split into three parts. Part I deconstructs research into the alleged link between people and business performance by showing that it cannot explain the associations it alleges. Part II attributes these shortcomings to the importation of spurious 'scientific' methods, before going on to suggest more appropriate methods that might be used in future. Finally, Part III explores how HR executives and professionals understand their work and shows how a critical realist stance adds value to this understanding through enhanced explanation.

Paul Stewart, Ken Murphy, Andy Danford, Tony Richardson, Mike Richardson and Vicki Wass, We Sell Our Time No More: Workers' Struggles Against Lean Production in the British Car Industry, Pluto Press, July 2009

This is the story of struggles against management regimes in the car industry in Britain from the period after the Second World War until the contemporary regime of lean production.Told from the viewpoint of the workers, the book chronicles how workers responded to a variety of management and union strategies, from piece rate working, through measured day work, and eventually to lean production beginning in the late 1980s.The book focuses on two companies, Vauxhall-GM and Rover/BMW, and how they developed their approaches to managing labour relations. Worker responses to these are intimately tied to changing patterns of exploitation in the industry. The book highlights the relative success of various forms of struggle to establish safer and more humane working environments.The contributors bring together original research gathered over two decades, plus exclusive surveys of workers in four automotive final assembly plants over a ten year period.

Martin Upchurch, Graham Taylor, & Andy Mathers, The Crisis of Social Democratic Trade Unionism in Western Europe: The Search for Alternatives Aldershot: Ashgate, January 2009

There is a developing crisis of social democratic trade unionism in Western Europe; this volume outlines the crisis and examines the emerging alternatives. The authors define 'social democratic trade unionism' and its associated party-union nexus and explain how this traditional model has been threatened by social democracy's accommodation to neo-liberal restructuring and public service reform. Examining the experience of Sweden, Germany, Britain and France, the volume explores the historical rise and fall of social democratic trade unionism in each of these countries and probes the policy and practice of the European Trade Union Confederation. The authors critically examine the possibilities for a revival of social democratic unionism in terms of strategic policy and identity, offering suggestions for an alternative, radicalized political unionism. The research value of the book is highlighted by its focus on contemporary developments and its authors' intimate knowledge of the chosen countries.

Explaining The Performance of Human Resource Management, Steve Fleetwood (University of the West of England) and Anthony Hesketh (University of Lancaster), Cambridge University Press, July 2010.

Steve Fleetwood

Does HRM `work´? Is there a link between the way people are managed and the performance of their employing organization? Does HRM add value or drain it? Is HRM at the boardroom table, or is it on the table? How might we go about answering these questions?

The quest to find 'the Holy Grail of establishing a causal link between HRM and performance' (Legge 2001: 23) appears to have united groups who usually manage to ignore one another. Many university based empirical researchers, HRM consultants, HR managers, HR business partners, not to mention some government departments, trade unions and think tanks are united in their belief in the existence of a quantifiable, measurable, empirical and statistical link, connection, relation or association between HRM practices and organizational performance. We refer to this as the HRM-P link. Whilst each of these stakeholders has slightly different reasons for holding this belief, few doubt the existence of a link. (This link is sometimes referred to as the link between High Performance, or High Commitment, Work Practices or Work Systems and performance.) Belief in the existence of a quantifiable link has encouraged a small army of researchers who, armed with the very latest 'scientific' (looking) methods and statistical techniques, seek to specify the link with ever more precision. Current HRM and related journals bulge with empirical studies, each one investigating a slightly different bundle of HRM practices, including this or that intervening variable, using slightly different measures of performance, and each one coming up with slightly different results.

"The quest to find the Holy Grail of establishing a causal link between HRM and performance"

In Explaining the Performance of HR, due to be published this summer, my co-author and I deal with the HRM-P link, but from a very unusual angle. We approach empirical research on the link by considering the meta-theory that underpins this research – meta-theory is a shorthand term referring to, inter alia, philosophy of science, ontology, epistemology, aetiology or causality and methodology. It argues that the existing (positivist) meta-theory underpinning empirical research on the HRM-P link, along with the commonly used quantitative, empirical and statistical techniques, have serious shortcomings. Indeed, these shortcomings are so serious that they undermine almost all the research and damage our ability to theorise and especially explain matters adequately. Worse still, most empirical researchers working in the HRM-P paradigm are not even aware of the full extent of these shortcomings. Whilst the book is largely critical of the meta-theory underpinning the paradigm it goes on to offer an alternative, rooted in the relatively new meta-theory of critical realism. The purpose of Explaining the Performance of HR, then, is to initiate a scholarly debate about the most appropriate meta-theory to use to explain why HRM practices influence performance – if indeed they do. This short article discusses the critical parts of the book, leaving a discussion of the alternative for the next issue of the CESR Review. Let me start, however, with three broad comments that, effectively, situate the book.

First, introducing meta-theory to an audience not schooled in this topic is challenging and the book is not an easy read. But, although many meta-theoretical concepts appear daunting, especially at first glance, they are often less difficult to understand than many of the technical terms routinely found in research on the HRM–P link. In any case, one of the claims of the book is that, the shortcomings just noted are largely a result of researchers ignoring meta-theory and simply getting on with `doing´ research.

Second, Explaining the Performance of HR is not a kind of 'how to do it' book, where we prescribe an alternative meta-theory for HR professionals. Nevertheless, the book is intended for several audiences with different ambitions for HR in mind. It should be of interest to academics working in the areas of HRM, Industrial and Employment Relations, Organisation and Management Studies, Economics of Personnel, Sociology of Work and Employment and to HR consultants, concerned to better understand in order to investigate the relationship between the way people are managed and the way organisations perform. It should be of interest to practicing HR managers, business partners, and senior executives who suspect people (or, to use the in-vogue phrase, talent management) matter. It should be of interest to trade unions and their negotiators engaged in negotiating the introduction of HRM practices in ways that protect and promote the interests of their members. It should be of interest to those involved in government departments like BERR and the Treasury, not to mention employers associations like the CIPD, CBI and various think tanks such as the Work Foundation dedicated to promoting better people management. It should also be of interest to a smaller number of academics interested in meta-theory, especially those who are critical of positivism and seek alternatives. In sum, everyone gains if we can explain how HRM practices influence organizational performance – if indeed they do.

Third, meta-theory is not for, or relative to, any one in particular and neither is the meta-theory of HRM. Imagine a scenario where HR managers are engaged in negotiations with the trade union representatives over the introduction of some HR practice. There is no meta-theory for, or relative to, HR managers which is distinct from that for, or relative to, trade unionists. If the workplace is (what we call) an open system, then it is just as open for HR managers and for trade unionists, and indeed for other stakeholders. Whatever political implications follow from claims such as these, they do not invalidate the meta-theory that generated them, and to the extent they are true, they can only worry those who are afraid of the truth.

"What becomes clear, even from a glance through some of this extensive research, is that it is preoccupied with, and dominated by, quantitative, statistical, empirical analysis"

A typical piece of empirical research on the HRM-P link

Now, we realise that many readers of the CESR Review will not have actually come across this research first hand but are likely to have had it relayed, in a simplified manner, via the professional literature. So to get a feel for what this kind of research really involves, we offer the following stylized version of a 'typical' piece of research on the HRM-P link. It is the kind of thing found in many peer reviewed journals related to HRM. Whilst variations exist in this extensive literature we are confident enough to suggest that this is a fairly accurate sketch.

A typical paper will open by referring to a list of seminal articles that have offered some empirical support for the idea that HRM practices and organizational performance are linked. Reference is commonly made to one, or a combination, of four main perspectives or approaches: the universalistic, internal fit, best practice or one size fits all; the bundling or internal fit; the contingency or external fit; and the configurational. All of these offer variations on the nature and context of the link between HRM practices, and performance, but they all imply the existence of this link. Sometimes all this appears in sections on 'existing literature', sometimes there is a suggestion that this is the 'theoretical' part of the paper, and sometimes there is a specific section dedicated to 'theory', or 'theory and hypotheses'. Often a specific theory or theories will be mentioned, such as Resource Based Theory, although it is common to find a kind of 'name dropping' exercise where passing reference is made to several theories without a clear statement of which theory is actually underpinning the empirical analysis and how it underpins it. Whatever theory is mentioned, the discussion is usually superficial, especially relative to the discussion of statistical techniques that comes later. The paper will then move on, in some cases quite rapidly, and often in a relatively unsophisticated manner, to make a series of predictions, in the form of hypotheses stating that some specified HRM practices will be associated with increased performance. A section on 'methodology' then follows, usually with a considerably in-depth and highly sophisticated discussion of the statistical techniques used, explaining how the various HRM practices are measured, and empirical data is generated. The HRM practices commonly measured are: incentive pay, recruiting and selection, teamwork, employment security, flexible job assignment, communication and labour relations. Organizational performance is commonly measured via return on investment, growth or sales. The paper then presents the findings and discusses them, before concluding, often with comments on the limitations of the research, and comments about the direction of future research.

What becomes clear, even from a glance through some of this extensive research, is that it is preoccupied with, and dominated by, quantitative, statistical, empirical analysis of the kind, typical of positivism. Impressionistic evidence is, however, not all we have to go on. A substantial review of HRM literature by Hoobler & Brown Johnston 'took a discerning look at what is and is not being published in HR' (2005: 666) and found:

- [S]tatistical regression was by far the method of choice, represented in a full 35 percent of the articles studied. Various analysis of variance and meta-analysis accounted for 9 percent and 5 percent respectively, while correlation and structural equation modeling or confirmatory factor analysis respectively amounted to 6 percent and 3 percent (ibid: 668).
- Boselie, Dietz and Boon's (2005: 70) comprehensive survey of the HRM-Performance literature observed that despite (some) calls 'for more use of qualitative methods to examine this relationship, we found only a few wholly qualitative studies'.

And what do the results of this quantitative research reveal? Rather than trawl through the (voluminous) empirical research, we can make use of three recent surveys. Wall and Wood (2005: 454) conclude that 'existing evidence for a relationship between HRM and performance should be treated with caution'. Godard (2004: 355) writes: 'Overall, these concerns suggest that we should treat broad-brush claims about the performance effects of [High Performance Work systems], and about research findings claiming to observe them, with a healthy degree of scepticism'. Boselie, Dietz & Boon (2005: 81-2) conclude that: 'A steady body of empirical evidence has been accumulated since the pioneering days of the mid-1990s…Ten years on the "Holy Grail" of decisive proof remains elusive'. Most recently,

Purcell, Kinnie, Swart, Rayton & Hutchinson (2009: 3) repeat a similar sentiment, writing: 'Despite this extensive effort the goal of establishing a clear link between HR practices and performance still seems some way off'. In short, the empirical evidence is, at best, inconclusive and at worst, suggestive of the absence of a link.

We take the fact that the empirical evidence is inconclusive to mean that social systems in general, and the workplace in particular, are multiply caused, complex, evolving and subject to the exercise of human agency – we refer to these using the critical realism concept of `open systems´. Open systems are those displaying no event regularities of the kind `whenever event x, then event y´; or law-like relations between the variables of the system of the kind y = f (x). And this, in turn, means that they are not the kinds of systems where relatively mechanical chains of causality (i.e. 'x causes y, causes z') are found. The problem is not necessarily that causal relations are absent; the problem lies in the way causality is (mis)conceived as mere event regularity.

Lack of conclusive evidence, however, is not the only problem. Suppose, for argument sake, a study claims to have identified an empirical association between the dependent or 'explanatory' variables measuring a bundle of HRM practices, and an independent variable measuring organizational performance. What does this research tell us – and more importantly, what does it not tell us? It does tell us that there is an empirical association. It does not, however, tell us why this association holds; it does not explain this association. Whilst knowing that an empirical relationship exists is important, this is merely the start of the scientific journey and the next leg must reveal why this is the case, and this involves explanation. Unfortunately, most empirical research on the HRM-P link starts and finishes with attempt to reveal that an empirical association exists; it never embarks upon the second leg of the journey. To the (limited) extent this is realised, it is expressed in terms of too much measurement or quantification and too little theory. The following comments are fairly typical:

- To understand as opposed to measuring the performance, we need to make these linkages. There may be an association between HRM practices and company profit, but without some linkages, we will not know why: we have no theory (Guest 1997: 267).
- [I]t is essential that we make progress in theory development…Theory about performance has made only modest progress (Guest 2001: 1092-3).
- to date there is very little research that 'peels back the onion' and describes the process through which HRM systems influence the principal intermediate variables that ultimately affect firm performance (Pauwee 2004: 55).

Preoccupation with quantification, lack of theory and far too little `peeling back of the onion´, then, results in research which offers no explanation or lacks explanatory power. Why is this? Whilst many researchers presume they are actually explaining something, this is not the case because many of the concepts only look like explanations: when scrutinised, they turn out not to be bone fide explanations at all. Let us consider some of these cases.

Things that look like, but are not, explanations

- Explanation is not 'explanation of variance'. In the lexicon of statistics, to 'explain' is to use some 'explanatory' variables to 'explain' some proportion of the variance (i.e. spread of the measured values) in another variable. Whilst this is perfectly legitimate for technical use, it does not translate well from this technical context. Such an 'explanation' does not actually explain why the 'explanatory' variables account for this proportion of variance. That is, it does not provide an account of the actual operation of the causal mechanisms that the explanatory variables are assumed to reflect. A bone fide explanation is an answer to a 'Why?' question.
- Explanation is not statistical association. At best, a statistical association describes a state of affairs, or suggests that something is the case; it does not reveal why it is the case. Knowing that the overall effects of some bundle of HRM practices on organizational performance is 20% does not explain why this might be the case.
- Explanation is not regularity. We do not explain why the bus was late today by stating that it is always, or regularly, late. Neither do we explain why some bundle of HRM practices causes an increase in performance by stating that this bundle of HRM practices always, or regularly, causes an increase in performance.
- Explanation is not prediction. In the positivist meta-theoretical tradition, explanation is confused with prediction but, unfortunately, prediction does not constitute explanation. Even in those cases where successful prediction can be made (almost never in open systems like organisations), it is often possible to predict without explaining anything at all. Whilst, to cite the well used example from Hempel (one of the main positivists of the 20th Century), doctors can predict the onset of measles following the emergence of Koplic spots, the latter does not explain measles. An adequate explanation of measles would involve an account of underlying causal mechanisms such as the virus that causes both the spots and the illness. Similarly even if we could predict that performance would increase following the introduction of some bundle of HRM practices, the regression equation used to make the prediction would not contain the explanation and we would simply be left asking: Why?

In sum, a (voluminous) body of research that is unable to offer a bone fide explanation of the statistical associations it purports to find, must be considered, at the very least, to be highly problematic.

Conclusion

Although we do not believe that a quantifiable link between HRM and performance exists, this does not mean that we think that HRM practices are unconnected to organizational performance. Indeed, we accept that a well-managed workforce does, in many circumstances, tend to increase performance. What we do not accept is that this tendency will manifest itself in a mechanical, statistical link of the kind currently sought after by researchers through techniques such as regression analysis. If only a small part of the army of researchers currently engaged in hunting for a statistical link between HRM and performance, stopped trying to 'hunt the Snark' and started considering alternative approaches, it would only take a few years to know whether any of the alternatives are better – they certainly cannot be any worse. In the next issue of the CESR Review, I will sketch one such alternative, an alternative rooted in the meta-theory of critical realism.

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New public management and the gendered implications of increased autonomy of French universities

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Higher Education in the UK is facing a series of challenges which threaten to undermine the notion of education for the public good and turn universities into businesses where financial sustainability trumps academic desirability.

Universities are increasingly having to compete with private providers such as BPP, once a private law college and now owned by the Apollo Group which also owns the University of Phoenix. The financial crisis has led to the most severe budget cuts to Higher Education ever seen in December 2009, with fears that worse may come after the UK elections on May 6th 2010. Post 16 Education has suffered even worse cuts affecting Further Education colleges where thousands of jobs are at risk. In the UK the Higher Education landscape is radically different from 20 years ago where both polytechnics (now new universities) and Further Education colleges were financed by the Local Education Authority, whereas both types of institutions now manage their own budgets and have to make their own decisions about cuts.

The following paper examines the situation in France which thus far has continued to provide education for the public good paid for with a continental model of state funding and which is now moving towards the UK and US model of institutions which have autonomous budgets. On January 1st 2010, the majority of French universities became autonomous institutions following the changes brought in by the Law governing the freedom and responsibilities of universities (LRU). With the addition of 33 institutions at the turn of the year, there are now 51 out of 83 universities which have opted for increased autonomy with the rest having the option to follow in 2012. The Times Higher Education leader for December 3rd 2009, entitled "Autonomy must be the goal" (Baty 2009) approved of these changes, stating "Universities need to be free from government control if they are to succeed in providing the education demanded of them".

The central question here is whether taking control over budgets, staffing and working hours away from the centralised French state and increasing the power of university presidents will erode academic independence and the notion of education as a public good, and bring in key features of new public management by the back door. The gendered implications of the move from state control toward autonomy in the university sector in France is a second key issue which remains to be addressed. Lastly, cross-national comparison can highlight what can be learned from recent changes in the UK university sector over the last decade which can inform the consequences of autonomy for French universities.

Higher Education in France

The French HE sector is constructed differently from the UK HE sector, since universities are comprehensive and have traditionally been non-selective. The selective Grandes Ecoles are seen as the `Oxbridge´ of the French system, forming a competing system of higher education and training for elites which has traditionally produced leaders in politics and business. There is also selection in the professional and technical schools where students receive HE diplomas. Research takes place only in centres in universities, carried out by teachers and full-time researchers, centralised through the institution of Centre National de Recherche Scientifique which provides secondment from universities where researchers are employed. However, the interdisciplinary collaborative nature of the ethos of the CNRS is perceived to be under threat at the same time that universities are to be granted increased autonomy. (Sauvons la Recherche 2010)

"The gendered implications of the move from state control toward autonomy in the university sector in France is a second key issue which remains to be addressed"

Concern about the place of France in the global league tables has prompted President Sarkozy to announce an increase in the budget for universities in his New Year speech in 2009 along with increased autonomy for each university which accepts a new statute. However, there is concern that the real (and only partially hidden) agenda is to make universities more business-like, to evaluate research only in terms of how it fits into a knowledge transfer agenda and to increase research selectivity and competition for resources. (Le Saint 2010)

In French universities, in the CNRS and even more so in the Grandes Ecoles, there is a familiar pyramid of gendered vertical segregation with women in the majority at the bottom of the pyramid and diminishing in number in senior posts, and horizontal segregation. Women academics are overrepresented in the arts and humanities and underrepresented in pure sciences. (Latour 2004, Laufer, Marry and Maruani 2003, Le Feuvre, Membrado and Rieu 1999, Maruani 2005, Sonnet 2004)

French universities since May 1968

Universities in France have had an international reputation for activism since the events of May 1968. Utopian slogans such as "Sous les pavés la plage" (Under the paving stone is the beach) were created during the events of May 68 and those that still espouse radical utopian left wing politics are referred to as "soixante-huitards". There have been few academic years since then which have not been interrupted by strikes by academic staff or students, and going on to the streets to demonstrate along with occupation of university buildings is seen as a right to be defended according to the principles of May 68. This is, of course, heavily criticised by some who see "soixante-huitards" as stopping France punching its weight on the global stage. Nicolas Sarkozy's speech for the New Year in 2009 famously included a disparaging remark about lazy researchers who only came to their laboratories to keep warm.

"The real reason for increasing the autonomy of universities is that it makes them more susceptible to becoming like private companies, pursuing the agenda of production for the knowledge economy and transforming universities into businesses serving clients and consumers"

Levels of activism vary between institutions and according to discipline, with business and engineering faculties being the most likely to remain open during strikes and social science and arts faculties the most likely to have sit-ins. They can be subdivided in multidisciplinary universities such as Paris XII and XIII, Nantes, Dijon, Besonçon, Avignon, Brest and Lorient, and more specialised universities such as those specialised in Law (Lyon III, Paris II) or in science (Rennes I, Toulouse III. The vast majority of universities specialising in Art and Humanities (the exceptions being Rennes II and Bordeaux II) have not made the move. The procedure by which there are 2 years where the possibility is still left open is so that "l'experience donne envie aux autres" (others will want to have the same experience) according to Valérie Pécresse, Minister for Higher Education and Research in the neo-liberal Sarkozy government.

On December 14th 2009 Sarkozy announced that 19,00,000 euros would be spent on universities, with 800,000 being spent on setting up about 10 centres of excellence in universities. The unions immediately criticised the fact that universities have been chronically underfunded and that this money was only going to be use of the interest on the capital and therefore much smaller sums than stated by Sarkozy. However, 50 million euros will be allocated to the 10 or so centres of excellence, referred to in Le Monde (in English) as the "happy few". The union UNEF stated their concerns that this would lead to a two speed university system. The downside of this would lead to deserts of research and higher education and is completely against Republican principles of equality, stated the union (Jacqué 2009).

The absence of selectivity with a policy of open admission to any student living within the area of the local education authority with an appropriate baccalaureat has led to overcrowding on first year undergraduate courses and ongoing discussions about whether there should be some form of selection. Successive presidents and prime ministers have been unable to solve the issue of how to combine the republican ideal of the non-selective university where all students with a baccalaureat have the right to enter, and increasing pressures towards selectivity in student admission and concentration of research excellence to increase France's standing in global league tables.

Nicolas Sarkozy has attempted to tackle the problem, in a characteristically forthright manner, by changing the legal statues surrounding the management of universities so that increased responsibility will lie with the president of the university. Debates have often looked to the Anglosaxon model (often the American university model rather than the UK one) to critically examine the implications of increased autonomy, and whether this in fact means a shift towards a more business-like model away from the notion of education as a public good which is controlled by the state.

Lionel Collet, chair of the conference of heads of universities is in favour of the autonomy measures as this triples the budget of most universities and gives them more control over recruitment, with a nationally agreed "commission des spécialistes" being replaced by a locally approved "commission de selection" which is seen as being more flexible. With this new flexibility over budgets French universities can now decide whether to recruit star academics from overseas. The French HE labour market has remained remarkably resistant to employment of foreign academics since higher education employees are classified as civil servants. Moreover, there have long been concerns about cronyism and patronage with PhD students often being appointed to join their supervisor's department, bringing little new blood into universities across France.

Heads of universities are in favour of having increased control over decision making about spending the budget at the university level, but the unions are highly sceptical. Issues of equality are at the heart of the lack of selection, but gender equality is often missing from the debates. While the issue of gender has moved towards the mainstream in research circles, with research groups such as Marché du Travail et Genre (MAGE) occupying the top of the league table within the CNRS (France's national research centre) it is often only found in pockets of excellence and gender is often not included in analysis of social issues. The question must now be raised of the implications for gender equality of the move from state control to more local autonomy in France.

Recent statistics on women employed in HE in the UK and France

In UK universities women comprise 41 per cent of lecturers, 31 per cent of senior lecturers but only 16 per cent of professors. HESA figures for 2006-7 show 23,590 female lecturers and 16,815 female researchers, which is an increase of 23 per cent compared with 2001-2. Male lecturers numbered 27,340 and male researchers 19,925. In total numbers, women are therefore likely to overtake men in the near future if current trends persist. However, women only occupied 12,375 of the 33,650 senior lecturer jobs, and only 2,2885 of 16,485 professorships, although this is a 27 per cent increase over 2005-6. Despite increasing feminization, at the current rate women professors will achieve numerical parity with men only in 2070. (THES March 27th 2008; Leathwood and Read 2009).

In 2004 within the CNRS while there were 10,700 women working alongside 14,600 men, only 35 per cent of women had category A status of full professor. Only 130 of the 3400 women classified as researchers were classed as first class, with only a handful classified as exceptional. (Gardey 2004) The most recent figures show little change even when compared to 1998 in the 2008 report (CNRS Bilan social) Women now count for 3,692 researchers as opposed to 7,825 men, but are overrepresented in the technician category so that when headline figures are given there is an illusion of greater parity. Horizontal segregation is clear with underrepresentation in physics, maths and engineering science. Vertical segregation in some area is stark with on 2 women in the top 2 grades of researcher as opposed to 38 men.

In French universities there are 24,413 women working as lecturer-researchers, alongside 43,667 men. There is clear horizontal segregation with women are underrepresented everywhere except for Arts and Human sciences, and there is nearly parity in the small number teaching pharmacy. Vertical segregation is also clear with 15,101 men in the upper grade of professor as opposed to only 3,705 women. The glass ceiling is situated at lecturer level where there are 20, 831 men and 15,016 women (Ministère de l'Education Nationale 2009).

The structure of the French university system means that research is funded through the national centre for research and takes place in centres within universities. Researchers seconded to the CNRS have higher status than the "enseignants-chercheurs" (teacher-researchers) and the CNRS is male-dominated, showing clear horizontal segregation. Sarkozy has referred to the effects of the increased autonomy given to universities on the teacher-researchers, leading to fears that the CNRS will lose its specialist status. While this may be a good thing for gender equality, it is probably that the underlying move to increased competition between universities to vie for the title of centre of excellence will lead to a reconfiguration which is likely to disadvantage women. For the moment there is great anxiety about the future of the CNRS and little attention paid to the implications for gender parity.

Legal provisions to support equality

The UK Gender Equality Duty of April 2007 may have an effect in the future, but for the moment there is little evidence of change. French law includes strong measures which date back to the Roudy laws of 1983 and were updated with the Genisson laws of 1999 and 2000, but have had little effect. Roudy herself says that the 1983 laws were not applied and the new laws of 1999 and 2000 have no constraining effect so are likely to fare little better. (Delphy and Laufer 2004) Class actions are not possible. (Fletcher 2005) Successive governments in France have paid lip service to the importance of gender equality at work but have not imposed strong sanctions on miscreant employers. The Sarkozy government is less likely to do this than previous socialist governments as it is pursuing an agenda of more support for neo-liberal policies which give more power to entrepreneurial employers who argue against any form of monitoring or quotas.

Gender mainstreaming has not lived up to its promise (Verloo 2004; Walby 2004) While European social policy has had a beneficial effect in raising the issue of gender parity this has not yet had the desired impact on the public sector, and is taken even less seriously in the private sector. The move towards business-like practices in the UK which imitate the private sector has opened up new categories of promotion where women may be well-placed to become manager-academics as parallel career structures are created (Deem 2003). Paradoxically women may benefit from the move towards autonomy in universities if they are willing to contemplate careers outside the research career path.

Conclusions

While increased autonomy for French universities may allow heads of universities to have more control over increasing the international reputation of French universities, this is likely to be done through competition and increased selectivity. With a focus on competition, it is possible that gender equity will slip to the bottom of the agenda and vertical and horizontal segregation is likely to increase, making the situation for women in France worse. Alternatively, spaces may open up for women as research ceases to be the only career path open and there may well be space for a new career path for manager academics.(Deem 2003) Increased autonomy for French universities may appear to be an attractive prospect, but as the novelty wears off and the reality sets in of the responsibility of managing budgets and staff in an increasingly competitive international environment, French universities may well find that they are increasingly unable to avoid the marketisation of universities inherent in increased competition where league tables are given primacy. According to Saint-James (2010) the real reason for increasing the autonomy of universities is that it makes them more susceptible to becoming like private companies, pursuing the agenda of production for the knowledge economy and transforming universities into businesses serving clients and consumers.

The move towards an increase in autonomy for French universities is likely to change the notion of education as a public good. The identification with the goals of the private sector in making French universities more business-like will inevitably lead to greater competition and is likely to be detrimental to the long held Republican notions of equality. While levels of gender equality are poor in the French Higher Education sector, pursuing the agenda of the private sector is unlikely to be good for French women academics as a group, although some may find an alternative career path to be beneficial.

Cross-national research is useful in highlighting similarities in global forces and differences in the way that these global forces have an impact due to the societal effect. For many years, such discussions took place about labour processes assuming a male breadwinner model and disregarding issues which were clearly gendered. Ten years ago Jackie O'Reilly was the first to ask whether the body of cross-national work on the societal effect was valid if it did not also include gender (O'Reilly 2000) This question is all the more pertinent when we compare the impact of the move towards the values of the private sector which are inherent in new public management. The impact on gender equality should be an important element in analysing the effects of the move towards autonomy for French universities.

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`Speak up, we can't hear you´: Worker voice in the UK racing industry

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In the UK horseracing industry a range of mechanisms have existed to provide employees with, what is often referred to as `voice´. The basic idea is that without `voice´, employees can only respond to dissatisfaction with their employer via `exit´ (i.e. simply leaving the employer) or some kind of individual or collective action (ranging from sabotage to strikes). I refer, therefore, to `voice mechanisms´.

There was a union voice mechanism in the form of the Transport and General Workers' Union (TGWU). There was a voice mechanism in the form of an employer-dominated staff association, the Stable Lads' Association (SLA); since 2007 the National Association of Stable Staff (NASS). NASS is seeking to become a union voice mechanism. There has also been national collective bargaining and disputes resolution machinery since the creation of the National Joint Council for Stable Staff in 1975. This article focuses on worker voice mechanisms in the form of the Stable Lads' Association, the alternatives which staff make use of, and the significant difficulties they face making their voice heard.

Early voice mechanisms

In 1919 stable staff in Epsom were members of the National General Workers Union, while stable staff at Newmarket were in the Vehicle Workers Union, both of which became part of the TGWU in the 1920s. A long, but unsuccessful, battle for recognition by the TGWU was fought with the Lambourn trainers from 1937-39, and it is true to say that union membership was patchy, with recognition for collective bargaining purposes only granted in Newmarket. Here the Newmarket Trainers' Federation (an employers' association) bargained with the TGWU over pay until the 1975 stable lads' strike. While the strike brought about national collective bargaining, this was accompanied by the creation of a 'yellow union' (Royle and Ortiz 2009), dominated and controlled by the employer, namely the SLA.

"Individual staff were obliged to deal directly with their employer for want of any realistic alternative"

The Stable Lads' Association

At the industry level, the SLA has been regarded as the formal mechanism through which workers may express their collective voice since 1975. It is a signatory to the national collective agreement, along with the National Trainers' Federation (NTF), the current employers' association. The SLA was funded by the industry from its inception, lacked an infrastructure of workplace representatives or any means of direct communication or consultation with its 'members'.

This point was not lost on stable staff, surveyed in 2000 and 2003 (Miller 2010). A long-serving stable lad said:

"The SLA is a union which belongs to the racing industry, i.e., not independent. I've never seen a rep. There's never been a lads meeting in Newmarket. We've never seen by the Secretary of the SLA."

Another stable lad held the opinion that:

"The SLA is "crap". I would join a union but it would have to prove itself first."

and this was a view often encountered during the research. Of the 105 staff interviewed, not one showed support for the Association, while there was weak support for the alternative of trade union voice. The foregoing reflected Moore and Read's (2006) findings that workers in small firms often do not see the need for trade unions because they have no belief that collective organisation can help.

As a consequence of the SLA's weak position, stable staff have lacked an effective voice in any forum that makes decisions about the future development of racing. Staff did not believe that they were properly or formally consulted on important matters relating to their terms and conditions. For example, they were not consulted on the expansion of Flat racing in 1999, which has had severe and adverse effect on their working hours. A Head Lad working in Newmarket commented:

"There was no consultation on the increased Fixture List. First we knew about it was from the Stable Lads Welfare, two days after it was announced in the paper."

While the SLA was held up by the employers as the appropriate voice mechanism for staff, it was in reality a 'hollow shell' mechanism - for a definition see Dundon et al. (2005).

Direct voice

Staff said they dealt with issues direct with their trainer, or his/her nominated deputy on occasion, saving the boss as the line of appeal against an unhelpful decision. A stable lass interviewed at Cheltenham said that she dealt with her boss's wife on most staffing issues but knew that if the trainer wanted to see her 'that means a bollocking'. Staff commented as follows on their experience of direct voice:

"We had a meeting with our trainer to air grievances."

"The boss is willing to listen and try things."

"The office is approachable over employment issues. Our employer will show flexibility in a personal crisis when you need to take time off."

Not one respondent was prepared to involve the SLA, seeing this likely to be more unsuccessful than a direct appeal to the boss. They argued that it was their individual relationship that counted here and if the trainer was a 'good boss' then s/he was more likely to see the force of their argument. This suggested that, at the level of the stables, individual staff were obliged to deal directly with their employer (Dundon and Gollan 2007) for want of any realistic alternative. It seemed from the above that for, some staff at least, this had proved successful and that where the employer acted positively in response to worker voice, this was likely to persuade workers to stay rather than exit. However, reliance on direct voice and at voice at the enterprise level underlined the gap in collective representation at the national, industry level, where key decisions were taken on working conditions.

Worker exit

As another way of expressing voice, there is also the option of exit (Hirschman 1970) but that is not an appealing option for stable staff. Despite a continuing labour shortage, pressures on staff time, a long hours/low wage culture, the majority of staff do not seek to improve their economic situation by working in other industries. Exit is used marginally to move between employers in racing, but not as a way of influencing industry outcomes, as the following comments reveal:

"As a consequence of the SLA's weak position, stable staff have lacked an effective voice in any forum that makes decisions about the future development of racing"

"I was at one yard where we did very long hours, but I left 'cos the boss wouldn't sort out my holiday pay."

"I earned good money, £220 per week at that yard but the trainer swore at me and I'm not going to be treated like that for any money."

For these workers the choice of exit reflected Ryan's (2006) findings that when voice is ignored, this will prompt workers to leave.

However, another stable lass found herself in the following dilemma:

"I swapped my weekends in order to have time off to attend a family function. This was agreed but I've now been told by my Head Lad that if I don't work, I will be sacked."

She did not know whether to stay but she could see no other alternative way of resolving the problem other than to give into her Head Lad's demands. For her it seemed unlikely that she would raise a grievance with her trainer, reflecting Moore and Read's (2006) finding that voicing grievances often represented a threat to the individual worker. Exit therefore is not a potent threat to employers since they know that staff are generally doing the job because of their love of horses.

Conclusion

NASS has arisen from the ashes of the SLA's demise, with a team of experienced trade union negotiators and organizers and a programme to modernize collective relationships at the national and the local level. It is clear from the history of the TGWU in racing (Winters 2006) that stable staff have successfully exercised union voice in the past and have vigorously resisted their employers on occasions through strike action. Unusually for small firms, there is national collective bargaining in racing so a forum exists for NASS to pursue its demands. However, in order to be taken seriously by the employers' side NASS will also need to capture membership support at the local, racing stables level.

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Human Resource Management and Knowledge Exchange at Bristol Business School

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What is a university for? – Research? Teaching? A combination of these? In this article, we will examine how teaching and research are drawn together in a critically important third strand, of Knowledge Exchange.

For Bristol Business School, as part of the University of the West of England (UWE), the vision is to become a leader in Knowledge Exchange, with a 'broad platform of activities that is built on three interlocking layers of engagement and externally-facing endeavour – with business, community, and the wider public' (UWE 2010:3).

This article will explain what Knowledge Exchange is, and how it fits within the wider university and society agenda for universities. The article will focus on how Bristol Business School is developing Human Resource Management Knowledge Exchange as part of the University of the West of England's strategic development in one of the three interlocking areas, that of business.

What are the aims of Knowledge Exchange?

Knowledge Exchange (KE) is seen as a two way flow of people and ideas between the research environment and the wider community of stakeholders such as industry, commerce, public and service sectors, trades unions, and the voluntary sector. The aim of KE is to contribute to national prosperity, the quality of life of UK citizens, and cultural enrichment of our society.

The aims of KE at UWE are to embed collaboration and partnership with a wide range of stakeholders, external to the University; to embed active engagement with business, public, and communities, linked with research and teaching excellence, and increase the attractiveness of the university to prospective students, staff, and stakeholders (UWE 2010:13). The value of Knowledge Exchange is its capability to 'provide robust, rigorous, and excellent research, [which]….must feed back into staff teaching and the enrichment of the curriculum'. (UWE 2010:11). KE, then, is part of what is often referred to as the 'Knowledge Economy', where 'the value of knowledge to an economy comes from sharing with others' (Brinkley 2006:5).

A more methodical approach to KE as part of the underpinnings of knowledge economies has been seen as a critical part of universities missions (for example, the CBI 2009, and Abreu et al. 2008), But for others, KE within the university sector may be perceived as a potential threat to the autonomy and free thinking of academic research. For instance, Boulton and Lucas (2008:8) note the debate within society about the nature of 'useful knowledge', cautioning that the definition of what constitutes 'usefulness' should not be drawn too narrowly, nor be too short term. Instead, they emphasise the universities have a fundamental role in,

"Creating new knowledge and transmitting it to successive generations together with the knowledge which has been accumulated by predecessors and which in each generation is subjected to renewed tests of verification."

For these reasons, Boulton and Lucas (2008:16) note that universities can only be part of the process of producing a successful knowledge economy. Therefore, whilst KE facilitates closer ties between universities and business, this cannot be interpreted as a euphemism for business setting the agenda of universities. Indeed, there will be times when universities may tell business things which they would have preferred not to hear: for example, a more robust approach to ethical leadership may have prevented some of the unethical behaviours seen in corporate activities such as in Enron. Instead, balanced partnerships between universities and wider stakeholders need to develop further, but not at the expense of the research and teaching agenda being dominated by one side or the other.

Knowledge Exchange and the university agenda

So what is a university for? Von Humboldt (1810) believed that a university should be based on three principles: unity of research and teaching; freedom of teaching; and that academia should be self governing. Similarly, Newman wrote in 1852 of the 'pure and clear atmosphere of thought, which the student also breathes' in a university environment where, 'the intellect may safely range and speculate'. A more contemporary perspective is that research and teaching are at the heart of the purpose of a university. But so too is the need to ensure that knowledge and learning are shared across a community wider than the university itself. Here, the agenda extends to a so called social agenda, with the aim that KE will extend to work in partnership with a range of stakeholders within the wider community.

For Bristol Business School, as part of the University of the West of England, the strategy for KE means four types of engagement – through business engagement; community engagement; public engagement; and academic engagement (UWE 2010:3). But working in partnership, and being engaged with other organisations should not, of course, compromise academic standards.

Turning now to consider HRM specifically, the importance of knowledge development (in this case, through KE) is underlined by Moet (2006), who noted that the rise of 'knowledge economy' has been marked by a considerable shift away from HRM as a solely bureaucratic function over the past few decades. Furthermore, the critical importance for the longer term value – even survival - of HRM management has been linked with the importance of moving from a traditional role, to one where knowledge becomes key (Lengnick-Hall and Lengnick-Hall 2003; Saint-Onge 2001; Stewart 1997; Ulrich 1997, 1999). Here, HRM KE has a key role to play.

KE and the view of a Business School Dean

Jane Harrington is Dean of Bristol Business School. In this interview with the author from 29 March 2010, she explains her own vision for the development of Knowledge Exchange, and the role of Human Resource Management.

"Knowledge Exchange is at the heart of the University's aim to develop as a partnership university; this is part of its research and learning purpose, but also very much part of the University's wider social agenda.

What do you see as the key opportunities for BBS in the development of KE?

There are many different models for how KE can be organised, and BBS needs to develop the right approach for its needs. There is a great opportunity to link our research expertise through the Bristol Business School's Centre for Employment Studies Research, which already has an excellent reputation for its research and publications in workplace practice; and the Executive Education Centre for its teaching and research activities at graduate and post experience levels.

KE not only needs academics, experienced and willing to engage with the wider organisation community, but there is also a real opportunity to grow the way in which we adopt an inter-disciplinary approach too. We have already appointed specialist lecturers in HRM KE, who have both an academic practice background, but also substantial senior management experience in HRM. Over time, visiting professional professorships will also have an important role in bringing practical workplace experiences to research and student learning.

A key challenge for BBS is how we organise and structure ourselves to balance teaching, research, and KE. Here, the opportunity is to become more integrated and organised in how KE operates within BBS and across the University. For example, we can develop our BBS strengths and expertise with areas such as Health and Social Services, Engineering and Construction, Performance Management, Innovation; and Business start ups. As an example, BBS, especially when combined with the integration of Law, can use its KE expertise to the legal profession in two ways – not only in the very specific requirements for continued professional learning of the law, but also in wider learning in management, strategy, finance, and HRM which the Business School can offer.

For Bristol Business School, KE is not just about getting a source of income separate from other sources of government funding, even though this may be a legitimate aim of KE, and one which some UK universities do very successfully. It is also about both contributing to the region and enabling the region to contribute to the development of our students and research capability.

As we develop these approaches, we will be in a stronger position to build awareness and knowledge of UWE's already strong brand. With clearer structures, we will develop our regional, national, and international remit, and successfully compete for external consulting and education opportunities.

And what about the contribution of Human Resource Management to KE at UWE?

HRM KE is well placed to develop organisation contacts and reputation through its work with Knowledge Transfer Partnerships – working in close collaboration with organisations on identified issues, providing practical support, and building a base for future research as well.

HRM KE can potentially make a big contribution in KE for BBS and the wider university. People are so often key in the huge efforts organisations are making to innovate, compete, and change. KE HRM at BBS can make a particular contribution, especially in change, talent management, diversity, employee relations, the role of the line manager, learning, performance and employee engagement."

Knowledge Exchange and Business

At the start of this article, the question was asked 'what is a university for?'. It was seen that universities need to engage with a wide range of stakeholders and communities, but the remainder of this article will concentrate on the interaction between universities and business. Historically, 'business' and 'universities' have not always enjoyed an easy relationship, despite the importance of their inter-dependence. For example, Adam Smith (1819 edition: 361) wrote that 'The greater part of what is taught in schools and universities does not seem to be the proper preparation for business '.

Government, universities, and businesses are now working more closely with each other to increase collaboration between work and universities, both highlighted as important findings of the Lambert Review (2002) and of the Leitch Review of Skills (2005). Reflecting the closer relationship between universities and the workplace,

the CBI (2009:5) also believes that employers need to engage more and invest more in supporting universities, especially in working more closely with universities on collaborative research, and providing well organised and structured learning opportunities for university students. Two 'success factors' for university/business collaboration are for universities to take part in collaborative research (with business) and workforce training; and the development of 'strong business-university partnerships in which organisation needs and Higher Education outcomes are aligned'. (CBI 2009: 7): the CBI report continues that this is essential if the UK is to have a dynamic economy, built on knowledge – intensive, high valued sectors.

Richard Wainer, Head of Education and Skills at the CBI, commented in an interview for this article that 'Both businesses and universities could be better organised than they currently are to develop employability skills, although progress is being made here, and there is some great practice happening'. However, neither universities nor the CBI would claim that the role of the university is only about preparing for employment, as Wainer also reinforces that, 'The CBI is emphatically saying that getting a degree is not just about preparing for a job'.

Knowledge Exchange and Professional Development

As part of its business engagement activity at UWE, KE has the opportunity to build on professional HRM activity in Continuing Professional Development (CPD), regional interaction with private, public, and not for profit workplaces and workplace representatives, collaborative and contracted research, consulting, and employability (both for UWE graduates, and the regional labour market through initiatives such as solutions4recession UWE 2010: 6). Bristol Business School has a wide remit for business, professional training, and Continuing Professional Development (CPD): for example, it is recognised by the Association of MBAs (AMBA), and benefits from the integration within the Bristol Business School of Law.

Furthermore, HRM at Bristol Business School is a recognised 'Centre of Excellence' of the Chartered Institute of Personnel and Development (CIPD), and has substantial experience of working with CIPD in teaching, professional development and research collaboration.

KE and Professional Bodies – A Perspective from the Chartered Institute of Personnel and Development

Angela Baron is Policy Adviser at the Chartered Institute of Personnel and Development. Interviewed by the author for this article, she gives below the CIPD view on the development of Knowledge Exchange in Human Resource Management.

> "For the CIPD, Knowledge Exchange is about developing the body of knowledge about Human Resource Management theory and practice. As a professional body we aim to provide the profession with the best up to date information and advice to enable them to maximise the benefits of good people management.
>
> To achieve this we often work closely with Universities and other bodies. The CIPD commissions and funds research into a variety of aspects of people management. This research needs to have practical applications. It's not just enough to prove that engagement equates with business performance. We also need to give guidance on the actions that people managers need to take to drive engagement and ensure in turn that it drives performance. We would exchange information and knowledge with other bodies such as those representing the finance profession or developing national policy to help ensure that the role of people management in driving organisational effectiveness is recognised and reflected in policy making and business decision making.
>
> For organisations, particularly businesses, the picture may be more complex. Here, knowledge, especially in the field of Human Resource Management, may be seen by the organisation as the source of competitive advantage. Therefore organisations may prefer to concentrate their attention on spreading knowledge within their organisations, and develop organisation learning, rather than wish to disseminate that knowledge to wider audiences external to the organisation. However, they will also be interested in working with professional bodies and universities in order to improve their knowledge exchange with those bodies.
>
> For the CIPD, the key development for future attention from professional bodies and universities is on practical research which can then engage organisations into debate and action. There are already some very good examples of this happening in practice. But there remain wider opportunities for organisations and business to work more closely with both professional bodies and universities in this area."

HRM Knowledge Exchange Progress at Bristol Business School

HRM KE has already made progress towards the business, community, and academic engagement envisaged in University strategy. For example:

CIPD - Regional Conference and Exhibition participation.

Diversity - HRM KE is working with a Government Agency to develop mutual interests in diversity management. This will particularly draw on UWE's research expertise in diversity issues, including women in science and management roles, and age diversity.

Knowledge Transfer Partnership - HRM KE has gone into a two year partnership with Space Engineering, a national engineering firm, to develop HRM policies and culture. As well as attracting government funding support, this partnership will enable Space to benefit from the expertise of UWE HRM specialists in developing people management policies, and provides a valuable platform for future research by the university on management learning and organisational change.

NHS training - HRM has provided training support to a range of management courses for NHS managers.

Open Session on Talent Management. In collaboration with a commercial partner, HRM KE ran a Talent Management update, with attendance from small and large private organisations, law firms, and public sector employers.

Short Courses - 1-3 day short courses in HRM have been developed to updated new and more experienced managers in latest thinking and practice.

Student placements - HRM has a well established programme of undergraduate and postgraduate placements, with students and academics contributing to a wide range of UK and international businesses.

School support - as part of the University social partnership agenda, HRM ran taster sessions for aspiring 11-12 year old school pupils. This was a very successful venture, which, as well as giving school pupils the opportunity to experience University class sessions, also gave second year HRM students the opportunity to put into practice learning from their second year undergraduate studies.

The Bank of England invited HRM KE from Bristol Business School to give the opening address to its 2009 conference for HRM specialists from central banks from 22 different countries, and provided an update on HRM developments.

In addition, HRM KE is working to build relationships and trust across the business community. Abreu et al. (2008:5) emphasise the importance of relationships and mutual trust in university/business relationships, built up over time. Therefore, whilst the status of the university, its people, and its research achievements are important, so also are personal relationships. For this reason, HRM KE at Bristol Business School will build networks through contacts with alumni from graduate, post graduate and professional courses over the years, and develop new networks through one day and half day conference programmes, available to the wider workplace and universities community.

Looking Forward

KE is relatively new to management and academic practice. It is finding its place alongside research and teaching as one of the three strands of the purpose of a university, but the future potential for its future growth and benefit is clear. Boulton and Lucas (2008:4) noted of the role of Universities that 'In research, they create new possibilities; in teaching they shape new people', but they also caution that universities are 'not just supermarkets for a variety of public and private goods that are currently in demand' (2008:7). Gloet (2006:411) notes the importance of 'maximising the contribution of Knowledge Management to an established management practice such as HRM…to promote awareness and understanding …of essential, deep-seated and often obscure approaches'.

The extension of the KE concept will add a third role for the Universities – to share knowledge and learning with a wider community. Working with inter-disciplinary partners across the Bristol Business School and wider University, HRM KE is well placed to progress its reputation and capability in the development of partnerships with a wide range of stakeholders to meet the business, community, social, and academic goals of the university. As it does so, it will develop its reputation and capability as the third, integrated strand of research, teaching, and KE with its regional, national, and international learning communities.

Further Information and contacts

HRM Knowledge Exchange at Bristol Business School, please contact Patrica.Voaden@uwe.ac.uk or John.Neugebauer@uwe.ac.uk

Bristol Business School Short Courses, www.uwe.ac.uk/bbs/business/short/hrm.shtml

Centre for Employment Studies Research for HRM Research areas, activities, and programmes, www.uwe.ac.uk/bbs/research/cesr

Undergraduate and post graduate student placement opportunities please contact www.uwe.ac.uk/bbs/students/support/placement.shtml

Information on Knowledge Transfer Partnerships is also available from, www.ktponline.org.uk

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Social Welfare Reform: From dependency to malingering for people with mental health disabilities?

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Long-term unemployment is a key characteristic and primary economic cause of social exclusion. In the case of people with mental health disabilities, there is a growing body of evidence that their labour market experiences are characterised by long-term unemployment and marginalisation in the secondary labour market, with the majority being 'inactive' based on Labour Force Survey definitions and data (2008).

This was supported by the resent Black Review; 'Working for a Healthier Tomorrow' which, in providing a baseline analysis of the health of the UK's working age population, highlighted that of the 600,000 new claimants of incapacity benefits in the UK, approximately 40 per cent report mental health disabilities. The percentage remains consistent for the total number on incapacity benefits, over 2.5 million people of which 41 per cent report mental health 'problems' (Black 2008).

These statistics are especially striking when considered in the context of legislative and labour market policy reform during the past 15 years, which have generally expressed a commitment to addressing the exclusion of disabled people. In the UK this has largely relied on two apparently positive and related pressures. The first has been legislative change, which for the first time in the UK provides a statutory right for people with mental health disabilities not to be discriminated against on the grounds of their health (through the Disability Discrimination Act 1995). The second pressure, and focus of this article, has come via active governmental labour market policy, most notably the Welfare Reform Act 2007. This has focused on a shift from passive to active policy, and attempted to improve individual employability through various employment support programmes.

This paper presents a discussion of these changes (primarily incapacity benefit), their theoretical basis and a critique of their potential impact for those with mental health 'problems'.

Essentially, the Labour Government has tightened the gateway to incapacity benefits, and their Conservative counterparts have expressed a commitment for taking these changes even further. In both cases, the claim is that these changes will not only benefit the taxpayer by reducing the 'spiralling' incapacity benefits bill, but also reduce social exclusion by promoting employment for those who can work. Yet the impact of these changes to incapacity benefit provision has, to date, received very little attention particularly in relation to the largest recipient group.

The theoretical basis for incapacity benefit and its reform in the UK

Goodwin's (1997) view of welfare regimes in relation to mental health policy suggests that, despite some limitations of the approach, the clustering of European welfare states provides a useful framework for distinguishing national types and levels of mental health care, which are fundamentally ideal-types: liberal, conservative and social democratic.

Liberal regimes are identifiable by the emphasis placed on the maintenance of market relationships in the economic and social spheres. The state acts as a safety net when the market fails to provide for basic needs; thresholds for entitlement to services will be set at a level that is perceived not to reduce motivation for individuals to provide for themselves. Benefits will normally be means-tested and consequently are often stigmatising. The dominant approach in the UK has been liberal, yet a number of significant issues have been highlighted. These limitations and tensions are now outlined.

The 'benefits trap'

Previous research has suggested that the loss of benefits was seen as a major reason not to return to work (Rinaldi and Hill 2007) and the financial disincentive to work is large. It is simply not economically viable to work for many people with disabilities, in particular those with severe mental health disabilities, as minimum wage employment is unlikely to provide the same disposable income as current benefits.

This is particularly the case in relation to part-time employment. Turton (2001) suggested that for people wishing to do part-time work, as they found the majority of people with disabilities did, might be the biggest deterrent when considering the move from unemployment. The fear of having difficulty in getting benefits reinstated if an attempt to start work is unsuccessful may be a further limiting factor. Understandably, people seem unlikely to work if their wage is lower than their benefits entitlement (Turton 2001). This was highlighted as a major driving force of welfare reform, as the system was believed to be 'perversely' rewarding people for not working and promoting socially inappropriate behaviours (Waddell and Ayward 2005).

In essence it fails to provide positive support and may actually have a negative impact, becoming a somewhere to 'hide' those who have been failed by the Department for Work and Pensions (DWP) and other agencies in obtaining employment.

The positive relationship between work and health

In addition to the 'benefits' trap, the second key driver for change has been the growing recognition of the positive impact that work can have on an individual's health and wellbeing and the detrimental impact of worklessness. It is clear that the relationship between sickness or disability and capability to work is complex, but broadly speaking there is a growing recognition that work may well be the best form of welfare. Of course, this must be balanced with appropriate support for those who are unable to work. Historically, benefits have failed to recognise that this is the case and those who have found themselves on Incapacity Benefits (IB) have had to prove that they are ill (Hadler 1996). On doing so, IB may well reinforce incapacity and become a barrier to employment in itself. This is particularly the case as if a recipient indicates recovery or improvement in 'capacity' they jeopardise their own financial stability.

Increasing 'out of control' costs

The third and most controversial driver for change has been the apparently 'out of control' costs that incapacity benefits have placed on the government. Yet here is one of the major paradoxes. Despite this expenditure, economic inequalities between disabled people and their non-disabled counterparts have increased. In terms of mental health disabilities, the majority face social disadvantage, exclusion and poverty. This can predominantly be explained by their exclusion from the Labour Market and reliance on benefits as a source of income.

Because of these theoretical and empirical issues, reform appears to be driven by two broad policy goals (OECD 2003):

- Social protection: to provide adequate income support for people whose capacity for work is limited by sickness or disability.
- Social integration; to provide realistic opportunities and support for sick and disabled people who are able to work; to enable disabled people to participate as fully as possible in society.

Yet simultaneously, it must be recognised that there are administrative and sometime competing 'agendas', namely, controlling costs.

The government policy response manifested in the Welfare Reform Act (2007). Therefore, it is important to outline the key components of these reforms in relation to incapacity benefit. The real problem identified by Waddell et al. 2002, is that historically, the UK social security system for sickness and disability has been about passively providing financial support rather than actively supporting rehabilitation resulting in their dependency on the state rather than supporting their attempts to achieve independence.

Social Reform Act 2007: Components of reform to Incapacity Benefit - An anti-fraud focus

The political reaction to the benefits trap appears to have been translated into a belief that a large proportion of claimants are in fact well enough to work and therefore, do not require financial support. Thus, the first focus of reform has been an anti-fraud focus. This has been enforced not only through active investigation, but also through a reform of assessment of those receiving or applying for IB;

Tightening of the gateway to benefits

The major change to IB has been the introduction of new 'work capability assessments' which are far more rigorous than previous assessments. Those who are deemed capable of returning to work by 'health professionals' rather than GPs, as had previously been the case, are then required to engage in a 'work-focused interview' and activities aimed at supporting individuals off IB and into employment. These include, in part, condition management, including group therapy and cognitive behavioural therapy (CBT) aimed at improving the symptoms of those experiencing mental health disabilities. This is accompanied by a short term increase of benefits, which equally may be cut if an individual fails to engage in the process.

Time limiting benefits

A further change is that previously an individual could remain on IB indefinitely if it was deemed the individual continued to meet the criteria. In contrast, reform of IB has introduced time limitations on IB for those deemed as capable of employment at some point in the future, during which time they receive a higher rate of IB. After this period of time if an individual has yet to find employment they are moved onto Job Seekers Allowance (JSA), which brings with it far less generous financial support in an effort to reduce the so called 'benefits trap'. Those who are deemed unable to work are placed on a lower rate of IB but are not required to engage in work related activities.

Overall, it is claimed that these changes successfully meet the following ideals (Field 1998):

- prevent abuse but ensure that those for whom they are intended are not disadvantaged as a result of reforms
- principles that are clear, fair and just from the perspective of all stakeholders
- decision making should be transparent, understandable and justifiable
- do not disadvantage those recipients who are already most disadvantaged
- avoid perverse incentives

While there is broad political agreement that the previous system of IB benefits was complex and lacked both fairness and focus on promoting equality, this must not mean that reform is not exposed to rigorous critique and analysis in terms of the extent to which it impacts on those currently in receipt of benefits.

An assessment of reforms to incapacity benefits

Despite these seemingly positive aspirations, the question remains, what is the likely impact of these changes for people with mental health disabilities? At the very least, these reforms, represent a shift from liberalism to conservatism in their approach to mental health policy. The dominant trait of conservative welfare regimes is the maintenance of the status quo in relation to the economic and social order. Where state intervention occurs it will avoid providing levels of service or benefit that do not improve the position of the recipient beyond their previous status. The impact of such policy and ideological change needs careful consideration. It would appear that, at least theoretically, there might be a number of serious side effects.

Focusing on fraudulent claimants

The first issue is related to the government's interpretation of these drivers for change. This 'benefit trap' appears to have been translated into a belief that a large proportion of claimants are, in fact, well enough to work and hence do not require financial support. Yet it would appear that these changes potentially condemn individuals – both those capable of working but at minimum wage, and those unable to work of facing real poverty based largely on a public image of those with mental health disabilities as fraudulent claimants. Popular press suggests that incapacity benefit is a growing burden, supporting huge numbers of people should not be on the benefit at all based on the fact that medical evidence suggests that they 'could' work (Waddell and Aylward 2005); hence, the response has largely been an attempt to address 'fraudulent' cases. However, this caricature of the typical IB claimant is dubious, not least because the DWP's own estimation of IB fraud is significantly lower than many other forms of benefit.

"This caricature of the typical IB claimant is dubious, not least because the DWP's own estimation of IB fraud is significantly lower than many other forms of benefit"

Focusing on individual impairment

The second critique of these changes has been driven by the re-conceptualisation of disability, which recognises the important societal barriers, which may 'disable' an individual. This social model presents these barriers, primarily discrimination, as the most potent cause of unemployment and underemployment for people with disabilities. However, where mental health sits within this conceptual framework has, as yet, been poorly developed. Legislation and IB reform have bracketed mental 'illness' alongside other physical disabilities. This presents a problem, as those with disabilities can be extremely fit, whereas the able-bodied can be extremely ill, and this becomes even more complex with common conditions such as 'stress' and 'anxiety' which may have no obvious external symptoms. The impact of this may be to both demedicalise and depoliticise mental health, in which individuals are seen as frauds, benefit cheats or malingerers, whose unemployment can be explained as a matter of motivation or choice. This is a view that needs challenging. It is clear that the incapacity benefits caseload has increased significantly since 1979 – during which time it has trebled. There has been strong medical evidence that many IB recipients are physically capable of some work (DWP 2002). Yet in the case of common mental health 'problems', this may be considerably more difficult to judge. More fundamentally, it presumes that physical or mental capability is inextricably linked to an individual's ability to obtain employment. This is underpinned by an assumption that social exclusion is a matter of individual 'capital', failing to recognise the institutional barriers that people may face when attempting to obtain and maintain employment, in particular the process of discrimination and stigmatisation.

The discouraged worker

A further issue that becomes apparent is highlighted by the work of Waddell and Aylward (2005). They present data apparently highlighting that while people express a desire for employment, this is immediately qualified with the belief that 'of course I can't because I am too ill/sick/disabled' (p.18). They further support this lack of motivation by stating that only 3–6 per cent of long-term IB recipients are actually taking any steps to seek work. The logical conclusion made and highlighted by government reform is that inactivity is an issue of individual desire or motivation for employment. Yet this issue is more complicated than individual choice. The constant exposure to social barriers that tend to exclude disabled people, particularly those with mental health disabilities, are likely to discourage people from attempting to gain employment. If this is not recognised or addressed reforms to incapacity benefit may further discourage those previously on IB, when, having received training, work-focused interviews and CBT, are moved onto JSA yet continue to face discrimination and exclusion from the Labour Market. Hence, these changes may well do more harm than good, in essence creating a false hope of the prospect of employment.

Can't Work, Won't Work

The government's approach to welfare reform illustrates a number of potentially problematic assumptions regarding workers and potential workers with mental health disabilities. The first is that the focus on fraudulent claimants and tightening the gateway to incapacity benefit assumes that people with mental health 'problems' are claiming benefits while not wanting to work. Yet what does the empirical evidence suggest as regards their employment aspirations? Past research (see Grove et al. 2005) consistently establishes that the majority describe the lack of opportunity, support and incentive to obtain paid employment. In addition LFS (2008) data would suggest that those with mental health 'problems' who are 'inactive' are the most likely of any group (both disabled and non-disabled) to express a desire for paid employment. As a result, the tightening of the gateway to benefits is unlikely to address the needs of people with mental health disabilities or have real impact on the numbers of people on IB. This is practically supported by international evidence. For example, OECD research (2003) highlights that the US have one the toughest gateway have in relative terms more people on IB than the UK, and for those who do successfully gain benefits this may result in even more risk averse behaviour in relation to seeking employment (Aylward and Waddell 2005). Hence, any associated work programmes are unlikely to be successful (Bruyere et al. 2003). Therefore, while many programmes (i.e. Pathways to Work, New Deal for disabled people, Job Centre Plus) have been introduced in the UK when taking in the context of associated changes to IB, there success may well be limited, particularly for those with mental health disabilities.

The second assumption made is that people with mental health disabilities cannot work, not because of any medical impairment but because they are unemployable. Thus, the focus of changes has been on supporting individual employability, keeping people on JSA if necessary, time-limiting IB for those deemed potentially fit and forcing people to engage in training, including CBT aimed at addressing this issue of low employability. While it is certainly the case that people with mental health disabilities tend to also have lower educational attainment and poor work histories, this approach endorses the assumption that there is something about mental 'illness' that makes unemployment inevitable and hence employer discrimination justifiable. By making the issue one of employability, the implication is that sensible employers will screen out people with a history of mental health disabilities and therefore the only possible reason for them to be employed is charitable (Grove et al. 2005). However, a growing body of research has demonstrated that this assumption is unsupportable demonstrating that there is little empirical evidence for equating poor mental health with either capability or a desire for employment.

"The belief that the majority of those claiming incapacity benefits are well enough to work may well condemn those with mental health disabilities to the risk of poverty based largely on a misleading public image that they are fraudulent claimants"

As a result, the tightening of the gateway to benefits without suitable consideration of the significant social barriers faced by people with mental health disabilities in obtaining suitable, meaningful employment may well have positively harmful effects. Simply forcing people off IB through time-limitations would not mean they entered the labour market, nor would restricting access to IB. Instead, it is likely that the flow of people onto JSA would increase, or people forced into inappropriate employment will rapidly fall back onto IB. This is because such work is unlikely to provide the positive mental outcomes espoused by the government. This may well achieve the governments cost saving goals in the short term, and be publically popular but at considerable cost for individuals experiencing serious mental distress.

Condemning individuals to poverty and worsening symptoms?

As has been suggested previously, forcing people off incapacity benefit and onto JSA, or into inappropriate employment may have two very significant implications. Firstly, the belief that the majority of those claiming incapacity benefits are well enough to work may well condemn those with mental health disabilities to the risk of poverty based largely on a misleading public image that they are fraudulent claimants. At present JSA is time limited, in contrast to IB. As those with mental health disabilities are also the least likely to be in employment, and may well face significant barriers to employment which are largely outside their control, they are amongst a group highly likely to be pushed into poverty. These changes essentially replace financial support as a right with support contingent on its potential to improve an individual's social status, yet at the same time this removes the safety net for people with disabilities, exposing them to risk of social and economic exclusion.

As discussed previously the theoretical underpinning of these changes is the fundamental assumption that employment is 'good for your health'. Not only does it provide a sense of identity and promote individual independence, but may also aid recovery (Grove et al. 2005). Clearly promoting the employment opportunities of people with mental health disabilities should be a political priority, however the risk, as highlighted by these changes is that this is translated into any work, with little or no thought placed on the aspirations, skills and abilities, potentially forcing people into inappropriate employment. Indeed, the government's mantra has been 'work for those who can, security for those who can't'. Dividing people in this way is underpinned yet again by a medicalised view of mental health, with no consideration of the circumstances of employment. As Ford (2000) states;

> "While it is probably true that in the right circumstances almost everyone can work, it can equally be said that in the wrong circumstances nobody will."

Perhaps it should be added that in the wrong circumstances nobody should. As Waddell and Aylward (2005) point out, while work is generally good for physical and mental health, there are major provisos, namely:

- physical and psychosocial conditions are satisfactory and provide a decent 'human' quality of work.
- work provides adequate financial reward and security.

These reforms of IB place people with mental health disabilities in an extremely vulnerable position. Not only is the experience of 'worklessness' put at risk by removal of the benefits safety net, but work is increasingly seen as a

requirement rather than a choice. While some argue that this should indeed be the case for people who are 'capable' of employment, it ignores the apparent risk of forcing people into 'any' employment. Of course, the government may well argue that in conjunction with the DDA and active labour market policy such as Pathways to Work, the barriers faced by disabled people in obtaining and maintaining employment have been addressed. However, the required provision of accommodation required for free access to appropriate employment is unlikely given the continued power of employers to dictate the terms of the employment relation and the labour process and the very low employment rigidity in the UK. Creating enabling workplaces requires continued pressure for legislation mandating accommodation by employers – yet the governments focus on reforming incapacity benefits fails to recognise the distinct limitations of the DDA, particularly for people with mental health disabilities.

In summary, tightening the gateway to benefits, focus on fraudulent claimants and time limiting benefits while failing to neither recognise nor fully address the social barriers faced by individuals with mental health disabilities may have a number of crucial unintended side effects, most fundamentally:

- People are forced into inappropriate or unsustainable employment.
- People are forced onto Job Seekers Allowance once they are unable to obtain employment.

In both cases, particularly the first, this undermines the driving assumption that employment is a positive force in an individual's life and may even be therapeutic or aid individual recovery.

Conclusions

Of both existing and new claimants of Incapacity Benefit over 40 per cent report mental health conditions. This is not only a damning illustration of the impact of contemporary work on individual health, but an indication of serious discrimination faced by people with disabilities in gaining and maintaining employment. For those on IB, the experience can be extremely distressing in itself, accompanied by shame, guilt and loss of identity and continuation of poor mental health. Yet the government's response to the problem of inactivity amongst people with mental health disabilities has the potential to further stigmatise this group as unemployable. In addition it may in fact expose them to the very economic and social exclusion the government claims it is intended to protect them from. Removal of support as a right without proper consideration of the social barriers to obtaining and maintaining employment places individuals in a position of vulnerability, neither 'employed' nor 'unemployed', yet not supported by the welfare state. The inevitable result is, in fact, a worsening of the labour market division between disabled and non-disabled people. As Grove et al. (2005) points out, these reforms are underpinned by a number of unsupportable assumptions about the functioning of the labour market:

- **motivated, capable people have free and equal access to the labour market.**
- **people with mental health problems are in fact to blame for their reliance on welfare as they are currently 'unemployable' and represent a risk to employers.**

This rational view of labour markets fails to recognise that the primary cause of labour market exclusion lies not in the individual, but at the heart of our organisations and institutions.

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Reflections on the European Community Directive on fixed term work

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In 1999 the European Community Directive on fixed term work (Council Directive 1999/70/EC) required Member States to implement new legal regimes governing the use of the fixed-term employment contract. Temporary work, temporary agency work and part-time work were identified and treated as 'atypical' by the European Community, whilst typical work was identified as being on a full-time employment contract of indefinite duration (Vigneau et al. 1999: 13).

This paper reflects upon the Directive in two ways. It raises the question of just how atypical fixed-term contract work actually is. It also asks whether a Directive, which seeks to address the abuse arising from the successive use of fixed-term employment contracts, is likely to limit the use of fixed-term work contracts generally.

How a typical is fixed-term contract work?

The focus is on the use of the fixed-term contract in the United Kingdom and Germany prior to, and after the implementation of, the Directive. The two systems traditionally represent two distinct legal approaches. The legal regime provided by the Directive is based upon a similar regulatory approach to the German traditional one whereas the United Kingdom approach was characterised by a lack of statutory intervention.

So how might the extent of the use of the fixed-term working arrangement be investigated? It is not easy to establish how widely used the fixed-term contract is, particularly when making comparisons over time or comparatively between different systems. But this is part and parcel of the issue. Understanding the scope and the limitations of the statistical information helps to develop an understanding of the complexity of fixed-term contract working arrangements. Gaps in the information or a lack of clear definition of the terms may make it difficult to clearly identify generally those who work and specifically those who are employed on a fixed-term contract. These limitations illustrate the complexity of the area and the difficulties which arise when exploring working arrangements in a comparative context.

So what statistics are available and how accurate is the picture painted likely to be? When making comparisons over a number of years definitions may change, even within the same series of statistics. Statistics providing international comparisons may be too general to reflect these distinctions. A comparative analysis can raise further issues because of even wider divergence in definitions. Differences in definition may reflect differences in legal approaches. That in itself has implications for the development of European employment regulation. International statistical comparisons sometimes aggregate all temporary workers together as one particular group of atypical worker and information specifically on fixed-term contract employees is not always easy to glean from these. This can be misleading. The concept of 'temporary' worker may include the worker who may not have employee status as well as the temporary employee whose contract of employment, whilst not indeterminate, may not easily be defined as determinate.

A starting point for considering the place and scope of European regulation is EUROSTAT produced by the statistical office of the European Union as this issue is being examined in a European context. They have also been the subject of analysis of labour market analysis of the fixed-term in a European Context (Schömann et al. 1998). Let us revisit some of the EUROSTAT statistics, shown in Table 1.

"It is not easy to establish how widely used the fixed-term contract is, particularly when making comparisons over time or comparatively between different systems"

Table 1: Employees with a contract of limited duration (annual average) – A Comparison of the United Kingdom and Germany. (% of total number of employees)[1]

Year	United Kingdom	Germany
1998	7.3	12.4
1999	7.0[2]	13.1
2000	7.0	12.7
2001	6.8	12.4
2002	6.4	12.0
2003	6.1	12.2
2004	6.0	12.4
2005	5.8	14.1[2]
2006	5.8	14.5
2007	5.9	14.6
2008	5.4	14.7
2009	5.7	14.5

1 This is the short description from the original Table and explains that a job may be considered temporary if employer and employee agree that its end is determined by objective conditions such as a specific date, the completion of a task or the return of another employee who has been temporarily replaced (usually stated in a work contract of limited duration). This includes (a) persons with seasonal employment; (b) persons engaged by an agency or employment exchange and hired to a third party to perform a specific task (unless there is a written work contract of unlimited duration); (c) persons with specific training contracts.

2 Break in the series.

Source: Eurostat

An important issue that Table 1 raises is who is included in the groups identified? The Table refers to employees and the notes provide a description of those employees in terms of the type of temporary employment they are engaged in. They include agency workers who are covered by a separate Directive. They also provide information on those who appear to have a fixed-term employment contract in different ways. However, this may not provide a full picture. Statistics are collected on the basis of asking respondents a filter question of whether they are an employee. Such self-reporting may filter out those individuals who do not recognise that they have employee status – the apparent self-employed, sometimes referred to as false self-employment. The problem of self-reporting has been raised before. Indeed, Burchell et al suggest that the LFS statistics for both temporary workers and fixed-term contract employees may be misleading.

> "It was also found that estimates derived from the Labour Force Survey may significantly understate the numbers employed on non-standard work, in particular fixed-term employment. This is because the LFS is not picking up a large number of individuals who regard themselves as being permanently employed even though they have a fixed-term contract (Burchell et al. 1999: 85)."

This is mainly because of the respondents' self-reporting of their employment status and type of work. The report argues that these statistics have led to a considerable under-estimation of those in temporary work and as well as those employed on a fixed-term contract. It focuses on the findings of an empirical study into the operation of laws governing the classification of employment relationships. The paper states "The research was aimed at discovering how laws relating to the 'status' of employees and the self-employed work in practice." (Burchell et al. 1999: i) And one of the concerns which prompted the research was "that the existing classifications fail to reflect the growth of certain flexible or non-standard forms of employment, in particular casual work, zero hours contracts, fixed term and task employment and freelancing" (Burchell et al. 1999: i). The research raised some important questions regarding the collection of statistical information of workers and the way they are classified in particular with regard to the LFS statistics. Two of the stated aims of the study were as follows:

> To identify the numbers of individuals in the employed labour force who are employed under various working arrangements (employees, 'workers', and the self-employed)…
>
> To attempt to develop a set of questions which could be included in the LFS for the purpose of obtaining more reliable information in future on the operation in practice of the law relating to employment status (Burchell et al 1999:3).

These are particularly interesting with respect to in investigating the statistics on the use of the fixed-term employment contract. The Employment Status Omnibus Survey ESOS used by Burchell et al. also asked the respondents the question whether their job was temporary and if so, in which way, so that comparisons could be made with the LFS. However, this sample of respondents differed from the LFS, in that the self-employed without employees were also asked about the permanency of their work. This group of 'workers' was included to ensure that the 'borderline' self-employed or apparent self-employed were not eliminated from this line of questioning. The result of this was that the proportion of respondents in the ESOS survey reporting that their job was not permanent was greater than the proportion in the LFS. This is an important inclusion because as can be seen from the case law there are individuals whose work may be identified as temporary, but whose employment status is also not clear. The existing classifications used in the LFS statistics may well not reflect the growth of the so-called flexible or non-standard forms of working relationships generally and the fixed-term employment contract in particular. There may well be a further group of individuals who work under a contract for a fixed period and at first sight are excluded from employment protection on the basis of their employment status, but who if found to be employees would be entitled to employment protection. There is also evidence of the issue of apparent self-employment scheinselbstständigkeit in the German literature. (Neue Zeitschrif für Arbeitsrecht Heft 11/1997 590-594).

It is also useful to consider because the Directive refers to those with "an employment contract or employment relationship as defined in law, collective agreements or practice in each Member State" (Clause 2).

Table 2: Statisisches Bundesamt (SB): data on fixed period employees as a proportion of the employed labour force of the Federal Republic of Germany.

Year	Fixed Period Contract Employees AbhängigErwerbstätige mit einem befristeten Arbeitsvertrag[1]
1996	11.8
1997	12.3
1998	12.7
1999	13.6
2000	13.4
2001	13.2
2002	12.6
2003	12.9
2004	12.9
2005	14.6
2006	14.8
2007	14.9
2008	14.9
2009	Not available until August 2010

1 The SB Tables refer to Dependent Workers Abhängig Erwerbstätige and distinguish those with an indeterminate contract unbefriteter Arbeitsvertrag and those with a contract for a fixed term befristeter Arbeitsvertrag. The data includes apprentices and trainees as well as those in occupational retraining.

Source: (c) Statistisches Bundesamt, Wiesbaden 2010. Mikrozensus

Table 3: Fixed Period Contracts as a % of all Temporary Employment Contracts

Year	Fixed Period Contracts as a % of all Temporary Employment Contracts[1]
1997	50.5
1998	49.1
1999	48.3
2000	46.9
2001	47.2
2002	46.7
2003	46.7
2004	45.7
2005	45.2
2006	43.6
2007	42.3
2008	43.0
2009	45.0

1 Percentages produced on the basis of the average for the four quarters for the year.

Source: Office of National Statistics Labour Force Survey

Some additional work has been done here to consider which of the temporary employees identified in Table 1 may be defined as having a fixed-term contract. From Table 2 it appears that the EUROSTAT data relates to the German method of collecting the data and that temporary employment is seen in terms of the fixed-term employment contract.

This may be contrasted with the Labour Force Survey data where Temporary employment is disaggregated into the fixed period contract, casual work, agency temping and seasonal work. Table 3 above illustrates that just below 50 per cent of those employees categorised as temporary employees in the labour force survey are identified as working under a fixed period employment contract. According to these statistics the use of the fixed-term employment contract is not widely used. But this may be a considerable underestimate of its use.

Will the Directive limit the use of fixed-term work contracts?

If part of the purpose of the Directive is to "(b) establish a framework to prevent abuse arising from the use of successive fixed-term employment contracts or relationships" (Clause 1), then it is useful to consider whether there is any apparent restriction on the use of the fixed-term contract in the United Kingdom or Germany.

The Directive specifies that its purpose is to prevent abuse arising from successive fixed-term contracts. It does not specifically state that it aims to restrict the general use of the fixed-term contract. Nevertheless the Fixed-term Work Directive does not specifically identify that part of its purpose is to encourage fixed-term contract work in comparison to the Part-time Work Agreement which set out its purpose to "expand part-time work within a framework of protection and non-discrimination" Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC. OJL 14/9 of 20.1.98, paragraph 2 of the Preamble. Rather the Fixed-term work Directive recognises the contract of indefinite duration as the norm and the contract of fixed duration as the exception to it. It refers to "achieving a better balance between 'flexibility in working time and security for workers'" (Preamble, paragraph 1). It is interesting to note that whilst Germany has a tradition of regulating the use of successive fixed-term employment contracts and the United Kingdom has not, there appears to have been a greater use made of the fixed-term employment contract in Germany than the United Kingdom.

Conclusion

So what conclusions may be drawn from this discussion? First, whilst the fixed-term employment contract may not be the most significant type of working arrangement in terms of numbers, it is not necessarily as atypical as it first seems. It would be useful to have statistics which could give a clearer picture of the use of temporary working arrangements, generally and the extent of the use of the fixed-term employment contract specifically, including those workers who are apparently self-employed and may not realise that they are covered by the Directive and the ensuing national regulations. The European provisions by focusing on those with an employment contract may be missing an important opportunity. Second, if the focus of the Directive is purely on the fixed-term employment contract, the question raised is whether there are not a significant number of workers with fixed-term contracts who are not covered by the Directive because they lack employee status. This type of legislation may have the series of fixed-term employment contract as its focus, and may not seek to encourage the use of the fixed-term employment contract, but nevertheless it does not appear to restrict their use.

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Generativity, identity, and the older worker

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Erik Erikson's construct of generativity has never caught on as much as his better known concepts of identity and the identity crisis. 'Identity crisis' in particular captured teenage angst at a time of social unease in 1950s America.

Reflected in the idea of a 'generation gap' and brought vividly to life in James Dean's film roles, it has passed into everyday use. Generativity also concerns a generation gap, but viewed through the other end of the telescope. In Erikson's (1959) theory of life-span development, whereas identity involves late adolescent self-preoccupation, generativity refers to the responsibility of middle aged adults for shaping the world into which young adults emerge. In generativity, the mature adult transcends self-concern through creating and maintaining a healthy social, material and cultural habitat for the next and future generations. We argue here that generativity has considerable significance for individuals and organisations alike.

According to Erikson, generativity indicates optimal psychosocial functioning in the mature adult years. It takes many forms, all evincing care, whether for people, things or ideas. Anchored in the nuclear family – in procreativity and parental care for offspring -, it is expressed more generally in care for fellow human beings and social institutions. It also encompasses generation of physical products and ideas. Generativity has thus both nurturant and productive forms. Although generativity spans much of adulthood, Erikson believed that it peaks in middle age as individuals become increasingly aware of their mortality and preoccupied with their legacy to the future. In much the same way as adolescents need to resolve the crisis of identity in order to achieve a viable adult self, so accomplishing generativity is the hallmark of developmental success in middle age and the foundation for equanimity in old age. Its antithesis is 'stagnation', a form of alienation characterised by boredom, self-absorption and the feeling that the younger generation is going to the dogs. Erikson's account of psychological health hints thus at limitations inherent in individualism. Indeed, generativity is relevant to current debates in which the 'baby boom' generation are reproached for mortgaging their homes and their children's future to pursuit of material self-gratification.

Erikson's generativity construct served as a benchmark of adult maturity in two classic studies of the 1970s: Vaillant's 1977 study of defensive maturation among Harvard graduates and Levinson's 1978 investigation of men in midlife which popularised 'midlife crisis'. However, systematic research into generativity did not gather pace until the ground-breaking theoretical and empirical work of McAdams and his associates in the early 1990s (e.g. McAdams & de St Aubin 1992; McAdams 2006). Whilst the relevance of generativity to employment has long been recognized and interest has been boosted recently by researchers seeking new insights into the motivations of older workers (e.g. Kanfer & Ackerman 2004), research in the context of work and career remains extremely scarce. This is surprising since generativity concerns individuals' roles as productive worker, creative innovator, ideas leader, leader of people, coach, mentor, and organisational citizen.

We summarise here some of the results of our recent investigation of generativity in the lives, work and careers of 41 men aged 45-55. Twenty-four were engineers (roughly equally distributed between managers, technical specialists and shop floor workers); seventeen were 'human development practitioners', including ten secondary school teachers and seven Roman Catholic priests. We chose these two groups for the insights we expected them to afford into productive and nurturant aspects of generativity respectively. We would have preferred a mixed-gender sample. However, because we were interested in career-related aspects of generativity and because the rhythms of women's careers tend to differ from men's, we concluded that this was not feasible in the fairly small sample necessitated by our highly intensive methodology.

Although generativity research has blossomed in the last 20 years, the construct is still only partially mapped. Consequently, measurement of generativity is in its early stages. We therefore included a variety of measures, including both structured self-report (i.e. standardised questionnaires) and open-ended measures. Our two self-report questionnaires assessed what we interpret as generative motivation (Hawley, 1988) and accomplishment (McAdams and de St Aubin 1992) respectively. We supplemented these with two open-ended measures, for which we devised a common coding scheme based on a taxonomy of productive and nurturant expressions (or varieties) of generativity, drawn from Erikson's and others' writing. The first measure was a sentence completion exercise in which men listed everyday aims towards which they were currently striving in their lives as a whole. We invited participants to give at least ten and to concentrate on those they considered most important. This gave us a measure of their generative life goals (Emmons 1986). Finally, an interview – lasting on average three hours – assessed generativity in men's accounts of their everyday experience of work, their career history and plans, and their lives outside work. We looked for evidence of both generative preoccupations and actual generative behaviour. We term this measure men's generative investments. Men also completed a lengthy questionnaire assessing a wide range of constructs, including job satisfaction, subjective career success, well-being, personal adjustment, and attributes of personality (e.g. resiliency) thought likely to predict generativity. We tested our hypotheses through correlational analysis. Our methodology is described more fully in Clark & Arnold (2008).

"Generativity is relevant to current debates in which the 'baby boom' generation are reproached for mortgaging their homes and their children's future to pursuit of material self-gratification"

What then did we find?

First, generativity played a significant part in men's lives. On average, four out of men's ten written life goals were generative. (Other goals concerned relationships, self-maintenance, recreation, career, personal growth, and philosophical or religious concerns.) Among the three-quarters of our sample who were married, generative goals were three times more likely to concern family than work. Nonetheless, generativity in the context of work was sufficiently important to account on average for one in ten of men's most important life goals. A selection can be seen in Figure 1. Individuals' written generative goals and their generative investments as described at interview showed very marked differences in their incidence, character and context. As secular men's roles varied little across individuals – most men touched on their roles as father, spouse, son, worker, friend and citizen – differences in generativity seem to have been largely rooted therefore in individual disposition. Without families to care for, priests' generativity was expressed almost exclusively through their vocation but here too there were striking differences in the extent and nature of individuals' generativity which had more to do with disposition than opportunity.

Figure 1

Generativity in men's work-related life goals

I typically try to...

- make it easier for my staff to work and enjoy it.
- ensure my experience is used to help work tasks become successful, this making work rewarding/satisfying.
- offer support to the people I work with – to lend an ear if needed.
- lead by example at work.
- develop new processes and procedures to improve the business.
- never 'walk past' an issue or problem I see at work.
- pursue opportunities to apply my ideas to benefit society.
- organise my parish so that everyone's talents have the opportunity to shine.
- improve my own skills to improve my service to others.
- find a solution to problems.

Second, on the evidence of interviews, work is an important arena for generative investment. Without exception, men's interview accounts of their work lives included generative themes; some men's accounts, regardless of occupation, were permeated by them. Engineers' goals and narratives tended towards productivity and human development practitioners' towards nurturance; as expected, therefore, occupation was relevant to the character of individuals' generativity. However, both productive and nurturant themes featured in the generative investments of most men. Generativity was woven into the fabric of men's everyday work lives – in their concern to get things done, to support colleagues, to model high standards, to pass on skills to their juniors, and to contribute to organisational purposes. It was not confined to discrete and relatively infrequent roles as, say, mentor or volunteer. Indeed, although, when pressed, a majority of men mentioned mentoring experience and said they valued it, it was clearly not central to the priorities of even the most generative. No written life goal mentioned mentoring. We return to this theme below.

Third, in line with Erikson's view of generativity as indicative of optimal psychological functioning in middle age, generativity was quite strongly linked to favourable psychological outcomes. Resilient individuals scored significantly higher on three of our four measures. (We employed Klohnen's (1996) ego-resiliency scale, which assesses the ability to respond flexibly and productively to anxiety and stress.) Different aspects of generativity correlated positively with self-esteem, happiness, satisfaction with life, self-acceptance, and men's sense that their life had meaning and purpose. Generative men thus felt more at ease with self; they also reported less negative affect. These relationships were strongest and most consistent for self-reported generative accomplishment and weakest for generativity in men's written life goals. (We think the weak showing for goals probably reflects the sensitivity of this measure to what men thought they should be doing, rather than what they necessarily wanted to do. The strong showing of generative accomplishment needs treating with some caution, since this measure correlated strongly with attributes – self-esteem and resiliency – which have been shown to reflect core self-evaluations. Consequently, it may reflect a general tendency toward favourable self-appraisal as well as factors specific to generativity.) Generative motivation and investments also correlated significantly with favourable outcomes, but less so than generative accomplishment.

Our interview measure of generative investment gave us much the most differentiated picture of generativity. Interestingly, this showed that these favourable relationships applied more to aspects of generativity which some theorists regard as characteristic of generative maturity – i.e. leadership, societal concern, investment in others' growth and development, and citizenship behaviour – than to

generativity in the context of family, or creative productivity. These activities are potentially of great importance to organisations. Our findings suggest that they are good for individuals too.

Fourth, generativity was also directly implicated in men's adjustment to work and career. Generatively motivated and accomplished men expressed greater work satisfaction and subjective career success. Generatively invested and accomplished men were also more likely to see their careers as having continuing forward momentum, and less likely to describe their career in static or maintenance terms. They were better able to adapt flexibly and positively to the career plateau, in part no doubt because of the intrinsic character of generative satisfaction.

Fifth, generativity – in particular its 'mature' expressions – was quite strongly linked to a sense of personal growth, whether in men's lives as a whole or in the specialised context of employment, and regardless of the measure employed. Generative individuals were more invested in continuous learning and more active in their pursuit of challenge and self-fulfilment.

Our study sheds thought-provoking light on the generativity construct itself. First, it supports a view of generativity as incorporating narcissistic or agentic motivations as well as communal or altruistic ones. As McAdams and de St Aubin (1992) have argued, the personal legacy comprised by generativity involves simultaneous perpetuation (agency) and giving (communion) of self. Second, different expressions of generativity, productive and nurturant, were not significantly correlated. Nor did generativity in the context of work correlate with generativity in other settings. In short, generativity was role- and domain-specific. Third, although our different measures of generative motivation, accomplishment, goals and investments tended to correlate significantly, the moderate strength of their inter-correlations and the somewhat different correlates of different measures suggest that multi-faceted assessment of generativity is indeed important, as some (e.g. McAdams & de St Aubin 1992) have argued.

"Generativity involves simultaneous perpetuation (agency) and giving (communion) of self"

So – as academics often ask students – what might this mean in practice for people and for organisations? Perhaps the single most important implication is also the most obvious: generativity is a source of motivation upon which individuals and organisations can draw in this period of life and career. We cannot say, on the evidence of our fairly narrow age band, how generativity in mid-career compares with earlier or later periods. However, our study does suggest how generativity features in men's evolving identity in middle age and how this bears on other potential sources of motivation in this period. In men's recollection, most said they had measured the success of their career at 35 in terms of hierarchical advancement. In their late 40s and early 50s, formal advancement had dropped sharply in the priorities of most men, in part no doubt because they no longer expected promotion, even though they may still have hoped for it. Increasingly, they defined success in a different way: being respected by peers and seniors as skilled, valued and equal contributors to a shared enterprise or community, the continuing success of which had increased in importance relative to personal status and accomplishments. Many appeared to have embarked on a new phase of life or career in which they drew increasing satisfaction from contributing to, shaping, and perpetuating the institution of which they were members and its traditions. In our terms, that is to say, their criteria for success were increasingly generative. We note in passing that this may only have been possible because, in the setting of our study, men's career contract with their employer was invariably 'relational', i.e. based on mutual, long-term loyalty, not 'transactional', i.e. based on reciprocal, short-term self-interest.

How can individuals and organisations draw upon this motivation? Reading the career development literature, one might be forgiven for concluding that the psychological needs of middle age can invariably be satisfied through assigning older workers the role of mentor, often as an adventitious bolt-on to their substantive work. This cure-all is glib and frequently patronising. It ignores the presence of generativity within the fabric of people's everyday work. In Erikson's view and ours, when engineers design and build a product, they perform a generative function, as do leaders when they lead, teachers when they teach and priests when they preach. Recall that no individual included mentoring among their most important life goals. Our men wanted above all to be good engineers, managers, craftsmen, teachers and priests. Certainly, most still wanted to believe that their substantive role was of continuing importance to the organisation, and that they remained firmly within the organisational mainstream. They continued to seek high quality, challenging work against which to pit their skills and motivation. All the signs were that the contribution inherent in the substance of their role would remain their most important source of intrinsic satisfaction.

Organisations need therefore – through their formal policies and through the active interventions of managers - to welcome, facilitate and reward older workers' generative contribution to mainstream activities. However, this is not to say that managers cannot also successfully nudge individuals towards discretionary forms of generative contribution which both offer new sources of personal satisfaction and advance organisational purposes. The challenge is to capture employees' imagination at the same time as playing to their strengths. We are back here with the theme of personal identity. Although Erikson thought identity concerns peak in late adolescence, he saw identity as a life-long project. Indeed, he specified on-going identity development as a defining attribute of the generative person. We offer below two case studies which show how generative roles can emerge seamlessly from men's work into their conscious thoughts and actions, and the important – and potentially generative - role of an individual's supervisor in facilitating this process. Note the palpable importance to these men of the generative identity they were helped to discover.

Our first example concerns discovery of generativity by a highly ambitious and much promoted 50-year old manager who scored below average for generativity regardless of the measure employed. Our conversations straddled a 'nightmare' year in which he struggled to come to terms simultaneously with the failure of his marriage and – perhaps more distressing for him - the possibility that his career had plateaued. Previously his manager had encouraged him to support the company's corporate social responsibility programme through volunteering for a school governor's role in a local primary school. As someone with primary school age children but who had so far found little satisfaction in fatherhood, he agreed with misgivings. A few meetings at the school quickly convinced him he had nothing to offer and he withdrew from the role. However, in the course of his nightmare year and again in response to the prompting of his manager, he took on responsibility for managing the careers of younger managers with high potential. Somewhat to his surprise, he discovered great satisfaction in this, perhaps because – as a former member of the high potential elite – he could identify with their ambitions. One year on, sponsoring others' careers featured among his ten most important life goals. However, he made it clear that his more important priority remained his own career, and in particular a role in the company mainstream. This is how he put it:

> "How would I like to be remembered? Achieving a lot in the company ... and helping people in their careers. It feels like it should be the other way round, but it isn't. It feels like I ought to be putting other people and their career and that sort of thing higher up the list. For all that, I hope I've helped, encouraged and grown other people."

The second example concerns a skilled tradesman, also 50, who had worked in the same section for 22 years. This man scored well above average for each of our generativity measures. Embarrassed by his poor literacy, he had never applied for promotion. He nevertheless considered himself an above average tradesman and took delight in difficult, intricate jobs. Twice reprimanded for careless work as an apprentice, he now trained apprentices to take care in their work. His account of a recent instance of personal growth is a classic of generativity in action:

> "Over the last 4-5 years, because more experienced people have retired, you begin to be looked upon as one of the more experienced people. A couple of managers were saying, We've got to hit these targets: you're one of the ones we look upon to sort of lead the way. Well, that's fair enough, I don't mind leading the way, I'm comfortable with that. I come into work in the morning, have a nose around... I just tend to look around and see, oh, he's doing that, or I've got that to do...oh, that job's not finished. Sometimes I'll say to the manager: We want that job next week, we've got to get that done. I put a lot of effort into making sure the products we make...or I've made...and the other people around... I try and encourage them to do a bit more than they would normally. It isn't my job to force them to do anything; I just encourage them to do well."

Conclusion

We conclude by noting Erikson's (1959) belief that generativity is potentially an attribute of institutions, including employing organisations and even whole societies, as well as individuals. The generativity of an institution is discernible in its actions, its prevailing values, beliefs and traditions, and its balancing of productive and nurturant concerns towards both the external environment and its members. The notion of generative care challenges philosophies of management in which individuals – especially aging individuals – are viewed as readily disposable. We would argue that generativity points to an agenda for respecting, developing and harnessing the contribution of all employees in such a way that – as our study suggests - both older workers and their employing organisations can emerge as winners.

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If you are interested in submitting a short article for consideration in future editions, please email me on steve.fleetwood@uwe.ac.uk for further information.

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