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Does the European Employment Strategy favour the convergence of activation policies? The cases of Spain and the United Kingdom

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Abstract

The European Employment Strategy (EES) illustrates the most ambitious attempt to regulate and coordinate employment policies. However, some doubts arise about its capacity to favour convergence in the field of employment due to the regulatory nature of the process, based on the so-called soft regulation. This article aims to contribute to the debate of whether the EES can favour the convergence of employment policies by focusing on the effects of the policy discourse. It analyses the EU discourse on activation developed in the European Employment Strategy (EES) from 1997 to 2010 and its influence in Spain and the United Kingdom by means of a policy frame approach. The conclusions show that we are observing a process of moderated convergence of the activation models due to the influence of the EES discourse.

Keywords

European Employment Strategy; activation; discourse; policy frame; Spain; United Kingdom

The European Employment Strategy (EES) is the flagship programme that illustrates the most ambitious attempt to regulate and coordinate employment policies, thus promoting convergence. However, European Guidelines approved within this process have been seen as examples of “soft law”, because they are not legally binding instruments such as regulations or directives and lack sanctions like those applied in the Stability and Growth Pact. Drawing on those features of the regulatory nature of the process, some authors (Keller 2000; De la Porte 2008) stressed the weakness of the EES in order to favour convergence in the field of employment and social policies. Responding to those critics, other authors noted the strength of social regulatory mechanisms such as the “discourse regulatory mechanisms” (Jacobsson 2004a, 2004b; Serrano 2005).

Activation was a central notion within the EES since its onset. However, it has been assessed as and vague concept, especially within the EU discourse (Barbier 2005), and criticised in analytical terms for been used to describe political measures that can be diametrically opposed (Geldof 1999; Barbier 2004) and been understood according to a mixture of different elements or dimension: as a goal, as an ethic, as a discourse, as a method, etc. (Serrano 2007). Partly as a result of this, the question of whether the EES has favoured the convergence of the Member States towards the activation principles has been left unsolved. Comparative studies have found variety of consequences and considerable differences between Member States (De la Porte and Pochet 2001, 2003; Mailand 2006, 2008; López-Santana 2007; Zartaloudis 2014). They also suggest that we can simultaneously observe a process of convergence and a process of divergence, depending on which elements are taken into consideration, thus calling for a need to distinguish potential effects of convergence on different levels, namely discourses and policies or methods (Serrano 2003, 2004), but also outcomes (Van Rie and Marx 2012).

Drawing from these debates and discussions, this article analyses the EU discourse on activation developed within the EES from 1997 to 2010 and its influence in two countries that represent

different employment and welfare regimes and have different cultural meanings on Europe: Spain and the United Kingdom. The article aims to three research questions:

- How is activation discourse produced within the EES?
- Is the EES discourse on activation accepted and similarly understood in countries with different policy traditions such as Spain and the UK?
- Are the employment policies of both countries converging due to the influence of the EU discourse on activation?

In order to answer these three questions that guide the article, the study follows a constructivist approach, based on a frame analysis methodology that aims to capture how the EU discourse produces policy frames of activation, understood as specific construction of meaning of reality connected to policy solutions or proposals related to this approach. Once dominant EU policy frames of activation were identified, in a second step the extent to which those policy frames were accepted and similarly understood in Spain and UK and transformed into policies was examined. To this aim, legislative texts and policy document were analysed and 9 interviews were conducted in both countries¹.

Following this introduction, the article first analyses the regulatory nature of the EES, explaining the different mechanisms through which it can influence member states and stressing, among theses, discourse mechanisms. It also explains the different phases through which it has been developed. Secondly, the article exposes the methodology, based on a frame analysis approach. The third section presents the outcomes of the analysis of the EU discourse on activation, i.e., the policy frames of activation. The fourth section examines how the discourse and policy frames on activation have been understood and put in practices in Spain and United Kingdom.

THE EUROPEAN EMPLOYMENT STRATEGY: REGULATORY NATURE AND PHASES

Regulatory nature and mechanisms of influence

The EES was initiated with the inclusion of an employment title in the Amsterdam Treaty (Title VIII, Art. 125-130) that made a 'high level of employment an explicit goal of the EU and a question of 'common concern. Under this process, the Community acquired new competences to promote a coordinated employment strategy. In doing so, it was stated that the competences of the Member States would be respected. Thus, employment policies remained under the control of the Member States.

Although Employment Guidelines have a Treaty basis, they are seen as examples of 'soft law' because they are not legally binding instruments such as regulations or directives. This regulation, finds a middle ground between legal and political intervention that can increase legitimacy of EU-level action by respecting the institutional diversity and policy traditions of the European Member States (Goetschy 1999; Ashiagbor 2005). This method is also in line with the subsidiarity principle.

Soft-law regulation raises the sociological question of how non-binding agreements can gradually become politically, socially and morally binding for the actors involved. As Jacobsson (2004a, 2004b)

notes, in the absence of binding recommendations, it is necessary to pay attention to other social regulatory mechanisms that accompany the soft law regulation. According to Zeitlin (2005), a distinction can be made between three mechanisms of influence: 1) peer review pressure that member states put upon each other to achieve common targets, 2) strategic use by national actors for external legitimation of measures or reforms, usually unpopular, and 3) socialisation and discourse diffusion. Recently, some studies have also stressed how compliance with the EES has been created by means of other mechanisms, external to the EES such as European Social Fund conditionality (Zartaloudis 2014). While the peer review and strategic use of the EES by national actors would be connected to a rational choice approach, socialisation and discourse would be associated with a constructivist approach (Mailand 2006).

In this research, we have limited ourselves to study the effects of the knowledge and meaning making mechanisms, that is the 'discursive regulatory mechanism' (Jacobsson 2004a). As Barbier (2005), Crespo and Serrano (2004) and Serrano (2005) have noted, a powerful influence within the EES relates to the socio-cognitive dimension of the policy discourse. Within a regulatory method that lacks sanctions and penalties, convergence can be fostered by establishing a common vocabulary and a common interpretative framework for analysing the labour market that includes particular problem definitions, diagnosis and causal relationships. Discourses disseminated within the EES follow assumptions that tend to be implicitly or explicitly connected to policy solutions and approaches. For instance, focus on employability is associated with a supply-side approach on employment policies and an attention on individual features of the unemployed while quotes to the knowledge-based economy tend to stress the value of education and training policies.

The EES discourse, that has normative weight for being part of a common strategy to which Member States have committed themselves, can lead to changes in ideas and discourses among national actors through a 'logic of appropriateness'. Thus, actors can be progressively socialised in European policy frames that introduce new problem definitions or alternative explanations and decide to act according to them instead of exclusively national ones. As Jacobsson has shown (2002), effects may include subtle impact on national debates and discourses, but also changes in the way in which policies are thought about. Nevertheless, effects of discourses on policies and policy convergence can show a great variety of consequences. Discourses can be 'translated' into practices in many different ways according to the social context and, it is likely, there will not be an automatic succession from one level to the other (Pitllet 2001).

PHASES OF THE EES FROM 1997 TO 2010

Since the EES was initiated in 1997 until 2010, the year that the Lisbon process ended, different phases can be identified related to the general agenda and priorities of the EU as well as the relationship of the EES with other processes such as the European economic policy. Bearing those elements in mind, we can divide the EES in three main phases.

A first and initial phase of consolidation goes from 1997 to 2000. This phase starts with the Luxembourg summit (1997), when the first Employment Guidelines were approved. In 2000 we can identify a second phase. In this period, the Lisbon agenda was approved. In 2003, the four pillar structure was revised at the Brussels summit in order to fully integrate the European Employment Strategy (EES) with the Lisbon strategy. The pillar structure was replaced by three objectives: full employment; quality and productivity at work; and cohesion and an inclusive labour market. The integration of the strategy goals in the EES is relevant in terms of its effects in the activation discourse, since this process revitalised to some extent the social dimension, being considered by

some authors as the 'Maastricht of Welfare' (Rhodes 2000). Finally, in 2005 a third phase started. This phase has been marked by the integration of the Broad Economic Policy and Employment Guidelines. In 2005, the first integrated set of Guidelines was approved on a three yearly basis (2005-2008). In 2008, the next set of Guidelines was approved, still related to the Lisbon Strategy. Both plans were practically identical. Thus, the effects of the economical crisis initiated in 2008 were not reflected in the new set of Guidelines. According to some authors, (Zeitlin 2008) guidelines integration reduced the visibility of employment policy co-ordination and, accordingly, its potential influence. Indeed, the production of documents on employment policies decreased in this period compared to previous phases. In this sense, Mailand (2008) found that the level of impact of the EES diminished since 2005.

The phases of the EES were taken into consideration in our analysis due to the potential impact on the activation discourse. Once the phases of the EES have been identified, in the next section we expose the methodology followed to analyse the EU discourse on activation and its influence in Spain and the UK.

METHODOLOGY: A FRAME ANALYSIS APPROACH

In order to analyse the EU discourse on activation and its influence in Spain and the UK, we followed a frame analyses approach. The concept of frame was first applied in sociology by Goffman (1974) to explain how individuals perceive and construct social reality. In the mid 1980s, the concept was used by the constructivist approach that researched social movements (Snow et al 1986; Snow and Benford 1988). According to this approach, movement actors are viewed as signifying agents actively engaged in the production and maintenance of meaning. That work of meaning construction developed by movement actors is conceptualized by using the concept of 'framing'.

The notion of framing was introduced in the policy analyses by Rein and Schön (1993: 146), who defined a frame as a 'way of selecting, organizing, interpreting and making sense of a complex reality to provide guideposts for knowing, analysing, persuading and acting'. Drawing from that definition, Verlo (2005: 20) defined a policy frame as 'an organising principle that transforms fragmentary or incidental information into a structured and meaningful policy problem, in which a solution is implicitly or explicitly enclosed'. Recent research focused on analysing the frames of gender policies have built on those definitions.

The underlying assumption of this perspective is that frames are not description of reality but specific construction of meaning of reality connected to policy solutions or proposals. Since we seek to analyse how the discourse regulatory mechanisms operates in the EES, understood as a mechanisms related to knowledge making and meaning making, we assumed that this constructivist approach was in line with the main goals of the research. Accepting that policy frames have a typical format that includes diagnosis and prognosis (Snow and Benford 1988), we also aimed to identify the 'blame attribution', i.e. the target groups, since activation measures have tended to be focused on certain groups such as women, older people, people at risk of social exclusion, etc.

In order to guide the discourse analysis of the documents aiming to identify the policy frames, some 'critical questions' were designed. The 'critical questions' were: which is the problem and how is represented? (Diagnosis); who has the problem? (Blame attribution); what must be done? (Prognosis); which specific measures are recommended in the guidelines? (Prognosis).

In a first stage of the research, we identified the policy frames of activation developed in each of the three phases of the EES described in the previous section by applying the 'critical questions' to the

documents selected. The corpus of the documents analysed mostly included Communications from the European Commission. These are the key documents as far as knowledge and meaning making is concerned, being the most important sources contributing to the dissemination of different concepts, perspectives and causal relationships. They are crucial in introducing the diagnoses that tend to be explicitly connected to the activation approach. Secondly, European Council Conclusions were analysed. Its relevance relies on the fact that they set up the general goals that guide the EES. They also justify the election of those problems and establish particular diagnoses, which are connected to proposals, which, however, are presented in a more general way than in the EC communications. Thirdly, the expert groups document 'The future of Social Europe: Recasting Work and Welfare in the new Economy' (Ferrera, Hemerijck and Rhodes 2000) and 'Jobs, jobs, jobs- Creating more employment in Europe' (Kok 2003) were analysed due to their influence on the EES discourse. Both documents have been extensively quoted and referred to in the EC communications and European Council Conclusions. Finally, Employment Guidelines were analysed, since they contain the specific recommendations forwarded to the Member States.

In a second phase, we analysed to what extent the policy frames of activation identified favoured convergence towards activation in Spain and the UK in both discourses and policies. To this aim, we analysed in both countries National Action Plans (1998-2005) and National Reform Programmes (2005-2010), since these reports provide information on the main measures taken or to be taken to implement employment policies in line with the Guidelines. In addition, legislative texts and policy documents related to activation measures were analysed, including policy programmes of political parties. Finally, this information was completed with 9 interviews that were conducted to policy makers and social partner's officers from both countries. Interviews were conducted in both countries with top-level policy makers; and senior officer's social partners (from employer organisations and trade unions) that were actively involved in the discussions related to the implementation of the EES in both countries. The goal of these interviews was to enrich the discourse analyses of the documents by approaching some privileged informants that were closely involved in the process of EES implementation.

THE EU DISCOURSE ON ACTIVATION DEVELOPED IN THE EES: THE POLICY FRAMES OF ACTIVATION

By applying the critical questions previously described to the UE documents selected, we identified the dominant policy frames of activation on the EES discourse: the 'policy frame of the knowledge driven economy' and the 'policy frame of the disincentives'. They are present along the whole period analysed, although they show some differences in each phase, mostly in relation to the first phase.

The policy frame of the knowledge driven economy describes in the first phase of the EES (1997-2000) the new economic order as an indisputable fact and an inevitable process that is imposed on individuals and structures. By means of an ideological process, the concept of knowledge driven economy is transformed, via discourse, into a fact of nature (Cresco and Serrano 2004). This definition of the economic situation provides a diagnosis on unemployment understood as a problem related to supply side factors such as lack of skills and lack of capacity to adapt to changes of being unemployed. Therefore, unemployment is conceptualized in terms of lack of 'employability' rather than in terms of lack of employment. In parallel, the notion of 'security' is redefined, being understood as capacity to adapt to the changes and to improve employability instead of protection against risk. The corollary of those explanations is that employment policies are focused on supply side measures (prognosis). Moreover, the functions attributed to the welfare state is no longer to

protect citizens against the risks associated with the market economy but to provide them with incentives and opportunities to upgrade their skills and to improve its employability.

The main lesson from the last 20 years is that income maintenance programmes will not provide adequate security. The huge resources in the benefit system need to be made more employment oriented. Unemployment benefit schemes must become more effective: increasing incentives for the unemployed to look for a job by giving them opportunities to upgrade their skills, so as to create progressively a real employability insurance instead of a simple unemployment compensation.' (European Commission 1997a: 3).

Accordingly, Employment Guidelines 1 and 2 (1998-2000) recommended (prognosis) providing a fresh start to young unemployed and adults (blame attribution) before they reach 6 and 12 months of unemployment respectively. That fresh start was not understood as a job guarantee that could imply demand side policies. As the Commission exposed, 'a fresh start means providing the individual with capabilities and opportunities to give them real chances to gain access to jobs in the open labour markets' (EC 1998: 12). This policy orientation was conceptualized as a 'preventive approach.

In the second and the third phases of the EES (2001-2010) the policy frames are a bit different. In this period, the knowledge driven economy was mostly represented as a 'restructuring guide' of the policies and as a goal to be achieved instead of an inevitable process that requires mere adaptive responses. At the Lisbon Summit, the EU assumed the goal 'to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion' (European Council 2001: 3). The argument that justifies the need to foster the advance towards the knowledge driven economy (diagnosis) is that it can favour a high road approach to achieve full employment, to improve the quality of work and to match economic competitiveness and social cohesion. This discourse was associated to the revitalization of the social model debates within the Lisbon process (Rhodes, 2000). However, recommendations (prognosis) continued to be mainly focused on supply side measures. The main idea, formulated within a rather optimistic discourse was that training policies, combined with new technologies, could favour the transition towards a knowledge driven economy that would create a new virtuous circle.

Bearing this in mind, national governments (prognosis) were asked to provide individuals with technical skills and other skills demanded by an economic order subject to continuous change. In return, workers were required to have a vast range of technical skills and psychological qualities. 'Workers in the digital age therefore need to be ICT literate, highly skilled, empowered, mobile and ready for continuous training.' (COM 2000:14). Within this policy frame, differences between the situations of workers are explained in terms of difference in individual's skills (diagnosis). In connexion with that diagnosis, the function attributed to the Welfare State is no longer to promote equality by redistributing wealth or incomes but to promote equal opportunities through improving the access to knowledge (prognosis). 'The pervasiveness of knowledge is crucial to enhance and diffuse throughout the whole economy the use of new technologies and to prevent segmentation of the labour market between workers with different types of education.' (COM 2003:10). Accordingly, the European Commission recommends focusing public investment on training policies rather on redistributive policies. Due to this, Employment Guideline 4 (2003-2005) recommended (prognosis) promoting the development of human capital and lifelong learning. At the same time, Employment Guideline 23 (2005-2008, 2008-2010) recommended increasing investment in human capital through

better education and skills. References to policies aiming to distribute wealth are not found within the Employment Guidelines.

The 'policy frame of the disincentives' is formulated to justify a proposal aiming to decrease the dependency rate by 'making work pay'. The main argument to persuade member states to include this goal within their policy agenda (diagnosis) relates to the sustainability of the Welfare State. According to the European institutions, the sustainability of the Welfare States is challenged by the new demographic trends linked to the aging population, and the deficit and public debt demands assumed by the Member States of the Euro Zone. Due to those challenges, activation measures must (prognosis) increase employment levels, especially for some groups (blame attribution) such as old workers aged 50-64 years (50 per cent employment rate in 2010), women (60 per cent employment rate in 2010) and people excluded from the labour market. With regard to the causes (diagnosis) that determine that an excessive percentage of active population remain out of work, living from a safety net provided by the Welfare State, explanations are different for the different target groups (old workers, people excluded from the labour market and women). Nevertheless, there is a general trend within the EU discourse on activation to attribute the responsibility to the Welfare State, designed in a way that favours welfare dependency.

With respect to older workers, early retirement policies are blamed as they encourage them to remain out of work (diagnosis). Moreover, they decrease workers and companies' incentives to invest in those measures that can make active life longer such as lifelong learning. That diagnosis is connected to a proposal (prognosis) that recommends eliminating incentives for early exit from the labour market, notably by reforming early retirement schemes. This proposal was included (prognosis) in Employment Guideline of the second and third phase of the EES (Guideline 5, 2003-2005; Guideline 18, 2005-2008 and 2008-2010). As far as the people excluded from the labour market are concerned, European institutions stressed in the first phase of the EES (1997-2000) that 'Social protection has both a success, in terms of alleviating poverty, and a failure, in terms of promoting full integration within society' (COM 1997a:2). The explanation to this failure (diagnosis) connects with the 'welfare entrapment' argument. Thus, European Commission stresses that in many European countries the net gain expected from return to work is smaller than net gain expected for remaining within the social protection system, thus discouraging people to enter into the labour market.

Besides, a psychological discourse focused on individual's attitudes towards work is observed. This discourse stresses lack of motivation of individual to accept available jobs and lack of ability to adapt to work demands (diagnosis). In the framework of those explanations, the European institutions propose (prognosis) measures aiming to increase incentives for people excluded from the labour market to look for work and to accept suitable jobs. Within this approach, the individual is represented as a behaviouristic person, influenced by external factors, who will choose the most gratifying course of action (Crespo and Serrano 2004). Although those moral and psychological explanations for unemployment (diagnosis) are less frequent in the second and third phase of the EES, proposals (prognosis) in line with them remain. Thus, Employment Guideline 8 (2003-2005), titled 'make work pay through incentives to enhance work attractiveness' made recommendations to

[R]eform financial incentives with a view to making work attractive and encouraging men and women to seek, take up and remain in work (...)Whilst preserving an adequate level of social protection, Member States will in particular review replacement rates and benefit duration; ensure effective benefit management, notably with respect to the link with effective job search.

As Watt (2004) noted, this was clearly the guidelines that could be quoted by those governments seeking to reduce unemployment by imposing pressure on the unemployed themselves. In the third phase, Employment Guideline 19 (2005-2008, 2008-2010) made recommendations, in the same line, to 'enhance work attractiveness, and make-work pay for job-seekers, including disadvantaged people'. Under these guidelines the focus is clearly on paid work rather than on improving skills of unemployed. With respect to women, diagnosis on their low employment rates is more complex. In this sense, the European institutions mention, especially since the onset of the second phase (2001), disincentives rooted in the lack of public care services. Indeed, this is the only social protection field that the EES recommends to expand (prognosis) due to its positive effects on the employment levels of women. That recommendation was included in the Employment Guideline 6 (2003-2005) and 18 (2005-2008, 2008-2010). This social field must be developed because in this case, social protection system acts as a 'productive factor' that promotes employment rather than discouraging job acceptance, as is supposed to happen with certain income policies. That reflects a common feature of the activation discourse, where social policies appear to be subordinated to the goals of competitiveness and efficiency (Jessop 2002).

THE INFLUENCE OF THE EES DISCOURSE ON ACTIVATION IN SPAIN AND THE UK

The Spanish case

The EES discourse on activation has had some impact on Spain although mostly associated to one policy frame, namely the 'policy frame of the disincentives', and to the first two phases (1997-2005). The 'policy frame of the knowledge driven economy' legitimises during the years that the right-wing government of the Popular Party was in office (1996-2004), the growing role that training policies were starting to have. However, the alignment of the Spanish policy discourse with the EES policy frame only became very explicit in the second phase of the EES. In the first phase, diagnoses related to this frame were practically non-existent. Indeed, other problems affecting the Spanish labour market such as the high rate of temporary employment were stressed and determined, rather than a 'translating process', a very different understanding of core perspectives within the EES such as the 'preventive approach'.

Preventive approach in Spain must start by achieving that a higher number of workers have open-ended contracts instead of fixed-term contracts in order to avoid them becoming unemployed (PNA 1999).

In the second phase of the EES, diagnosis associated to the policy frame of the 'knowledge driven economy', specially related to its representation as a 'restructuring guide', were particularly welcomed by policy makers as well as social partners who, in Spain, have an important role in training policies design and implementation. Also trade unions, traditionally reluctant to support supply side approaches, converged with those discourses:

We agreed with the Lisbon Strategy. We thought that was the progress: new technologies, more investment in training, etc. That was the way to make the Spanish economy competitive and the way to provide added value to the activities (Interview with trade union senior officer).

The policy documents analysed from 2000 onwards show that the Spanish government reproduced the optimistic discourse disseminated by the EES that trusts that the advance towards the knowledge driven economy can contribute to improving the quality of work and to match economic competitiveness and social cohesion.

To foster professional qualifications is fundamental to improve working and living conditions, to promote social cohesion and economic growth and to foster employment (Ley 5/2002 of Professional Qualifications)

In addition, it is observed that in these years, new functions are attributed to the employment and social policies (prognosis). The formal adoption, in the new Employment Law of 2003, of the preventive approach, which, in this period, seems to be understood in the same way as it is presented in the EES since 1998, is particularly relevant:

Employment policy will tend to adopt a preventive approach to unemployment and anticipate change through training actions that will allow the worker to keep his job and to improve his/her qualification and employability (Law of Employment 56/2003)

The ideas related to this policy frame were practically non-existent in the employment policies discourse of the 1980s and early 1990s, mostly associated with a flexibility approach focused on deregulating labour market legislation (Bilbao 1999). Thus, the EES discourse appears as an important driver in the introduction of the knowledge driven economy discourse, disseminating concepts but also policy perspectives, such as the preventive approach. However, it is also worth noting that although resources allocated to training policies for both workers (lifelong learning) and the unemployed increased, partly as a result of ESF provisions, they continued to be below the EU average (Lope and Alós 2013). Moreover, a lack of resources allocated to the Public Employment Services did not contribute to a smooth implementation of the preventive approach. Accordingly, a gap between discourses and politics related to this policy frame was visible, which raises some doubts about its actual influence, at least at the policy level.

The 'policy frame of the disincentives' had more influence on the Spanish policy discourse and policy reforms. Interviews conducted as well as documents analysed reveal that the government of the Popular Party ended reproducing the diagnosis formulated within this policy frame with regard to the people excluded from the labour market, i.e., that the passive' unemployment benefit system of Spain fostered unemployed to remain out of work. Previous to this reform, diagnoses about unemployment associated to this policy frame were totally absent from public debates, official policy documents, National Action Plans (PNA, 1998, 1999, 2000 and 2001) or Popular Party policy documents.

This situation radically changed from 2002, when diagnosis explicitly explaining unemployment as a result of the disincentives of the benefits systems started to appear in policy documents. 'Concerns on disincentives exist because a considerable proportion of unemployment benefit receiver (around 20% of men and more than 30% of women) state that they are not actively looking for a job' (PNA 2003:32). Moreover, in 2002 the government approved a radical reform of unemployment benefits (prognosis), clearly connected to those explanations and explicitly quoting the EES in its introduction. As maintained by Serrano et al. (2009), this activation reform, for the first time in history, introduced the notions of supposed dishonest conduct or inadequate behaviour of the unemployed person by demanding—at least formally— new commitments from the unemployed. One of the main changes of the reforms can be attributed to the inclusion of a

'[C]ommitment to activity', which established that 'the recipients of unemployment benefits must actively seek employment, accept a suitable job and participate in specific motivational, informational, training, reconversion or professional insertion activities in order to increase their employability' (Law 45/2002).

Besides, suitable job was redefined in a less restrictive way. In addition, new sanctions were enacted that implied the withdrawal or the reduction of unemployment benefits in case unemployed rejected suitable job or refused to participate in active labour market policies. Nevertheless, those discourses and ideas present in the policy reform were not put into practice. Indeed, formal disciplinary requirements were barely implemented (Aragón et al. 2007). The fact that the new regulation was not accompanied by more resources (especially more staff in the Public Employment Services) probably explains this 'implementation gap', as noted in the interviews.

Although this reform has been clearly associated with the EES influence (Aragón et al. 2007; Torrents 2006), as it is explicitly cited in the law, one could wonder if it was approved as an effect of the discourse regulatory mechanisms and policy socialisation or as a result of other mechanisms such as 'peer pressure' or 'strategic use by national actors'. With respect to the peer pressure mechanisms, it could occur to some extent, bearing in mind that Spain was not 'at the top of the class' with regards to the implementation of EES activation guidelines. However, as the last economic crisis has proved, recommendations within the EES tend to be less soft when countries face economic difficulties or experience serious labour market problems since, in those contexts, pressure from other member states becomes stronger (Dufresne 2015). But this was not the case of Spain in 2002. In that period, unemployment recorded a sharp decrease (from 20.7 per cent in 1997 to 11 per cent in 2002), public deficit was at the lowest levels since 1996 and the incidence of cases of fraudulent uses of unemployment benefits represented the 3.6 per cent of all the cases on average, in 2002 (Torrents 2006). The interview conducted with the person who was in charge of the Spanish Ministry of Employment from 1999 to 2002 confirmed that other countries barely put pressure on Spain to reform the unemployment benefit system in this period. Moreover, he stressed the government compliance with the EES diagnosis and policy recommendations.

The reform started with a feature that both Europe and Spain detected: Spain was one of the countries where unemployed people remained living on unemployment benefits for a longer time. This was a differential and evident feature [...] the law aimed to correct this lack of motivation of unemployed people. It is not a positive feature the fact that unemployed that can come back to the labour market the next day- wait until the entitlement to unemployment benefits is finished. (Interview Ministry of Employment 1999-2002)

To ascertain whether the Popular Party, a right-wing political party traditionally reluctant to provide generous social protection policies, strategically invoked the EES to legitimise an unpopular reform, which was already in line with its interests or it indeed converged with it as result of a logic of appropriateness, is however more complex. Nevertheless, there are some reasons to conclude that the discursive mechanisms had a decisive impact. On the one hand, 'welfare entrapment' arguments that followed the reform were absent in employment policy debates in Spain, even in times when unemployment was dramatically rising, such as in the 1992-1994 crisis, as opposed to what has occurred in other contexts (for instance, UK in the crisis of the 80s). On the other hand, it is worth noting that the Popular Party did not mention proposals or measures in line with this approach in its policy programme for the 2000 elections or in the policy documents produced when it was in the office from 1996 to 2000. Of course, not all the policy measures finally implemented by a government are included in its policy programme, but this fact provides some evidences that this policy frame was to some extent alien to its employment policy discourse. This clearly contrasts with other policy reforms, such as the 2012 labour market reform, where the government strategically invoked the EES to legitimise an approach, labour flexibility, which has traditionally been in line with its policy discourse. The 'policy frame of the disincentives' that focused on old workers and women

had less influence. Thus, measures to reform early retire were not implemented and the public care services continued underdeveloped.

In 2004, the Socialist Party took the office. Overall, the policies implemented until 2010 did not alter the main features of the Spanish activation model developed by the Popular Party. Investment in training policies reflected a high degree of continuity. However, it is also true that although the Socialist Government did not modify the 2002 unemployment benefits reform, it approved some measures aiming to increase social protection. For instance, it extended unemployment benefits to persons aged over 45 years without family responsibilities. Those measures were 'passive policies' unconnected to employment demands, as opposed to what the EES was recommending. This proves that the EES had fewer incidences in this period. This fact can be related to the loss of visibility of the European employment policy after the integration of the economic and employment guidelines (Zeitlin 2008; Mailand 2008).

The UK case

In the UK case, a first aspect to be stressed is that the main ideas on employment and social policies of the 'new Labour', close to the so-called third way (Giddens 1999), were aligned with EES discourse in many aspects. It accepted that investment should be focused on human capital measures rather than on the direct provision of economic maintenance and it was in favour of an active and preventive welfare state based on rights and duties (Powell 2000). Partly as a consequence of that ideological alignment, we did not observe that the EES was a key driver of the activation reforms implemented in this country. Moreover, those ideas were clearly exposed in the Labour Party Manifesto for the 1997 elections, as opposed to what happened with the activation reforms in Spain. In this sense, it can be pointed out that the case of the United Kingdom shows that in this country the EES has reinforced and supported activation policies rather than directly inspiring those policies. Analyses conducted by Lindsay (2007) and Mailand (2008) achieve similar conclusions.

The 'policy frame of the knowledge driven economy' is crucial in the Labour government discourse (Jessop 2003). The imaginary of the knowledge driven economy is used to explain main changes and challenges affecting the labour market (diagnosis). On some occasions, the new economic order is presented in the first phase (1997-2000) as a fact of nature and as an inevitable process.

We are in a new age - the age of information [...] We have no choice but to prepare for this new age in which the key to success will be the continuous education and development of the human mind and imagination (DfEE 1998a).

In parallel, it is also represented as a 'restructuring guide' that require active government involvement in order to promote competitiveness (Jessop 2003). In connexion with that discourse, some training measures were introduced to improve basic skills and employability of unemployed (prognosis). To this regard, most important programmes developed in the first phase were New Deal programmes addressed to young people and adult workers (blame attribution). New Deal for young people was the most important. It received 70 per cent of the total financing. This programme was mandatory for young people aged 18-24 who were registered as unemployed for six months or more. It started with an assistance period for up to four months, that prepared people for a choice within four options: full-time subsidised employment; full-time education or training; participation on Environmental Task Force projects; and work experience within voluntary sector. Training option was the most elected one, although some doubts were raised about its efficiency to favour labour insertion (Finn 2003).

In the second phase (2001-2005), the Labour government welcomed the enactment of the Lisbon agenda, presenting itself as a strong supporter of it (DfES 2003). Thus, it seemed to be in line with the EES in the idea of promoting social cohesion by redistributing opportunities through the investment in training: 'By increasing skills levels of all under-represented groups, we will develop an inclusive society that promotes employability for all (DfES 2003: 18). Paradoxically, training option included in New Deal programmes for young people lost importance in this period in favour of a variety of assistance services and short training schemes. Moreover, the Labour government rejected Country Council specific recommendations that demanded UK government in 2002 to reinforce training policies in favour of adult unemployed. As stated in the National Action Plan 2002 and confirmed in the interviews conducted to policy officers, the Labour government understood that implementation of such programs could distance jobseekers from the labour market and so reduce their chances of finding work quickly. In this sense, we observe that the centrality given to the market and the paid worker within the UK activation approach implies that training to unemployed is not the primary option of the government, albeit there is general policy discourse that stresses the importance of promoting skills. This feature is maintained in the third phase. In this sense, it can be stated that the Labour government did not find the way to combine a 'work-first' approach that encourage people to enter into the labour market as quick as possible with a human capital or employability approach that may require that unemployed take part in long-term education or training programmes.

A key challenge is to bridge the gap between the 'work-first' strategies which have been found to be effective and the shortfall in skills that is evident in the UK economy (Lord Freud 2007).

A high degree of alignment is observed with regard to the 'policy frame of disincentives' focused on those excluded from the labour markets in terms of the diagnosis of the problem (welfare dependency), and the prognosis or proposed solution (the centrality of paid work, 'making work pay'). As Fairclough (2000) or Daguerre (2004) have argued, new labour rhetoric stressed that Welfare State was creating the conditions for welfare dependency, entrapping low-income households in poverty. Those ideas clearly appear in the documents analyzed. 'Rather than being a solution to these problems, the welfare system has become part of the problem itself. For an increase number of people, it offers little more than a fortnightly benefit cheque' (DfEE, 2001: 1).

As opposed to Spain, in the UK, the unemployment benefit was a 'stricter benefit regime' since the last 1980s. Reforms such as the 1989 Social Security act implemented by the Conservative government required unemployed to prove that they were actively seeking work. Moreover, receipt of benefits was conditional to compulsory activities such as short training schemes or re-motivation programmes (Blackmore 2001). Bearing that in mind, activation reforms implemented by the Labour government, specially since 2001, were focused on those benefits such as 'Income Benefits' or 'Incapacity Benefits' that were still of a 'passive' nature. In this sense, activation was mostly focused on two target groups that the EES barely mentioned (blame attribution): lone parents and disabled. Those groups were required in 2001 to take part in 'work-focused interviews'. Thus, regular control of their behaviour was made effective. These reforms were linked to the development of the Jobcentre Plus in 2001, a single gateway service for all benefit claimants that integrated social benefits and labour market programmes.

Besides, different in-work benefits addressed to lone parents were created in order to make labour participation more attractive. Since 2006, frequency of compulsory work-focused interviews was also increased (they were required every six months rather than twelve). For disabled people, 'Employment and Support Allowance' replaced previous Incapacity benefit in 2008. The new benefit

introduced a much more rigorous incapacity assessment by means of the so-called 'Personal Capability Assessment'. Accordingly, it made more difficult for disabled people to remain on welfare dependency. With respect to old workers, the UK presented an employment rate for workers aged 50-64 years in 2001 equal to 53 per cent (DfEE 2001). This rate was higher than the EU average and higher than the objectives assumed in the Stockholm summit to be achieved in 2010 (50 per cent). Moreover, institutional features of the social protection system of the UK mean that early retire measures are not usually implemented. Bearing this in mind, measures to encourage old workers to remain in the labour market were not in line with the Employment guidelines. They were focused on financial incentives addressed to the workers.

As far as women are concerned, Labour government accepted the diagnosis that lack of suitable and affordable childcare was a barrier to work for women (DfES 2001). In connection with that, it increased investment on childcare services by means of measures such as the 'National Childcare Strategy' (prognosis). However, organization of care remained difficult for parents (usually mothers), and then impacted on their choice to enter the labour market (Lewis y Campbell 2007).

CONCLUSION

The article has showed that the EES has tried to promote activation by means of a relatively contradictory discourse based on two dominant policy frames: the 'policy frame of the knowledge driven economy' and the 'policy frame of the disincentives'. Its contradictory character relies on the fact that, while the 'policy frame of the disincentives' is connected to a work-first approach that gives priority to a quick labour market insertion over the promotion of quality of employment, the 'policy frame of the knowledge driven economy' is linked to a human capital approach that may require unemployed people to take part in medium or long-term training and education programmes while receiving an adequate income protection.

The EES discourse on activation has had an uneven impact in Spain and the UK, having more influence in Spain. In Spain, the EES has contributed to the introduction of new explanations and representations on unemployment related to the 'welfare dependency' thesis, which were alien for the national context. Accordingly, it is possible to point out that the EES has favoured some convergence trends at the level of discourses, by introducing in Spain analytical frames on unemployment, which already had a consolidated policy consensus at the UK. As a result, both countries become more similar at this level, converging towards a European activation model that attributes social protection policies as favouring welfare dependency.

At the policy level, the article has also shown that due to the EES influence, the Spanish unemployment benefit system has formally converged with the UK unemployment system, by legally requiring those in receipt of unemployment benefits to prove that they are actively seeking work and to take part in motivation or training measures. However, the activation model developed in Spain is not fully consistent with Employment Guidelines. In Spain, as opposed to UK, unemployment benefits play a minor role in the purpose of activation, because albeit as being presented as a model that encourages the responsible involvement of the unemployed in the job-seeking process since the 2002 reform, contracting is low despite formal disciplinary requirements. Thus, only a moderated convergence towards this work-first European activation model is observed at the policy level. In any case, this moderated policy convergence observed contrast with the lack of policy convergence produced as a result of the knowledge driven economy frame. Symptomatically, although both countries gave to some extent a new impetus to training policies during these years compared to the

previous period, investment remained relatively poorly developed and below the EU average in both Spain and UK.

These findings show firstly, that discourse mechanisms can have different effects as a result of the way the discourse is produced and constructed. In the case EES discourse on activation, its contradictory character may have hindered a socialisation process that could have led both countries to modify its policy orientation in line with a human capital approach. Accordingly, both countries but especially the UK, have given priority to a work-first approach which, also being in compliance with the EES, is much cheaper to apply and, in the case of this country, is more in line with its policy traditions. Secondly, they reveal that the regulatory discourse mechanisms can indeed foster the introduction, at the level of the Member States, of new debates that orient the direction of the reforms, as proves the Spanish case. However, this finding also shows how complex it is to isolate the discursive effects from other mechanisms such as strategic uses by national actors. When national actors and political parties accept or even transform into policy reforms EES ideas that could be considered to be in line with its interests or thoughts, it is complex to ascertain which mechanisms prevailed and, it is likely, that different mechanisms can partly overlap. Thirdly, findings prove that discourses can have an effect into policy reforms although these reforms cannot be automatically transformed into practices due to different reasons such as a lack of resources accompanying the reforms. Accordingly, its actual effects on policy convergence can be moderated, at least in the short-term. This calls for a need to explore within a longer period how those discursive effects evolve in relation to the policy reforms but also with regard to its actual implementation.

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