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IMMIGRANT WORKERS IN TIMES OF FLEXICURITY

A case study of Brazilians in Dutch cities

For the past thirty years, Western European countries have embarked on policies of flexibilization of the labour market (Boyer 1988, Beck 2000, Schmid and Schömann 2004, European Commission 2007a). The case of the Netherlands is especially striking. It was one of the countries most affected by the economic stagnation of the late 70s in terms of unemployment, budget deficit, bankruptcy of private enterprises, decrease of national income and loss of unionization (Visser and Hemerijck 1997). The dominant interpretation being that the low creation of jobs was caused by labour market 'rigidities', there was only one possible answer: flexibilization. Twenty years later, after various legal adjustments agreed upon by business and trade union representatives, the Netherlands became a model of employment policy to be emulated across the European Union, ranking among the best performing member states in employment and unemployment rates, participation in lifelong learning and risk of poverty (Eurostat data, available online). The policy framework of 'flexicurity', approved by the European Union in 2008, draws much from the Dutch experience of labour market reform (European Commission 2007b and 2008, Wilthagen and Tros 2003, Wilthagen 2004).

Recent research indicates that immigrants coming from outside the EU are among the most disfavoured workers in the regime of flexibility, with a higher vulnerability to situations of temporary contracting, spurious self-employment and casualization of labour relations (Van Ours and Veenman 1999, Bijwaard and Veenman 2008, Berkhout *et al.* 2007, Tijdens *et al.* 2006, ILO 2007, OECD 2007, 2008a and 2008b). Building on these parallel developments, the aim of the current paper is to contribute to the

characterization and discussion of the employment situation of immigrants in a labour market oriented towards flexicurity.

The case of Brazilians in the Netherlands has several particularities worth underlining. First, it is a recent fast-grown ethnonational minority. Although Brazil was not noticeable as a country of origin for immigrants in the Netherlands until the late 90s — be it in institutional statistics, public opinion or social science research — it currently ranks in the top 10 countries of origin of applicants for a temporary residence permit (CBS and IND data); at the time of writing, the number of Brazilian nationals residing in the Netherlands can be estimated at 17000, 4000 of whom are undocumented (Bijl *et al.* 2005, own fieldwork). On the other hand, Brazilian immigrants are likely to offer variation in factors relating to the size, ethnic politics and socioeconomic segmentation of their home country. Yet another interesting remark is that Brazil, despite being often celebrated as one of the emerging economies in the world, is an increasing source of migrants who leave to Europe and North America, confirming that ‘development’ in the asymmetric and polarized way it occurs is not sufficient to reverse, and may even increase, the total migration outflow (Portes *et al.* 1995, Sassen 1998, Castles and Miller 2003).

What you are about to read results from the research I conducted in February-July 2008 within my master’s programme at the University of Amsterdam, under the supervision of Profs. Martha Montero-Sieburth and Marc van der Meer¹. Given the little volume of research concerning South American immigrants in the Netherlands or neighbouring countries, I decided to develop a case study with a strong exploratory component. It combines statistical data supplied by public institutions, consultation with local experts and my own collection of data regarding the employment trajectory of Brazilian immigrants, including the analysis of 15 in-depth interviews with migrants. Some aspects uncovered by these interviews seem to be representative of a wider population, while other aspects pertain exclusively to the respondent disclosing them. It is the construction of meaning about personal experience that takes the leading role here, endorsing the notion that a case study contributes above all to the in-depth characterization of a phenomenon and the approximation of multiple realities (Rosaldo 1989, Yin 2003).

¹ If you would like to know more about this research project and its theoretical or empirical components, please contact me by e-mail: manuelabrantes@gmail.com.

This paper is organized in two parts. First, it offers a summarized description of the employment horizon for Brazilian-born migrants in Dutch cities today. Second, it discusses the distribution of opportunities and risks *within this population* and it questions the homogeneity of ethnonational minorities.

Opportunities and risks

The opportunities for a secure income-earning activity available to Brazilian immigrants in Dutch cities can be grouped in two categories. One of them is access to highly qualified employment, especially in the top professional layers of sectors related to technology. As a general rule since 1974, a Dutch employer can only recruit a non-EU citizen after proving that there was not any applicant holding EU citizenship who shows the same ability to perform that particular job. The obvious difficulty of going through the bureaucratic procedure, officially designed to protect the regional workforce, has never been a pacific political issue. Not to mention the discontent of migrant representatives about the existence of the whole law, some political parties and business representatives grew increasingly critical of its application to *all* foreigners. If highly qualified migrants can not make their way into Europe when employers need them, it is claimed, this bears heavy consequences for the economic competitiveness the EU has set out to achieve. For this reason, the Dutch legislative update of 1998 introduced a distinction between *arbeidsmigrant* ('migrant worker') and *kennismigrant* ('knowledge worker'). The distinction is based on the income of the migrant. If the income offered by the employer is higher than a certain amount², the migrant is considered a 'knowledge worker'. In this case, the employer is not required to prove the better abilities of the migrant over applicants holding EU citizenship; furthermore, the migrant does not need to pass the Dutch language examination imposed on all 'migrant workers' as a condition to reside legally in the Netherlands³.

The second category of available opportunities is self-employment. When it comes to particular occupations, it may be harder to find and keep a job than to create a small enterprise. This prioritization of business over labour offers some immigrants a channel to enter or improve their position in active life, employing skills otherwise dormant.

² By 2006 this amount was 45.495 Euros gross per year for migrants over 30 years of age and 33.363 for those younger than 30.

³ This distinction between two legal types of immigrants on economic grounds is similar to the *Blue Card* procedure currently under discussion at the EU level, meant to extend and standardize the privileged conditions for 'third-country nationals for the purposes of highly qualified employment'.

Examples encountered by my research were those of a flower shopkeeper, a childcare provider and an art merchandiser. For many areas of activity, an enterprise can operate in the formal economy or in the informal economy, or in both simultaneously.

For the Brazilian immigrants who do hold a legal permit to work in the Netherlands, what risks are paramount? The introduction of anti-discrimination regulations, such as the Dutch General Law for Equal Treatment passed in 1994, means that it should be increasingly rare to find situations of unequal treatment at the labour market, as observed extensively in earlier decades (Castles and Kosack 1985, Castles *et al.* 1987, Penninx and Roosblad 2000). My fieldwork exposed three contemporary forms of unequal treatment on ethnonational grounds:

- Migrants who are refused access to certain jobs due to undeclared discrimination by employers, namely in teaching institutions and in firms oriented towards the Dutch market. It is an obvious statement that an employer who does not want to recruit a foreigner will always find legally viable grounds on which to justify the preference for another applicant; but it reminds us that discrimination is in the interaction between people, and it can hardly be guaranteed by law.
- Migrants who are refused access to regulated segments of the labour market by occupational authorities. This is the case of the healthcare sector on the grounds that the quality of medical training institutions outside the Netherlands can not be checked. It also applies, albeit less strictly, to migrants who want to move to the Netherlands with their own business.
- Although equal reward for equal work has been decreed in the late 90s, the flexibilization of contractual legislation has reinvented inequality by permitting different degrees of security at the same workplace, most strikingly between workers with a permanent contract and those with a temporary one. In some segments of the service industry like cleaning, it is common for subcontracted immigrants to work next to directly employed natives. A temporary contract means that employees enjoy not only a shorter horizon of security, but also a reduced ability to negotiate their working conditions under the fear of being dismissed.

Three further risks deserve mentioning. First, the limbo between an ungratifying job and inactive life, especially for women. As long as their residence permit is not linked to employment status (see section below), withdrawing from the labour market does not entail the obligation to leave Dutch territory. In this case, to work or not to work will frequently depend on the income-earning situation of relatives. Second, the push

towards the informal economy, even for documented migrants. It is important to note that informality, though devoid of benefits supplied by the formal economy, can also be the only accessible route to escape low quality jobs and get by in the polarized labour market of the wealthiest world cities. Third, assessing the worker's sense of *possibility* highlights one of the most threatening knots to contemporary immigrants. On the one hand, there is a wide gap in social conditions between the origin and the destination; none of the migrants I interviewed expressed the wish to return to Brazil in the near future, either for reasons of family, professional fulfilment or quality of life. On the other hand, trying to improve their work situation in the receiving region was most of the times equated with an increase of insecurity. Supporting the family and paying a housing loan stand out as the strongest pressures to stay at the job under conditions deemed 'otherwise unacceptable'.

The experience of respondents in my sample exposes the disadvantage of migrants working in particular sectors, namely cleaning, domestic work and construction. Although the occupational distribution of the Brazilian population in the Netherlands is unknown, statistics (OECD 2008a and 2008b) and local experts indicate that these are professions occupied by a considerable number of them. The same can be said of the lower segment of jobs in retail, tourism and agro-industry, especially in the initial times of their stay in the Netherlands.

The first work experiences in the Netherlands very often become a reference against which later circumstances are compared. In general, people expect their working conditions to improve over time. Those who had their first job in the agro-industry, a sector of relatively easy access to both documented and undocumented migrants, still keep it as a symbol of their minimum threshold for accepting a job. One of the respondents even joked about the idea that, if he would one day go to hell, this would be like the flower market where he first worked; he is currently working in a call centre. Of course, self-assessment is also tied to what a migrant experienced before moving to the Netherlands. Another respondent with a much more precarious situation in Brazil also got her first job in the flower business and told me that she liked it, even though she felt it was a tiring job in the days when she would be unexpectedly required to work for 16 hours. Her Dutch husband eventually convinced her to quit and helped her getting a job in the kitchen of a burger shop, where one year later she was proudly promoted to waitress.

All respondents who have worked in these professional clusters mentioned that their colleagues were mainly other migrants, students working part-time or Dutch people older than 40 without higher education. A common notion is that this type of work is entirely devoid of skills. Once you speak to people who have performed it, you learn that it involves at least two general skills: working fast and being servile⁴. Both skills are detrimental to the worker, especially when payment is per hour and not per task.

Although this research did not look into migration processes in detail, it must be noted that the way Brazilians enter the Dutch labour market is an influential factor in their employment trajectory onwards. Although it is true that many jobs can be done in the formal or informal economy, *access* to them and *progression* is highly dependent on the migrant's legal status. In the Netherlands today, there are jobs for the documented migrants and there are jobs for the undocumented migrants; but if you belong to the latter, you do not expect to get a permit to stay through your employment situation. As mentioned earlier, this would require the employer to prove your better abilities over any EU applicant. In a profession that is considered devoid of skills, such as cleaning or flower picking, it is practically impossible to prove so.

Variation among Brazilian-born migrants

The second part of this paper develops and deepens the inferences made earlier about variation within the population under study. At least since the ban on immigrant labour decreed by Dutch authorities in 1974, conditions of employment did not change simply *for migrants*; they also changed for specific segments of migrants. If ever the institutional structure for the inclusion of an ethnonational minority was homogeneous, a growing concern since the mid-70s for policy-makers and immigrants alike has been about whom among the migrants are welcome.

The results of my research point to a division within the Brazilian-born migrant population according to four main axes. These will be described as isolated and self-containing factors for the sake of clarity, although they entail various ramifications which would be interesting to discuss in a later occasion.

European versus non-European family bonds

⁴ The famous work of George Orwell (1933) highlights the importance of this same pair of skills in Paris of the 1930s.

Engaging in a partnership or marrying a legal resident is the main channel used by migrants to obtain the legal permission to reside in the Netherlands. Holding a residence permit enables a migrant to enter the labour market with the same rights of natives, except in the case of refugees. In 2007, partnership and marriage constituted 49.1% of all applications for a temporary stay in the Netherlands. At the same time, some EU states allow descendents of national citizens to apply for a passport (the *jus sanguinis* principle), although the maximum degree of familiarity with the European ancestor may differ. The nationalities most frequently obtained by migrants born in Brazil seem to be the Portuguese and the Italian. These countries not only apply the *jus sanguinis* principle in a more extensive way than other states, but they also have long migration links with Brazil.

The granting of EU citizenship, be it derived from marriage or ancestry, means a simplification of the regularization procedure. In the current law, the procedure consists of a ‘civic integration examination’ assessing the migrant’s knowledge of Dutch language and the payment of administrative costs. This was not the case until a few years ago. As shown by Jeffery (2001), the set of rights attached to EU citizenship — indeed the concept of EU citizenship itself — is an extension of the rights established earlier for the movement of workers in a purely economic sense. Besides being larger and covering a wider set of rights than before, the EU has also contributed to the increase of legal rights for migrants carrying European family bonds.

Technologic-productive activities versus alternative-creative ones

Some pages ago, it was stressed that migrants able to be employed in highly qualified positions enjoy an easier access to the labour market. Yet, the experience of immigrants is more nuanced than simply ‘the more qualifications you have, the better’.

In the words of the migrants I interviewed, technical skills were constantly identified as easier to ‘bring’ from Brazil than any other type of skill because they are more independent of the cultural context in which they are exercised; they are relatively independent of social or linguistic abilities. The case of Brazilians working in engineering, natural science research and software consultancy is noteworthy.

On the other hand, those who sought work in the fields of healthcare, humanities, social science or arts often see their professional credentials rejected by Dutch occupational authorities and their previous work experience ignored by employers. The problem for respondents with an educational degree in non-technological fields is aggravated by the

fact that, in the rare cases when they do find work matching their expectations in terms of qualifications, this provides them with very little security. In some cases, there is not any contractual arrangement: they are working as self-employed or in the informal economy, more or less embedded in an organization. In other cases, they are offered a fixed-term contract, sometimes being rejected in applications for permanent positions after the recruiter expresses doubts that they will stay in the Netherlands in the long run. At the same time, the European project of the knowledge society defines knowledge essentially, if not exclusively, as a product of scientific and technological fields within an innovative communication framework (CORDIS 2002, European Commission 2003, David and Foray 2003). The economic advantage of degrees in a technological field is not simply a social phenomenon; it is validated and reinforced at the political level, with noticeable implications for the specific context of work for migrants.

Men versus women

According to data of the Brazilian Consulate in the Netherlands, 69% of the Brazilian-born currently living in Dutch territory are women. As observed for other contemporary migratory flows (Castles and Miller 2003), this predominance of women has been on the increase, at least among documented migrants. Of all the newcomers from Brazil who were registered by the national public survey of 1999, 66% were women. In the survey of 2005, this proportion was 71%. Another interesting remark when comparing the statistics over this time span is that, both in 1999 and 2004, half of the male newcomers had left by the end of the first year; among the female newcomers, a proportion of 75 to 80% was still living in the Netherlands after the first few years. This is probably related to the higher propensity of women to engage in a legally registered partnership or marriage with a Dutch national, as underlined by several local experts and the respondents in my sample themselves⁵.

Does the higher access of women to the legal right to stay through family formation mean that men constitute the great bulk of the undocumented flow? There are no signs pointing towards this hypothesis. Research shows that Brazilian women also have a

⁵ Of the eight women who agreed on sharing with me their full-length story, only one of them has never had a partnership or marriage with a Dutch man. Interestingly, the two men in my sample who did engage in a partnership with a Dutch citizen both did it with a man as well. This goes in line with the view of the Consulate officer, who said he knew many cases of Dutch men partnering Brazilians of either gender but he had never heard about any Dutch woman doing so. The importance of looking into the marriage market and strategies is clear (Bourdieu 2001).

significant presence in the undocumented flow, often earning their living as domestic workers or in the sex industry (Piscitelli 2008).

Regarding the participation of women in the labour market, it is important to remember that the Netherlands has a rate of part-time employment as high as 46.8% (Eurostat data). The fact that part-timers are predominantly women gave rise to the concept of one-and-a-half-earner model (Yerkes and Visser 2005). A recent report by Hagoort and Goedhuys (2008) and my own fieldwork suggest that households with at least one Brazilian person go along this pattern. Despite the general impression that the low female participation in the labour market may be intertwined with the low quality of jobs that are more easily accessible to women, researchers often content themselves with distinguishing ‘voluntary’ and ‘involuntary’ part-time situations through extensive surveys. It is reasonable to think that the causal effect may work the other way around as well: that is, that the low quality of ‘female jobs’ is partially a consequence of the low participation of women in the labour market. When confronted with poor working conditions, women will more easily withdraw from work — household finance allowing — before going into troubles to improve their situation, either by negotiating terms with the current employer or looking for a more gratifying job; or just accepting things as they are.

What happens is that migrant women, more often than men, spend long periods of time in a limbo. They do not have to leave the country, as long as their residence permit was not obtained through employment. Many times, their work is temporary and insecure. Of course, ‘temporary’ and ‘insecure’ are adjectives used in comparison to the employment relation that is considered typical of the Fordist-Keynesian regime. What I found from my respondents is that their interpretation of the present situation is not embedded in memories of earlier decades as much as the one of social science usually is: they do not believe in a return of *typical* employment relations, nor do they express the wish for it. At the same time, they are far from the optimism of the flexible labour market advocates. They believe in being there for their children; in having good relations with neighbours and other people; or in starting their own business, even if informally. Regarding the labour market as we know it, they often prefer to distance themselves for protection.

The collected data suggests that Brazilian women enjoy an easier access to legal residence rights than men, but they have more difficulty than the latter to obtain a secure professional activity.

Wealthy versus poor

This leads to one of the working hypotheses that unravelled during my fieldwork. Does the flexibilization of the labour market entail a selective impact on immigrant workers according to their position in the socioeconomic structure? As shown above, material resources and high qualifications do not necessarily mean entering and succeeding in the labour market. However, a few notes requiring further research must be pointed out. The majority of Brazilians currently holding the legal right to reside and work in the Netherlands obtained it on the grounds of family bonds or European ancestors. Although these two channels are not directly linked to the socioeconomic background of migrants, and may therefore seem arbitrary as far as employment is concerned, there are some socioeconomic elements to it. For instance, the poorest and most excluded segments of the population in Brazilian society are less likely to find an European ancestor in their family tree. But perhaps more significantly, certain socioeconomic backgrounds make it easier for a Brazilian to get acquainted with Dutch or other European residents, as well as specific segments of this population, which may result in a partnership/marriage with legal rights. Most of the immigrants in my sample who obtained a residence permit through partnership met this person while travelling in Europe (visiting someone or backpacking), or while they were living or studying in another EU state. It is also not uncommon that the acquaintance occurs when the EU citizen goes to Brazil for holidays, a period of work or trying to find a spouse.

On a different token, there is a steep inequality of working conditions between professional sectors, strongly linked to the continuum of high-low skilled occupations. If earnings and learning are the main sources of security in a flexible labour market, as suggested by Reich (1991), Beck (2000), Schmid and Schömann (2004) or Marsden (2004), workers who are under-rewarded in both of these aspects are severely threatened. At the same time, the improvement of conditions in occupations in which immigrants are over-represented — cleaning, domestic work and agro-industry, as well as certain sections of tourism, retail and call centres — remains far from social and political awareness in part because these occupations are considered unworthy of existing. The same occurs in the workers' self-perception: they often avoid any struggle for the improvement of conditions on the grounds that what is wrong is not the current working conditions, but the fact that the job exists and they are the ones performing it.

Variation across sectors is certainly a complex subject. If immigrants are concentrated in particular sectors as a result of poor working conditions, amplified by the snowball effect of social networks, one may learn more about their employment situation by looking into each sector than by looking into personal mobility. Even though migrant labour and inequality of reward across occupations are generally considered two separate objects of sociological enquiry, they help understand one another. In occupations like cleaning or domestic work, disadvantage is linked to the foreigner origin of workers at least since the dawn of slavery. For other occupations it may have been different in the past, but the present shows similarities. The labour market does not simply reflect or enforce ethnicity: it also shapes it.

Conclusion

The core suggestion of my research is that the distribution of risks and opportunities among Brazilian immigrant workers in Dutch cities, far from being arbitrary, follows persistent patterns of socioeconomic division, such as family bonds, type of occupation, gender and class origin. This is not a novel conclusion, neither does it emerge entirely from what is occurring in the field of employment; but it does question the theoretical notions of ‘meritocracy’ and the European social model, which is said to consist of a commitment to equality and justice on the way to economic efficiency (e.g. in Hemerijck 2001). A commitment to equality and justice must certainly go through the labour market, if not deriving primarily from it.

At the political level, the fact that a minority of migrants are given benefits has long become a foundational mechanism to justify that the excluded majority of them are not. Certainly people struggle against categorizations enforced by legal and social structures, and each of the sides is reshaped to include some new members while excluding some of the old ones.

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IND: Department of Immigration and Naturalisation, Ministry of Justice of the Netherlands
www.ind.nl

CBS: Dutch Central Bureau of Statistics
www.cbs.nl

Eurostat: Statistical Office of the European Communities
ec.europa.eu/eurostat