Social Integration in the Visegrad Countries

Final Report

1. Introduction

The European Social Model (ESM) can be described as a specific common European aim geared to the achievement of full employment, adequate social protection, and equality through welfare state institutions and political regulation of the market economy (Vaughan-Whitehead, 2003). The actual social and economic models vary greatly in the Member States of the EU, however, all of them take (possibly minimal) social responsibility for the individual's well-being and provide transfer payments especially in situations of loss of employment-based income, maintain institutional social services and correct labour markets (Schiek, 2013, p. 3). However, social integration in the EU, especially when designed to be implemented through binding legal regulation, faces considerable difficulties, which raises doubts about the level of integration achievable. The political determination of the Commission to address the social hiatus of market integration in the EU led to the formal delivery, after broad public consultation, of the European Pillar of Social Rights (EPSR) in April 2017 (European Comission, 2017). The EPSR is now adopted as an inter-institutional proclamation among the Parliament, the Council and the Commission (European Parliament, Council and Commission, 2017).

Even though the Visegrad countries (Poland, the Czech Republic, Slovakia and Hungary, hereinafter V4) countries continuously strive for compromises between market transformation and social cohesion, their pathways differed concerning the economic and political reforms they have implemented already in the last decades of socialism; these differences in historical approaches and national beliefs still shape national social policies (Greve 2014; Verschueren 2015). These country-specific differences led to divergences from the original regime paths in case of unemployment policies as well (Inglot, 2008, p. 307). Another important factor is that even though Visegrad countries have operated a relatively generous an targeted social protection schemes after the transition (Bohle & Greskovits, 2007, p. 448), particular forms of social polarizations, especially ethnic and regional disparities have remained strong in all four countries. Thus, welfare regimes in these countries have been fragile (Bohle & Greskovits, 2012).

The research question of my postdoctoral research was, why in this particular legal and economic situation CEE countries respond to common employment policy changes differently. While protecting local interest, it is assumed that nations belonging to the same cluster develop complementary practices and act together to maximise benefits on national level. However, concerning social integration, not only political but regulatory problems arise. Integration through law does have a liberalizing and deregulatory impact on the socio-economic regimes of EU Member States (Scharpf, 2009). This question has been increasingly gaining attention in the Visegrad region, because on the level of political statements, V4 countries appear as an emerging new hub in the EU, who wish to cooperate in shaping social policy to fight against social dumping.[1]

I used mixed methodolgy to test the cluster theory from social policy point of view, which was the novelty of the research.

[1] See: V4 Statement on the Future of Europe (V4 Heads of Government) [PDF]; Budapest, January 26, 2018, http://www.visegradgroup.eu/calendar/2018/v4-statement-on-the.

2. Challenges of Social Integration, Adaptation Pressure

The diversity of local economic models has had a palpable impact on the level and the modes of legal harmonisation achieved in the European Union (Leino 2017). In the matters, such as the prohibition of discrimination, or health and safety at the workplace, the approximation of national regulations has been very successful.[2] In other fields, a less thorough harmonisation was accomplished through minimum standards, such as the restructuring of undertakings,[3] the rights of workers engaged in atypical forms of work,[4] and – less successfully – working time.[5] In the domain of labour and employment law, national law remained the main source of regulation allowing the Member States to push their national interests through the introduction of particular local institutional setups. For instance, the Member States are still entitled to lower standards in employment protection so as to gain a competitive advantage over other national economies in the Single Market. It was argued that this wide margin of regulatory local discretion has led to indirect competition between Member States putting a downwards pressure on labour law protection in the different national economies (Verschueren 2015, 150).

Even though the economic model is linked to social values,[6] EU social policy lacks a solid backbone of legally binding norms (Schiek 2017; De Witte 2012; Barnard 2010; de Vries 2013) Taken together with the Charter of Fundamental Rights of the EU, the EU's commitment to social justice and social cohesion has indeed been enhanced, and now there is a general obligation to pursue an EU social model while respecting the Member States' national ones (Kenner 2003, Deakin 2002). As a result of this 'embedded liberalism' of EU integration guarantees for the free market were created at supranational level, while policies for the social domain were restricted at the national level (Giubboni 2006, 29; Liebert 2011, 55; Piris 2010, 313). Despite the explicit commitment to promoting social development as a general political objective of the EU, the development of formalised instruments, in particular with those of significant redistributive effect, was lagging far behind the opening up of national markets to international trade and competition (Streeck 2000; Vaugghan-Whitehead 2015; Vaughan-Whitehead 2003)

Therefore, adaptation pressure indicated by the legislative proposals under the EPSR is foreseeable in the Visegrad group. It is argued that adaptation pressure arises if a European policy does not fit national traditions of social policy and implementation is highly contested by national actors. In this case national governments resist to create regulatory measures for implementation, causing significant delay or even complete failure of integration in certain social domains (Vandenbroucke, 2017).

3. Methodology

Comparative typologies of capitalism have become a reference point of the political economy of Western society (Shonfield, 1968; Albert, 1991; Hall & Soskice, 2001; Esping–Andersen, 1990;

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[2] See, for example, Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, [1989] OJ L183/1.
[3] Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, [2001] OJ L82/16.
[4] Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC, [1998] OJ L14/9; Council Directive 98/23/EC of 7 April 1998 on the extension of Directive 97/81/EC on the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC to the United Kingdom of Great Britain and Northern Ireland, [1998] OJ L131/10; Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work, [2008] OJ L327/9.
[5] Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, [2003] OJ L299/9.
[6] Article 120 TFEU and Article 3 (2) TEU.

Farkas, 2016). In the last two decades, fsQCA has been increasingly used in the analysis of welfare regime change and understanding unemployment typologies (Kvist 1999, Beynon, Paul and Pickerne 2019; Kvist 2002; Lee 2013; Epstein, et al. 2008). Because much of the scholarly and political debate has focused on understanding why some European countries have struggled with growing poverty during the economic crisis, I set out to identify causal configurations associated with the poverty gap (Alvaredo and Gasparini 2015; Atkinson and Bourguignon 2015). First, I applied fuzzy-set analysis (fsQCA)[7] to understand the configurations of unemployment in Central East Europe, where typologies suggest that differences between basic institutions of capitalism are linked to strong institutional complementaries. The fuzzy set analysis contains eight CEE countries (V4, the Baltic states, and Slovenia) to understand similarities and differences in this region. Second, I defined causal conditions related to the poverty gap.

The fsQCA was completed by a comparative legal analysis covering the Visegrad countries. Since the traditional functional method in comparative law introduced by Zweigert and Kötz (Zweigert & Kötz, 1998) has increasingly been criticised (Van Hoecke, 2011), the appropriate comparative method for the current research seems to be the law-in-context method (Van Hoecke 2015, 16-18; Van Hoecke and Warrington 1998) However, the law-in-context method cannot be isolated from other methods, it refers both to the societal context and to the legal construction, therefore it is complementary and interdependent for the adequate understanding of the law. Structural analysis of V4 countries' labour law systems was used to compare termination rules crucial for job security.

4. Main Results

The Visegrad countries’ economic performance has been quite strong in the past years, however, a newly emerging trend marks a new model for the welfare state, characterised by social disinvestment, which is rooted in the neoliberal scheme (Abrahamson, 2010). Overall, Visegrad countries perform relatively well on some indicators of the Social Scoreboard supporting the European Pillar of Social Rights, but significant challenges remain.[8] The social protection system shows some weaknesses in all four countries, unemployed people are at a higher risk of poverty or social exclusion. Even though the socio-economic situation in the Visegrad countries is quite similar (high level of FDI, very high level of employment and the record low unemployment, rising minimum wage), these states have introduced very different employment market policies and labour law regulations to solve the problems. On the other hand, the membership in poverty gap demonstrates, that these solutions are not equally capable to reduce the intensity of poverty.

A possible EU initiative to set a target under principle 13 of the EPSR (unemployment benefits) on net replacement rate, entitlement period and coverage rate, as well as on training and activation (European Economic and Social Committee, 2020) might put very different adaptation pressure on V4 states. Regarding unemployment benefits, data suggest that there are significant differences within the V4. While Poland and Slovakia have high membership in net replacement rate, in the Czech Republic and Hungary memberships are very. The structural comparison reveals that not only the net replacement rates differ, but the eligibility conditions too, however the Czech

[7] fsQCA (version 3. 1b) software was used for the research (http://www.socsci.uci.edu/~cragin/fsQCA/software.shtml).

[8] https://ec.europa.eu/eurostat/web/european-pillar-of-social-rights/indicators/social-scoreboard-indicators.

Republic[9], Slovakia[10] and Hungary[11] show more similarities to each other, while Polish regulations[12] follow a different logic regarding eligibility criteria, qualifying periods, method of calculation, duration of entitlement and waiting period. Concerning job security, data suggest that the Czech Republic protects the best its employees against dismissals.

In Hungary, robust economic growth was witnessed with one of the highest GDP growth rates in the EU. However, this growth came at the expense of social benefits. A new vision of 'illiberal democracy' was introduced by the Orbán-led Fidesz government which marked the end of the welfare state. The new model has some distinctive characteristics; first is the introduction of the 'workfare state' (Lakner & Tausz, 2016). The new Labour Code adopted in 2012 brought in a wide range of deregulations and increased labour market flexibility, while severely curtailed collective labour rights (Kollonay-Lehoczky 2013; Gyulavári and Kártyás 2016). Second, radical austerity measures were introduced to mitigate the negative effects of the crisis; however, these appeared in the political discourse as necessary steps to cut back overly generous social benefits which discourage people to enter the labour market (Horváth, et al., 2019). As disincentives, unemployment benefits were minimised, and compulsory public works programs were introduced (Hungler and Kende 2019; Szikra 2014). The overall social spending has been cut drastically since 2010; social assistance schemes have been terminated and resources were geared towards privileged social groups (Lendvai-Baiton & Szelewa, 2020). These changes are also visible in the job security membership of Hungary. Self-responsibility became the guiding principle in social policy as well, replacing collective protection by individualistic and often punitive schemes. Other active labour market policies suffer from insufficient links to social and health services, and limited outreach (European Commission, 2020).

Poland implemented classic neoliberal politics after the EU accession. Even though the consequences of the financial crisis were not as severe as in the rest of V4 countries, the government radically changed its socio-economic program, offering a critique of the neoliberal order. It promised a state of 'traditional values' – in this reading meaning a withdrawal of gender and LMBTQ rights – but conversely to Hungary, it also introduced an inclusive set of social policies to provide a higher level of protection for those in need. One of its 2015 campaign promises was a major redistribution program. This more inclusive social policy includes the 'Family 500+' program,[13] which has significantly reduced child poverty across the country. Among the four countries, Poland performed best on the employment rate, tertiary education attainment and poverty reduction, the population at risk of poverty declined by 4.5 million compared to the target of 1.5 million (European Commission, 2020), which explains the relatively low poverty gap. However, active labour market policies do not reach groups that could be activated in Poland. Despite a significant reduction in the unemployment rate in the last years, the active labour market policies continued to fail to reach the unemployed who are not registered with the local labour offices (European Commission, 2020). The effectiveness of the process of matching potential workers with workplaces has also been an area of concern. Active labour market policy's financing is heavily dependent on the European Social Fund (22% of the total expenditure in 2018), and are also weakly integrated with social policies, conducted at a lower level of regional administration and with health policies (Piwowar & Dzikuc, 2020).

[9] Act No 435/2004, Employment Act.
[10] Law on State Administration Bodies in the Area of Social Affairs, Family and Employment Services No. 453/2003; Law on Social Insurance No. 461/2003; Law on Employment Services No. 5/2004; Labour Code No. 311/2001.
[11] Act IV of 1991 on Promoting Employment and Providing for the Unemployed.
[12] Law on Employment Promotion and Labour Market Institutions of 20 April 2004.
[13] Family 500+ is a universal child benefit program which offers PLN 500 per month (currently EUR 117.50) for all second and subsequent children up to the age of 18 (Eurostat).

In the Czech Republic and Slovakia, the critique of the welfare state is geared against the unemployed poor, mostly the Roma, therefore it is interlinked with institutional racism. With several notable weaknesses, Slovakia scores relatively poorly in an international comparison concerning social policies. Unemployment is one of the most important poverty indicators in Slovakia. Unemployment is assumed distinct economic, social and political dimensions, albeit it is also characterised by regional, socio-ecological, cultural, ethnic and generation specificities (Pilková & Mikuš, 2020). The welfare reform of 2004, which significantly lowered the public spending in the social terrain was justified by the common belief that generous social policy system creates disincentives to work, particularly it was addressed against the Roma population who assumed to 'lack deep-rooted working habits') (Makovicky 2013, 77; Grill 2018) and described as undeserving poor and mainstreamed in everyday politics (Škobla & Filčák, 2019). However, poverty reduction strategies will call for large scale public policies and actions which should not be focused only on growth, but also improve the distribution of its effects (Michálek & Výbošťok, 2018). In Slovakia spending on active labour market policies is low, amounted to 0.185% of GDP in 2017, which is less than half of the EU average. Vulnerable groups have become more and more marginalised as cooperation between public employment services and social services for the groups furthest away from the labour market is weak and the involvement of non-governmental providers and external institutions (e.g. sheltered employment providers) remains poorly developed (Kahanec, et al., 2020). Employment incentives are still Slovakia's dominant active labour market policy tool (Karasova, et al., 2019). The lack of life-long learning opportunities is a persistent challenge in Slovakia.

In the Czech Republic, issues of poverty, in general, are associated with the Roma minority and institutional racism persists (Hušek & Tvrdá, 2016). By providing a very high level of job security the poverty gap remained low, therefore the Czech Republic was able to avoid the track of curtailing social benefits to keep 'undeserving' poor away from common resources (Slaný and Lipovská 2020; Jahoda and Sirovátka 2018).

The Visegrad model is distinct from other post-socialist capitalist models, the fuzzy set analysis represented by the Baltic states, by a comparatively generous welfare state, which helped to mitigate the social tensions accompanying the transformation and foreign-led growth and recession (Bohle & Greskovits, 2012). One of the most important features of these welfare states was that they focus on social transfers. However, the 2008 economic crisis has fundamentally changed the social policy landscape both at supranational as well as national level. On EU level soft governance has lost its significance and coercive, fiscal based, governance tools started to dominate the legislative framework to facilitate a return to sustainable economic growth, job creation, financial stability and sound public finances (Hatzopoulos, 2012-2013). While the effect of anti-welfarist governance is traced in all V4 countries to some extent (Szelewa & Polakowski, 2019), the biggest divergence from the previous embedded neoliberalist path can be detected in Hungary.

Despite relatively close geographical locations and similar historical and cultural identity, there are significant differences in the shaping of the socio-economic factors in the Visegrad group. Although they have been relatively successful in preventing the impoverishment of large middle-class groups, there are significant differences regarding the efficiency in keeping social disintegration at bay. Hungary's case demonstrates the best that the anti-welfarism can make a severe impact on social spending in general and on unemployment policy in particular. However, key features of embedded neoliberalism persisted even after welfare state reforms and a brief comparison with the Baltic states revealed that it did not join their neoliberal model.

The EPSR has so far no perceivable effect on expanding, reconfiguring, and reallocating public spending, or on redistributing public resources. The rise of populist interventions in welfare spending is one of the side-effects of sluggish social integration in the EU. As the social domain remains a unique national construction, the welfare state's existence is subject to domestic interpretations, the European Union has strived for deeper social integration through the European Semester, country-specific recommendations repeatedly stressed the importance of social inclusion and the improvement of the adequacy of social assistance and unemployment benefits for all four countries (Zeitlin & Vanhercke, 2018). The country-specific reports give the possibility to EU institutions to influence economic and social policies of the Member States without further transferring sovereignty to the EU level (Verdun & Zeitl, 2017, p. 138). CSRs have gradually become more permissive of higher public spending and more in favour of worker protection, while the share of recommendations advocating more social protection has stagnated at a high level (Haas, et al., 2020). While CSR's effect is rather limited, it is noteworthy that active labour policy measures have been largely financed by European Social Fund.

Since the EU's regulatory framework for social policy outlined mostly in soft law measures was very expensive (especially active labour market policies) or undesirable (like gender mainstreaming) it was subject to political contestation in Central-East Europe (Lendvai-Bainton, 2019). Therefore, adaptation pressure might arise against these European policy recommendations, causing significant delay or even complete failure of integration in certain social domains (Vandenbroucke, 2017). Previously adaptation pressure was detected mostly in liberal market economies (Falkner, et al., 2002), but the comparative legal analysis revealed, that there are identifiable gaps between the state of art and recommended policy changes. Moreover, according to the fuzzy set analysis, the governments of the Visegrad group has followed quite different paths with to reduce poverty gap, therefore any future legislative proposal under the EPSR concerning unemployment likely to cause tension in the V4. The different paths are likely to hinder them to act in unity and to support each other during the negotiation process. Therefore, Visegrad countries might foresee severe difficulties in executing political statements and cooperate in shaping European social policy.

Overall it is visible that the economic crisis marked a new model for the welfare state in the Visegrad countries, characterised by social disinvestment. EU social law, re-framed by the European Pillar of Social Rights at the moment has no perceivable effect on expanding, reconfiguring, and reallocating public spending, or on redistributing public resources; thus, the degree to which social investments were cut back largely depends on national governments, which is a potential threat to the ESM.

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