# Contents

Preface ................................................................................................................................. xiii

**Bringing the Jobless into Work? An Introduction to Activation Policies** ............. 1

*W. Eichhorst, O. Kaufmann, R. Konle-Seidl, and H.-J. Reinhard*

1 The broad shift towards activation ............................................................................ 2
2 Objectives of activation policies .............................................................................. 3
3 Defining activation ...................................................................................................... 4
4 Target groups of activation ...................................................................................... 7
5 The economic view: Countering work disincentives .............................................. 8
6 The welfare state perspective: Convergence and divergence across countries ................................................................. 9
7 International and supranational influences ............................................................. 10
8 The legal point of view: Implication for social rights ............................................. 12
9 How to implement activation policies? implications for the new welfare governance .................................................................................................................. 13
10 The specific contribution of this volume ................................................................. 14
11 Outline of the volume and the country chapters ..................................................... 15
References ....................................................................................................................... 16

**Activation Policies in Germany: From Status Protection to Basic Income Support** ................................................................................................................................. 17

*W. Eichhorst, M. Grienberger-Zingerle, and R. Konle-Seidl*

1 Introduction .................................................................................................................. 18
2 The shift towards activation ....................................................................................... 18
2.1 The legacy of a conservative European welfare state ............................................ 18
2.2 The old system of unemployment benefits ............................................................ 19
2.3 The Hartz reforms .................................................................................................. 21
2.4 The political logic behind the policy shift .............................................................. 23
2.5 The silent change of the welfare state logic: From Bismarck to Beveridge? ........... 25
3 Activating labour market policy today ...................................................................... 27
3.1 The general framework .......................................................................................... 27
3.2 Target groups .......................................................................................................... 28
3.3 Demanding and promoting under SGB III (unemployment insurance) ............... 29
The French Strategy against Unemployment: Innovative but Inconsistent...

J.-C. Barbier and O. Kaufmann

1 “Activation” in France: An overall perspective
2 The legal foundations of “activation measures”
   2.1 Constitutional principles and foundations governing “activation measures”
   2.2 Social security and labour relations: Legal framework
3 Minimum income benefits and other assistance benefits
   3.1 Overview
   3.2 Various minimum income benefits
4 Unemployment insurance and assistance (régime d’assurance chômage)
   4.1 Organisation
   4.2 The contribution-based protection regime (régime contributif)
   4.3 Unemployment insurance (régime de solidarité)
5 The public employment service and employment programmes
Activation as a Socio-Economic and Legal Concept:
Laboratorium the Netherlands................................. 161

E. Sol, M. Sichert, H. van Lieshout, and T. Koning

1 Introduction....................................................... 162
2 Transformations towards an activating welfare state .......... 165
   2.1 Social notion of activation ................................ 165
   2.2 Definition of activation ................................... 169
   2.3 Legal notion of activation ................................. 169
   2.4 Legal framework and constitutional basis for activation .. 173
3 Instruments: Changes in benefits, benefit conditionality and enabling schemes .............................................. 175
   3.1 Unemployment Insurance Law (Werkloosheidswet, WW) .... 176
   3.2 The Work and Welfare Act (Wet Werk en Bijstand, WWB) ... 182
   3.3 The Act on Employment and Income Depending on Working Capacity (Wet Werk en Inkomen naar Arbeidsvermogen, WIA Act) 185
4 Governance and actual implementation process.................. 189
   4.1 Governance in a bird’s eye view............................ 189
   4.2 Major features regarding the application of legal provisions 200
   4.3 Legal issues of contracting out and reintegration services ... 203
5 Outcomes: Activation works, or does it?......................... 209
   5.1 Effects of employment services for return to work ........ 209
   5.2 Costs and benefits of employment services ................. 211
   5.3 Unemployment benefit: Individual reintegration agreements 211
   5.4 Social assistance: Work first ................................ 212
   5.5 Discussion .................................................... 212
6 Concluding remarks: Activation law and policy.................. 214
   6.1 Mutual obligations .......................................... 216
   6.2 Right to integration ........................................ 216
   6.3 A legal doctrine? ............................................ 217
References ..................................................................... 218

Making All Persons Work: Modern Danish Labour Market Policies ...... 221

J. Kvist, L. Pedersen, and P.A. Köhler

1 Introduction....................................................... 222
2 General orientation of the political ideas of Danish activation:
   Activation as a concept .......................................... 222
3 Changing target groups ........................................... 224
4 General labour laws in Denmark .................................. 227
   4.1 Labour law: Enacted law alongside collective bargaining law .... 228
   4.2 The right to terminate employment ........................... 229
   4.3 Types of dismissal and dismissal reasons .................... 230
   4.4 Legal consequences: Recourse to the courts ................. 232
5 The law of unemployment insurance .............................. 233
   5.1 Membership – financing – organisation ........................ 233
   5.2 Benefit eligibility and entitlements ........................... 234
'Employment First': Activating the British Welfare State

D. Finn and B. Schulte

1 Introduction
2 The legal foundation and governance of the British welfare state
3 The benefit system for working age people
   3.1 Main cash benefits for people of working age
   3.2 Trends in benefit expenditure
4 Activation policies
   4.1 Benefit reform and activation in the conservative era
   4.2 New Labour's inheritance: Falling unemployment and increasing benefit dependency
4.3 Activation under New Labour: A 'new contract for welfare'
5 The governance of activation
   5.1 Jobcentre Plus
   5.2 Partnerships, contracts and contestability
6 Outcomes of activation policies
   6.1 'What Works': The role of evaluation
   6.2 Employment, unemployment and inactivity
   6.3 Benefit durations, leavers and 'repeaters'
   6.4 The impact of activation requirements
   6.5 The impact of 'Make Work Pay'
   6.6 The impact of the New Deals and Employment Zones
   6.7 Sanctions research
   6.8 Implementation research and the New Deals
   6.9 The impact of activation policies on individual rights
7 Conclusions and outlook
List of abbreviations
References

Activation from Income Support in the US

B. Quade, C.J. O’Leary, and O. Dupper

1 Introduction
   1.1 Evolution of activation in policy
   1.2 Socio-economic context
   1.3 Activation target groups
   1.4 The US employment promotion system
2 Legal framework
   2.1 Constitutional law
   2.2 Federal framework legislation
3 Activation in practice
   3.1 Unemployment insurance
   3.2 Federal social assistance
   3.3 Tax incentive programmes
4 Conclusion