

The future of social protection. Towards an integration of gender as a fundamental dimension of variation in welfare state reform. The case of Spain

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Introduction

European social protection systems are facing new challenges that impose an urgent need for adaptation. The economic and social conditions under which social protection systems developed have experienced profound transformations. These changes at both the macro and the micro levels of society are creating unknown patterns of social inclusion and exclusion, with which social protection systems are currently confronted.

Gender is a variable that cuts across any other dimension of welfare state variation. I argue that any analysis of social protection reform, and more broadly of welfare state reform will have to take into account, in a systematic way, its gender dimension. Gender relations influence any process of social change and equally, any societal change challenges pre-existent gender relations.

In the present paper, I will first describe the changes with which European social protection systems are confronted. Secondly, I will attempt to analyse the capacity of the Spanish social protection system, integrated within the southern European model to adapt itself in order to face the new challenges.

Factors of change

According to the European Commission report “Modernising and Improving Social Protection in the European Union” (1997) social protection systems need to be adapted to: (1) the changing nature of work, (2) a change in the gender balance in

working life, (3) the ageing of the population, and (4) the new migration flows within the EU.

Following from this need of adaptation, the report proposes a number of issues to be considered for further analysis, debate and action (1997:3). These are: (1) social protection as a productive factor. Social protection systems have to be more employment-friendly to become an integral part of an active employment policy. (2) Adapting social protection to the new gender balance. This will require new arrangements for reconciling working and family life and new initiatives to strengthen the individualisation of rights. (3) Adapting social protection to the demographic ageing of European societies. The ageing of the population threatens the sustainability of public pension schemes. Reforms will have to be undertaken to guarantee sustainability while preserving the core aspects of solidarity. And (4) improving social protection for people moving within the Union. This last aspect will need the co-ordination of social protection for migrant workers and the development of new strategies to cope with the cross-border problems.

Although all four aspects are relevant dimensions, in here I will focus in (1), (2), and (3) since they explicitly affect gender relations.

1. New forms of work organisation.

It is well known that the old patterns of labour market structure do not exist any longer. The clear and predictable gender, age and occupational divisions are no longer tenable. Women have now massively entered the labour market and the image of life-long employment for men head of households is falling apart. People, men and women, young and old, tend to foresee many changes in their employment careers over their life cycles. In sum, there is a great degree of fragmentation and diversity that brings high complexity in determining the new needs and obligations of the different population groups. Moreover, globalisation processes and the increased mobility of capital and labour impose a threat to previous understandings of the relationship between the market and the state.

Two straight forward consequences of these changes in the nature of employment for social protection schemes are (1) there has to be a change in the configuration of the benefits to include the new risks and needs, and (2) there has to be a change in the financing structure to guarantee the economic sustainability of the systems, particularly of the public pension systems.

Considering (1) the EU report considers that social protection systems should continue with their role in providing social cohesion and Member states should find ways of integrating everyone fully into society, including those categories threatened by exclusion (1997:6).

Considering (2) the financing structures of social protection systems should be reformed to allow for efficient reductions of non-wage labour costs. Also, there has to be a reduction of the dependency ratio (the balance between the active and the non-active population). There is meant to be a debate on redefinition of responsibilities, that is, who pays and who provides welfare.

The dilemma is how to combine reduction in public expenditure with the promotion of social cohesion or to put in another way, how to avoid exclusion when selectivity in the provision of welfare increases. The financial aspects are most likely to impose changes in eligibility and entitlement criteria that will have an impact on rights and obligations identified.

The solution is to make benefit systems more employment oriented (EU 1997: 6, 1998:2). The idea is to move 'from welfare to work', that is, to create more employment-friendly social protection systems by creating more active labour market policies. More opportunities for individuals to get into or go back to work.

"In tomorrow's working world, the balance between flexibility and security must offer recognition and regulation of new forms of employment relationships" (EU 1997: 9)

In order to make social protection more employment oriented there are a number of issues that need to be tackled. These are: to eliminate programmes, that either through taxation or benefits in cash, discourage people from seeking employment; to turn unemployment insurance into an employability insurance; to reduce non-wage labour costs, through, for instance shifting taxation from labour to other production factors; to implement flexible systems for managing the transition from work to retirement, increasing employment incentives as well as employment opportunities for older workers. Other alternatives for those pension systems based on a 'pay as you go' basis are raising contribution rates, increasing budgetary transfers, and reducing benefits (EU 1997:16). Finally a transition from 'welfare to work' should maintain those programmes that provide excluded people with some sort of 'income safety net'. To avoid stigmatisation, these schemes must be associated with active integration policies

2. New forms of personal and social organisation: a new gender balance

In complete interconnection with the changes that have occurred in the labour market structure, the institution of the family has also experienced profound changes. The uniform and reliable family structure has been substituted by a number of 'unreliable' and heterogeneous forms in terms of its members, its functions and its role over time. Women's demand for independence is clearly one of the driving forces behind this transformation of the family structure.

The changes needed for adaptation are: (1) finding new arrangements for reconciling working and family life and (2) implementing the individualisation of rights.

In relation to (1), the reconciling of working and family life is essential to fulfil women's entrance into the labour market in equal conditions with men. Since more employment-oriented social protection systems will be encouraged, the full integration of women into the labour market should be a priority. This reconciling of working and family life would require the availability of public services for child and elderly care and the consideration in entitlement rules of periods of spell from the labour market due to caring activities.

Considering (2) the individualisation of rights is the only possible way to answer to the changing patterns of family arrangements and women's demand for independence. In the 'old times' the protection of women through their dependency status, for instance widow benefits, was discriminatory but so to speak efficient. Now, with increasing percentages of family breakdowns these benefits are both discriminatory and inefficient. Derived benefits, such as widow benefits are vulnerable in the face of marital dissolution. Moreover, these types of benefits can create disincentives for women to work on a regular basis.

There has to be a move towards the individualisation of rights so that women can have access to social rights independently of their husbands. Individualisation of rights would aim to stop the practice of considering personal ties when ensuring social protection of an individual.

3. Population's Ageing

Demographic trends: increase in life expectancy and decrease in fertility rates and new labour market trends: people entering later into the labour market and leaving earlier are posing threats to the economic sustainability of social protection systems. To put it

simply, there are fewer people able to pay contributions and more people that are or will be potential claimants.

The way systems react to these tensions are particularly relevant for women. Fertility rates might be encouraged through a number of public programmes. This might be pursued by facilitating the combination of paid and unpaid work or by promoting women's involvement in caring. Moreover, the ageing of the population also affects women in two ways: one, women are usually carers for the elderly population and two, they represent the majority of the elderly population.

In what follows attention will be paid to how the Spanish welfare state in general and the social protection system in particular, together with the 'Mediterranean model' might be able to respond to the transformation's processes and move towards a more gender-equality approach.

Welfare and Gender Regimes

Before analysing the Spanish case I will try to place the welfare and gender model of southern Europe, where Spain is included, in context.

It is commonly accepted that there are three main types of welfare regimes: the conservative, the liberal and the social democrat. Esping-Andersen's *Three Worlds of Welfare Capitalism* (1990), one of the most influential studies of comparative welfare states' analysis classifies the three regime-types according to a number of indicators: de-commodification, social stratification and the employment structure¹. Each one of the three regimes goes hand in hand with a particular attitude towards de-commodification, a specific form of social stratification and a distinctive labour market regime. The conservative welfare regime provides de-commodification in a limited form. It defends the preservation of status differentials where rights are attached to class and status. There is no commitment to full employment since women are discouraged from working. The liberal type minimises de-commodification effects and social rights are guaranteed on a minimum basis. The social-democratic type maximises de-commodification. The access

¹ By de-commodification the author means the degree to which social rights are guaranteed independently of pure market forces. The concept of social stratification refers to the welfare state's structuring of class and social order (Esping-Andersen 1990:23).

to social rights is based on the universality principle. This type of welfare is committed to full-employment.

One of the most important criticisms made to these three welfare categories has been the inability of this categorisation to successfully integrate the countries of southern Europe. There is no common agreement among scholars on whether southern European welfare states can be considered as a distinctive regime-type or whether these countries simply have underdeveloped conservative-corporatist systems. In here I will support the idea developed by some authors (Ferrera 1996, Rhodes 1997, Trifiletti 1999) and assume that the countries of south of Europe should be considered as a distinctive regime-type.

For the purpose of my investigation the four different regime-types will be analysed using gender as the fundamental dimension of variation. I have combined the work done by Sainsbury (1999)² and Korpi (1999)³ to establish the first three gender policy regimes. The findings of my own research⁴ and that of Trifiletti (1999) have been used to shape the fourth type.

The dimensions of variation used in the table that follows come from the large number of studies that have revised mainstream typologies and dimensions of analysis from a gender point of view. Although different analytical constructs and from different perspectives, several unifying themes are revealed. Very briefly, the main idea is that the market-state nexus as a framework to analyse the welfare state is not satisfactory when women are brought into the picture. The family has to be included along with the market and the state. This has a number of implications: unpaid work has to be considered along with paid work; Attention to other types of independence apart from independence from the market (de-commodification); A view of the welfare state not only as a de-commodifier agent but also as a commodifier (the extent to which state encourages - or discourages - women's independence from caring and family responsibilities); To understand that social provisions are shaped by sexual divisions of labour and at the same

² Sainsbury determines three gender policy models: male breadwinner, separate gender roles and individual earner-carer to explain variation among the Scandinavian countries. The dimensions the author uses are: familial ideology; principles of entitlement; basis of entitlement; recipient of benefits; taxation; employment and wage policies; sphere of care and caring work.

³ Korpi places gender together with class into an analysis of different dimensions of inequality in the three main welfare types across eighteen countries. He has established three typologies of gendered welfare state institutions selected to reflect the ways in which public support to families is organised in a society. His three gender policy models are: general family support, dual earner and market oriented.

⁴ PhD: *The Gender Dimension of the Spanish Welfare State (1978-1996)*. Submission June 2000...hopefully!

time to recognise that social policies affect women and men in a variety of different ways; To focus on the social construction of sexual divisions within the labour market: women's access to the labour market and their conditions of employment; To integrate the dimension of political participation within gender and welfare state studies.

Four Gender Policy Regimes

| Regime Attributes | Male Breadwinner or General Family Support | Separate Gender Roles or Market Oriented | Individual Earner-Carer or Dual Earner | 'Synthesis of Breadcrumbs' |
|-----------------------|--|---|--|---|
| Ideology | Division of labour Husband = earner Wife = carer | Strict division of labour Husband = earner Wife = carer | Shared tasks Father = earner-carer Mother = earner-carer | Blur Division of labour Father = earner Mother = carers and small earners |
| Entitlement | Unequal among spouses | Differentiated by gender role | Equal | Unequal among spouses and among workers |
| Basis of Entitlement | Principle of maintenance | Family responsibilities | Citizenship or residence | Principle of maintenance/principle of need |
| Recipient of Benefits | Head of household Supplements dependants | Men as family providers Women as caregivers | Individual | Individual |
| Taxation | Joint Taxation Deduction dependants | Joint Taxation Deduction dependants | Separate taxation Equal tax relief | Individual Minor deductions |
| Employment policies | Priority to men | Priority to men | Aimed at both sexes | Dualistic |
| Sphere of Care | Primarily private | Primarily private | Strong state involvement | Childcare primarily private Elderly care public Unpaid |
| Caring Work | Paid | Paid component to caregivers in the home | Paid component to caregivers in and outside the home | Unpaid |
| Welfare Regime | Corporatist/Statist | Liberal | Social-democrat | Mediterranean |
| Political Tendency | Confessional/conservative-centrist | Left | Conservative-centrist | Corporatist-left |

While each 'regime-type' faces different problems and advantages in moving towards more gender-oriented social protection programmes, in here I will exclusively focus on the features that explain the 'Mediterranean model' and its capacity to confront

the changes previously described. The analysis that follows is mainly based on the Spanish social protection system, although my findings coincide with other studies carried out in other countries of southern Europe, the similarities and differences between the countries would have to be tested further.

Gender stratification in the Spanish social protection system is sustained through a number of ways:

1. Unequal access due to labour market stratification.

The principle of social insurance based on labour market participation and the weight of cash transfer create differentiated gender patterns of access. Women have had increasing difficulties in accessing direct benefits, mainly invalidity and retirement contributory benefits, which have a 'hard' access though a 'high' generosity. Over the years, there has been increase selectivity in qualifying for these benefits.

2. Realms of 'clientelism'.

Women are negatively affected by the existence of 'clientelistic' performances. The social protection system preserves a patronage role of protecting specific groups of workers. Women benefit to the extent that these measures (redistribution mechanisms) were designed to compensate stable but manual workers but they were not created to compensate specifically female working time patterns. There are a number of schemes, mainly minimum contributory pensions, widow benefits, and non-contributory benefits that provide an easier route for many people, mostly women, to access the social protection system though they often receive protection below subsistence level.

3. Protection through family dependency.

Old women are tracked into derived benefits (widow pensions) where access is much easier than in direct benefits (retirement and invalidity) but generosity is much lower. These benefits are problematic because, as argued earlier create dependency and conform a second route to citizenship. Moreover, there are a number of programmes, assistential and non-contributory schemes where the family unit continues to be at the centre of the protection.

4. Narrow scope of maternity and family benefits

Maternity is protected only as a labour market risk and family protection exists only as a prevention of poverty. This weak existence of monetary transactions for childcare or family responsibilities is not compensated through either availability of social services or

through tax deductions. Moreover the system does not consider crediting contributions for spells from employment due to maternity and caring periods.

5. Insufficient non-labour market related benefits

The complementary non-contributory scheme is not strong enough to alleviate the circumstances of those not covered by the main protection system. Old women have high representation is a scheme where access is hard, and totally dependant on family need and generosity is very low. The complementary means-tested or non-contributory schemes are in the South not strong enough to alleviate the circumstances of those not covered by the main protection system. As Ferrera (1996) argues, Italy, Spain, Portugal and Greece are the only member states that do not have a national minimum income scheme for individuals and families with insufficient resources. Spain, and also Italy, have similar schemes but at regional levels.

These five elements of gender stratification carry a number of consequences:

1. Dualistic character of the protection offered.

The generous protection to the core sector of the labour force contrasts with the very weak subsidisation to those situated in the periphery. The trait of income maintenance coupled with labour market flexibility and weak non-contributory protection creates polarisation. This dualistic character of the protection is, according to Ferrera (1996), a feature that distinguishes welfare states of southern Europe. As Ferrera argues:

“This dualistic system of income maintenance tends to generate a peculiar polarisation within the social clientele of the southern welfare states. On the one hand we find in these countries a group of hyper-protected beneficiaries who are (or have been) included in the citadels of *garantismo* with job security. These groups receive generous replacement benefits for short-term risks and very high earnings related pensions when they retire. On the other hand, we find large numbers of under-protected workers and citizens who only (occasionally) draw meagre benefits and may thus find themselves in conditions of severe hardship: typically irregular workers in weak sectors without job security” (1996: 20).

2. The family plays a crucial though ‘peculiar’ role in the organisation of welfare.

The described ‘minor’ social protection arrangements, such as minimum contributory pensions or non-contributory benefits need the family as the principal institution of redistribution. The importance of the family is twofold: firstly some of these ‘minor’ benefits rely on the family for the entitlement rules. Secondly, these mechanisms form

part of a more complex strategy where individuals and families organise their everyday life. The state partially contributes to these informal arrangements that take place between the different family members. The state offers protection knowing that the income people receive from their ‘small’ benefits is more likely to be added up to other, either individual or family incomes. In one way or another people find their way. And second, because the (extended) family has always been there to protect individuals, acting as a principal institution of redistribution.

There has always been an unspoken understanding of the fact that individuals that claim certain benefits might ‘hide’ other sources of income and that the public administration has almost no control over it. As Trifiletti argues:

“Social risks *for the individual* against which complex welfare regimes normally mobilise resources, are, in Mediterranean countries, coverable and in most cases covered in the first instance by the family and often by the extended family” (1999: 51).

The notion of ‘synthesis of breadcrumbs’ addressed by Trifiletti and used here to label the Mediterranean gender model seems to me that is a perfect description of what happens in the south. The idea is that all the (small) sources of income from either some type of benefits or from the ‘different’ economies, i.e. formal and informal economies, that although neither alone can provide a decent living, they might be of some value if combined with other incomes. This entire income gathering happens behind close doors. The family plays a crucial role although in the shadow and informally, since no real recognition is given through any explicit family programme. The state acknowledges and implicitly allows these informal arrangements but it does not take on the responsibility of guaranteeing a family wage.

3. As a consequence of (1) and (2) ‘defamilialism’, that is women’s rights outside family dependencies cannot be achieved.

Both, the labour market and the state are unable to guarantee a sufficient and independent income for women. The difficulty for women in accessing the labour market and the characteristics of the system of social provision have contributed to a slowing down of the emergence of new patterns of socialisation and the breaking off of traditional sexual roles. The (extended) family continues to be a major institution of social protection for a large proportion of citizens. This has made it hard for women to achieve economic

independence and hard for many individuals to receive care and protection outside the family.

From this brief outline, it becomes clear that the social protection system is not prepared to confront the new challenges brought about by a new gender balance. Benefits are largely 'familiarised' and only 'individualised for a limited group of workers. The exclusion of women from the core labour market creates stratification patterns in access and generosity of social protection benefits. The social protection system offers generous protection to the core group of workers and fragile subsidisation to those at the periphery. The family is a crucial if ghostly figure in the organisation of welfare.

This corporatist organisation of the social protection was, for a period of time, effective in reducing poverty in absolute terms although not so effective in providing women with the means for economic independence. The social protection system played a major role in social cohesion, since in one way or another the majority of individuals were socially integrated. However, since the beginning of the 1990s, the dual conception of the social protection was intensified. Labour market flexibility deepened the distance between centre, traditional male labour force, and periphery workers, women and young people with precarious work conditions. Also, partly as a result of the new expectations of independence of women produced by access to universal rights, the traditional image of the extended and protective family blurs both as a symbol of identity and as an effective informal institution of welfare.

The combination of these processes has generated new patterns of social exclusion. However, as will be shown next, despite these gender segregation patterns in the protection offered, and the new social exclusion trends, the new wave of reforms initiated in 1995 had quite narrow objectives and did not try to respond to the issues described.

The direction of the reforms

The Toledo Pact, signed in 1995 by all political parties in Parliament gave the framework for the recent reforms on the social protection system. Following the recommendations of the Toledo Pact, the government and the two main trade unions signed the 1996 Agreement on '*consolidation of the public pension system*', legally transformed into the 1997 Law.

This new wave of reforms focused exclusively on the economic sustainability of the public pension system, leaving aside other considerations about the nature of the protection offered. This resulted in the strengthening of previous patterns of inequality between men and women in the access and generosity of the benefits and ultimately created new trends of social exclusion.

The table below is an attempt to synthesise the changes introduced by the 1997 reform and the changes that would have been desirable to move towards a more gender-equality oriented social protection system.

| <i>Dimensions</i> | <i>Reform 1997</i> | <i>Desirable changes</i> |
|-------------------------------------|--|---|
| Entitlement Rules | More rigidity in access | More flexibility in access |
| | Flexibility in retirement age (expansion) | Flexibility in contribution period in general (crediting systems for periods of employment spells) |
| Redistribution Mechanisms | Within the contributory system Corporatist logic | Outside the contributory system 'Universal' logic. Clear criteria |
| Financing | Partial division of sources of funding (contributory vs. non-contributory) | Complete division of sources of funding (contributory vs. non-contributory) |
| Individualisation of rights | Minor improvements on derived benefits. Secondary access for women | No division between direct and derived benefits. Basic old-age pension + contributory pension |
| Reconciling working and family life | No measure proposed | Policies on career break. Parental leave Flexible employment Public care services |
| Safety-net | Decentralised (regional communities). Familiarised and purely assistential | Central government's control over configuration of the benefits. De-familialised and employment oriented. |

The law modified the conditions of entitlement of the contributory pension system to narrow the link between pension level and total contributions made during working life. The redistribution mechanisms that operated within the contributory system were re-defined limiting the scope⁵. Although it is too early to know the effects that this changes will have in the access and generosity of women's retirement benefits, it is clear that the expectations of those retiring with the minimum number of years or with contributory

⁵ Firstly, the percentage of reference wage for the minimum period of contribution of 15 years was reduced to 50% (from 0 to 15 years of contribution, each year gives 3.33% of reference wage). Secondly, the percentage of the reference wage also became smaller for any contribution career under 25 years. From 15 to 25 years of contribution each additional year accounts for 3% of the reference wage and from 25 to 35 the percentage of the reference wage stays the same as before (2%). Thirdly, the number of years used to calculate the pension's amount increased from 8 to 15 years.

careers under 25 will be reduced. The changes do not modify the expectations of those retiring with more than 25 years of contribution period.

This concentration on the contributory side of the pension system follows the recommendations of the EU report mentioned earlier and it makes sense in a moment when employment-friendly social protection systems are a priority. However, given very evident patterns of gender labour market segregation and the lack of reinforcement of the non-contributory system, the reform resulted in a general reduction of the ‘solidarity’ component, being women the most negatively affected. Women, whose working lives are less stable than men’s, are penalised through this development.

Other alternatives in the configuration of the protection have been pretty much left aside and ignored in favour of a pure financial debate. There is no room for discussions on the possibility to introduce new more gender-sensible understandings of solidarity. Moreover, as argued earlier by placing all the energies in guaranteeing the economic sustainability of the social protection system, ‘solidarity’ is being redefined by limiting its scope with a potential impact on social exclusion processes. Only those that have paid to the system through contributions might be entitled to receive a benefit similar to the contribution’s levels. The idea behind the changes in entitlement rules promoted by the Toledo Pact was the redefinition of responsibilities, that is what responsibility should the various actors, namely workers, families and the state, take not just in welfare provision but also in the financing of the protection. From here, the main agreement was that social security has to be fundamentally contributory, and the protection of people outside the pure contributory system has to be seen a problem of social exclusion and poverty and it is the responsibility of the state to provide that protection.

Given the fact that the state is still unable to provide sufficient security to large sectors of the population, the family continues to play a major role in welfare provision.

Moreover given the lack of measures aimed at reconciling working and family life and the individualisation of rights, the perspective of a more gender-oriented social protection system is not placed in the most immediate horizon.

However, certain redistribution mechanism within the contributory system, such as minimum pension policy and the privilege conditions of some occupational regimes created to protect the ‘citadel of *garantismo*’ have not been modified or eliminated. This might show that the purpose of the actors involved in policy-making is still to protect old corporatism and privileges which have been consolidated over the decades. In contrast,

the needs of those groups, such as women, that have no direct representation in the policy process are largely left behind.

As a way to finish an going back to the broader view on gender policy regimes, a major difference from the male breadwinner or family support model is that the Spanish social protection system and the welfare state in general, does not have -since its development under democracy- distinctively pro-family ideals. The dependant status of 'wife' is encouraged through social security provision but not through tax law or through family policy.

The tax system, for instance, does not promote a traditional type of family and there are no taxation mechanisms that penalise women's work outside the home. Family policies aiming at preserving the role of women, as carers have not been implemented either. The sphere of care has remained primarily private and unpaid partly because the state has failed to provide that service. Contrary to the 'conservative' welfare regimes, motherhood in Spain cannot provide an alternative route to welfare and social status. Social rights are mainly labour market related and yet full employment does not seem to be a realistic perspective. The specific features of the Spanish labour market condition the integration of 'new groups', such as women, into the labour force. This can be a contradiction in itself. Women's rights have been reinforced through labour market participation in a period of time when such participation becomes more difficult and unstable. The phenomenon of socio-economic re-structuring, in the context of globalisation, and the emergence of a new post-fordist economic model, impose conditions of labour flexibility and instability that make the access to the contributory system more difficult. This perspective is also more unrealistic given the fact that there have been no policies aimed at facilitating the combination between paid and unpaid work.

Moreover, the principle of status-maintenance, that is, the basis of entitlement for the male-breadwinner gender policy regime is broken in significant circumstances. As argued earlier, important redistribution mechanisms are introduced within the system to create 'solidarity' and social equality though this solidarity does not explicitly incorporate gender inequality as a dimension to consider.

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