

**European Employment Strategy, Childcare, Welfare State Redesign –
Germany and the United Kingdom Compared**

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Abstract:

The paper explores under what conditions national actors use the “European Childcare Strategy” implemented via the European Employment Strategy (EES) to influence the public provision of childcare. The paper compares the influence of childcare targets on the third way model of childcare provision in the United Kingdom and the new informal care model of childcare provision in Germany. Theoretically, the paper draws on two sets of literature: varieties of capitalism and gender research on the redesign of welfare states.

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In the 21st century most European Union member states are confronted with the dual challenge of a demographic transformation through an aging population coupled with declining fertility rates and insufficient employment rates coupled with high unemployment. The European Employment Strategy (EES) seeks to assist member states in dealing with these challenges in the area of labor market and welfare state redesign. A central element of the strategy is a “shift in national policy formulation and focus – away from managing unemployment, towards managing employment growth” (European Commission 2002a, 2). In the context of furthering employability – meaning the support of workers to gain initial employment, maintain employment and obtain new jobs¹ - childcare has been integrated in the EES alongside life-long learning and active and preventive measures. This paper examines (1) how childcare has become part of the EES; (2) what opportunities the EES provides for national actors interested in quantity, quality and affordability of childcare to achieve their goals and (3) how national institutions structure and limit the ability of actors to draw on the EES. To examine these questions the paper specifically examines the United Kingdom and Germany.

THE PUZZLE

The European Union has been a promoter of reconciliation of work and family life through European Council directives (hard law) and, since the Treaty of Amsterdam (1997), through European Council guidelines (soft law). Based on the Social Charta of the Treaty of Maastricht (1992) directives on, for instance, parental leave and part-time work have been introduced. While these directives have not challenged assumptions in the national welfare state arrangements on the structural level (i.e. taxation and social spending) or normative level (i.e. perceptions of the family and market) (Esping-Andersen, 1999, Scharpf 2002; Huber and Stephens, 2001, Ferrera et.al. 2001, Ostner and Lewis 1995) they have been incorporated quite differently in actor’s strategies and let to different levels of policy change in member states. In the United Kingdom national actors, such as the Equal Opportunity Commission (EOC) and the Trade Union Congress (TUC) have actively incorporated EU directives in their national strategies (Walby 1999, 2003, Alter and Vargas 2001, Caporaso and Jupille 2001, Tesoka 1999, Sifft 2003). In Germany, national actors such as the trade unions and works councils have incorporated

¹ While employability is a central concept in the EES it is not precisely defined. This is also the case for the national debates on employability in the UK and Germany. Hillage and Pollard (1998) point out three elements of employability: the ability to gain initial employment, hence the interest in ensuring that ‘key skills’, carers advice and an understanding about the world of work are embedded in the education system; the ability to maintain employment and made ‘transitions’ between jobs and roles within the same organization to meet new jobs requirements; the ability to obtain new employment if required, i.e. to be independent in the labour market by being willing and able to manage their own employment transitions between and within organizations. It is also, ideally, about the quality of such work or employment.” (Hillage and Pollard 1998, 2)

the directives in their national strategies but have done so much less forcefully than their British counterparts (Ostner Lewis 1995, Kodré and Müller 2003).

Following these different experiences in the realm of hard law we could expect that British actors interested in gender equality are also more willing and able than their German counterparts to integrate European soft law in their national strategies. If we look at the area of childcare – an area where EU hard law has failed and European soft law has been developed – this is not the case. Looking at the United Kingdom we find that governmental actors do not actively integrate the EES into their national childcare strategy. Social partners and semi- and non governmental actors focus on the national childcare strategy. In Germany however the federal government uses the EES to strengthen its demand for macroeconomic investments in the area of childcare and education as well as labor market and welfare state reforms vis-à-vis state and local authorities. Social partners, especially employers, use the EES to strengthen their demand for a public – rather than firm based – expansion of childcare places.

ALTERNATIVE EXPLANATION²

Research on compliance with and implementation of European directives and guidelines have developed quite different research agendas. Research on European soft law mainly addresses three broad questions. (1) What are the opportunities and limitations of the EES (Kasten and Soskice 2000; Keller 1999); (2) Can convergence of national policy agendas be achieved (de la Porte and Pochet 2002); (3) Can the new mode of governance used by European soft law produce “learning through monitoring” (Sabel 1993) or shaming governments out of “beggar my neighbour” strategies (Scharpf 2001). Research on European directives has moved beyond these questions and examines variation in compliance with and implementation of directives on the national level³.

European hard and soft law are hardly examined in the same analytical framework because of different modes of governance⁴. I argue that it is possible to examine European hard and soft law in the same analytical framework by examining under what (institutional) conditions national actors integrate hard and soft law in their strategies. In other words, if we focus on national actor strategies – instead of policy outcomes – we can compare both modes of governance in one framework. This paper focuses on

² This paper has been written as part of a larger project examining national actor strategies in the context of hard and soft law in the UK and Germany.

³ Whereas the compliance research focuses primarily on formal integration of directives in national law the implementation research examines policy change.

⁴ Approaches that focus on hard and soft law are mainly operating on the international level and examine when actors choose soft or hard law (Abbot and Sindal 2000) or evaluate the advantages and disadvantages of hard and soft law and hybrid forms of law where a policy issue is addressed in both hard and soft law (Trubek and Trubek 2003). Equal opportunities policies are an area with a number of hybrid forms, such as equal pay. Childcare however is an area where hard law has not been established.

variation of national actor mobilization in the realm of soft law. Research on welfare states and comparative Europeanization has developed approaches to explain variation in the implementation of EC Directives. This research provides valuable insights on what needs to be taken into consideration for such a framework.

Welfare state research incorporating the European level mainly uses the different welfare state regimes (Esping-Andersen 1990) or gender regimes (Lewis 1992, 1997) as a starting point for examining how European directives are implemented. This approach focuses particularly on the way domestic institutions and norms filter European policies. Herewith, one can understand the limitations of change through the EU or path dependency (Ostner and Lewis 1995) but it is difficult to explain institutional evolution and what role the EU plays when it occurs. Through the focus on policy change it is also difficult to use this approach in the realm of the EES. Firstly, the EES has only been in place since 1997 which makes it difficult to assess actual policy changes. Secondly, through the open-method of co-ordination (OMC)⁵ it is difficult to establish a clear causal link between European guideline and national policy outcome. Instead of looking at the implementation of EU law from a top-down perspective I propose to take the varieties of welfare states with its different policy legacies on childcare as the starting point for examining the institutional conditions under which national actors use the resources the EU provides to promote national policy change.

The comparative Europeanization literature examines the conditions under which the EU can make a difference and domestic institutional change can be attributed to the EU. A central component of this approach is the “goodness of fit” argument which argues that the degree or level of misfit between national regulation and EU directive influences the degree of adaptive pressure (Cowles, Caporaso, Risse 2001). However, variation in the use of hard law cannot be fully explained through goodness of fit arguments, such as goodness of fit and positioning of mediating institutions (Caporaso and Jupille 2001) or goodness of fit and individual access to European justice (Conant 2001). Firstly, the degree of fit between national and European law does not necessarily correspond with the level of national resistance to legal change (Trieb 2003)⁶. Secondly, both approaches do

⁵ For an overview on the OMC see de la Porte and Pochet (2003a), Zeitlin (2003) or Zeitlin et al. (2004). The OMC does not impose a clear mechanism of how states should implement and comply with guidelines. It encourages a horizontal coordination among member states on how welfare states and labour markets are reforms to meet current challenges.

⁶ Oliver Trieb proposes a political partisanship explanation (Trieb 2003). While party preferences influence the general level of domestic resistance to implementing hard law there are always some issues that remain contentious. Here, we need to examine under what conditions national actors can mobilize around them. In the realm of soft law a party preference explanation might be more convincing as an explanation because parties in power can shape the reporting system on the progress and structure the access of interest groups to the process. Political parties across the board are however interested in welfare state and labor market reform and the need for an extension of childcare is acknowledged by all parties. The way these reforms are mediated by policy legacies and the political institutions and industrial relations systems needs to be considered.

not take the larger state-society relationship into consideration. While feminist actors' ability to elicit support from the court system plays a role the national system of conflict mediation between labor, employers and the state is promoting or hindering litigation from outside the state. Within the EES national actors do not have access to legal sanction mechanisms or litigation strategies and thus, the positioning of mediating institutions and social partners has to be reconsidered. The OMC offers a new avenue for domestic actors to Europeanize their strategies and this leads to different institutional dynamics. In the context of economic and labor market reforms we need to look more closely at the mode of interest mediation between the state and social partners.

In the specific context of childcare we could make a "misfit" argument based on the level of childcare provisions nationally and the EU targets on childcare or whether or not the government has developed a national childcare strategy. While the UK and Germany both have a misfit with EU targets on childcare the UK has developed a national childcare strategy and Germany has not. In the UK national actors are supportive of the government initiative but remain critical of some aspects of the strategy. Unlike in the realm of hard law⁷ however they have not incorporated the EES into their national strategies. Thus, the question remains under what national institutional conditions actors Europeanize their strategies in the context of hard law and soft law.

A third line of research explains variation in the implementation of international law through variation in the adoption of international beliefs by national actors. Risse and Sikkink (1999) are "concerned about the process through which principled ideas ("beliefs about right and wrong held by individuals") become norms ("collective expectations about proper behaviour for a given identity," Jepperson, Wendt, and Katzenstein 1996: 54) which in turn influences the behaviour and domestic structure of states" (Risse and Sikkink 1999, 7). In this approach, domestic NGOs have the option to "bypass their state and directly search out international allies to try to bring pressure on their states from outside" (Keck and Sikkink 1998, 12) if their direct access to the state is blocked. Through the "boomerang effect" NGOs are able to "spiral" international norms and ideas to the national level.

In the context of the EES external pressure is channelled via an implementation framework that largely excludes NGOs and gives preferential status to social partners. In addition, the mobilization of actors is quite often problematic. Recent research on the implementation of EU guidelines points us to the importance of the willingness of national actors controlling the policy making process to get themselves involved in the implementation process and if national actors find the OMC helpful in their interaction

⁷ TUC, for instance, pursued a litigation strategy to achieve full compliance with the EU Parental Leave Directive from the Labour government (Siff 2003, 176).

with the government (Coron and Palier, 2002; Jacobsson and Schmid, 2002)⁸. Looking at the EES from this angle makes it important to examine under what conditions actors are willing and also able to use the resources the EU provides. I argue that we need to examine closely the way the EES approaches a certain policy issue on the European level and on the national level to gain a better understanding of what actors can gain from incorporating the EES into their strategies. Since the EES encourages social partnership involvement we need to take the industrial relations system into consideration to gain a better understanding of the conditions actors under which actors can use the resources the EES provides.

Looking at domestic actor mobilization on hard and soft law, I argue that the mode of interest intermediation on the national level affects the ability of national actors to incorporate hard or soft law more effectively in their national strategies. A liberal market economy (LME) promotes interest intervention via litigation from outside the state. Here, women's activists and social partners are institutionally better positioned to use hard rather than soft law. A coordinated market economy (CME) promotes interest mediation through negotiation from within the state. Here, social partners – especially employers - are better positioned to influence and promote policy change through soft as opposed to hard law.

In the United Kingdom women's activists and labor unions have mobilized around hard laws and used litigation from outside the state to promote policy change. This highly successful interest mobilization has however not been successful in respect to soft law on employment. While actors, such as the EOC and TUC are aware of European guidelines and targets they are hardly mobilizing around them nationally. The government uses a centralized administrative structure to administer the national implementation of the EES. This limits and structures the way groups can influence the implementation of the strategy. Due to the positioning of equality agencies in the drawing of the NAP and a weak social partner relationship the ability of individual actors to use the EES is curtailed. Through the a priori existence of a national childcare strategy offering a more direct avenue to influence childcare provision social partners, semi- and non-governmental actors focus on the national level. Overall, the limited access to the centrally administered strategy excluding, for instance, major actors involved in design of the national childcare strategy, and a weak social partner-state relationship causes actors to invest themselves in the implementation of the EES.

In Germany works councils and labor unions have mobilized around the implementation of hard law. Their ability to actually influence the implementation of directives has been curtailed by national institutions such as collective bargaining

⁸ In the area of hard law Börzel (2000) developed a push and pull model where implementation of EC directives is promoted when external pressure (push) is complemented by internal pressure through interest group mobilization (pull).

autonomy - limiting litigation strategies - and vertical fragmentation of government responsibilities. In the case of European soft law national actors can benefit from the high degree of intermediation in labor and social relations. In the absence of federal government responsibility on childcare and education, the EES is a source of support for the federal government to demand macroeconomic investments and to (financially) assist states and local authorities in this endeavour. Social partners are also well positioned to engage in a dialogue with the government on issues raised by the EES. The German employers' federation (BDA), for instance, uses the EES to point to the governments' responsibility to enhance public provision of childcare – rather than firm based – and more broadly to carry out labor market and social policy reforms.

ANALYTHICAL METHOD

The EES has taken on the promotion of childcare in a very specific and narrow way. In the first step we examine how childcare has been integrated in the EES and what framework for implementation the EES provides for furthering childcare on the national level. The implementation framework is important in two ways. Firstly, the EES uses the open-method of co-ordination (OMC) as an implementation framework. Unlike in the case of European hard law implementation does not occur through a “top-down” process and cannot be enforced domestically promoted via litigation strategies. The EES relies instead on “horizontal coordination” among member states. Herewith, external pressures are “invited” into the national realm without legal and fiscal sanction mechanisms. National actor strategies thus have to rely on negotiation with governmental actors much more than in the hard law context.

In the second step we need to examine actor strategies within the context of the specific childcare legacy of the cases examined. Firstly, we analyse if and how the national childcare policy has been redesigned prior to the EES and to what extend national actors have been integrated in this endeavour. Secondly, given the specific policy legacy we need to examine what does the EES have to offer to national actors and how is their access to the strategy structured through the state (centralized or decentralized administration of the EES) and industrial relations system (strong coordination or weak coordination among the state and social partners).

CHILDCARE ON THE EUROPEAN AGENDA

Childcare has been on the European Union's agenda since the 1970s. Until the late 1990s childcare has however not been systematically addressed and the demand for public childcare integrated in a concrete implementation framework. In this section we

will outline how childcare has become an integral part of the European Union equal opportunities strategy.

Childcare Directive – A failed attempt

From the Treaty of Rome (1957) to the Treaty of Maastricht (1992) the process of European integration has been characterized by a political decoupling of economic integration and social-protection issues with the exception of rules against the discrimination of women in the labor market (Scharpf 1999, 70; Scharpf 2002, 646; Leibfried and Pierson 1995). The European Commission has promoted women's equality since the 1970s and childcare since the 1980s.

In 1974 the Commission started the process of furthering *equality in the labor market* through a Social Action Program. Within this program draft directives on equal pay, equal treatment and social security were prepared leading to community law on equal pay (EC Directive 75/117/EEC), equal treatment (EC Directive 76/207/EEC) and social security (EC Directive 79/7/EEC). While the EU approach originally taken to further equality was fairly broad and emphasized the need to “ensure that family responsibilities of all concerned may be reconciled with their job aspirations” (European Council 1974, 2), the Commission did not develop relevant measures on childcare and a Commission proposal for part-time work failed (COM (81) 775, 22 December 1981).

In the 1980s the European Commission expanded its role to new areas and policy instruments (Stratigaki 2000, 31) and launched Community Action Programs to establish a network and to extend its resources. To this date five programs have been established. The Commission and women's groups perceived these programs as necessary prerequisites to establish more substantive equality (Mazey 1995, 592). The First Community Action Program on the Promotion of Equal Opportunity for Women (1982-1985) addressed the sharing of family responsibilities but did not entitle detailed measures on childcare (European Commission, 1982). In 1983 the European Commission submitted a proposal for parental leave which aimed at changing men's behavior through prescribing non-transferable entitlements to leave. While the European Parliament supported the Commission initiative for a ‘comprehensive’ European family policy (Hantrais 2000, 94) the proposal met resistance from member state governments. The British government especially viewed the directive as too prescriptive and controlling and it was not followed through (Hoskyns 1996, 147, COM (83) 686 final, 24 November 1983).

The second Action Program (1986-1989) built on the first program but actively promoted childcare. The Women's Unit – established within the Directorate General V of the Commission in 1976 – and the British EOC were key promoters for the establishment of a European Commission Network on Childcare (see Strategarki 2000, 32; European

Commission, 1986,)⁹. The network, headed by the British academic Peter Moss provided studies, raised awareness for the importance of quality and quantity of care services and drafted a framework directive on childcare. Article 1 addressed: "child care services; leave arrangements for employed parents; making the environment, structure and organization of the workplace responsive to the needs of workers with children; and promoting increased participation by men in the care and upbringing of children" (European Council 92/241/EEC of March 31, 1992). The draft emphasized the need for public support of childcare and the setting of targets for childcare 0-3 and 3-school age and after school care. Overall, the draft directive emphasized an egalitarian vision of childcare following the Scandinavian example that promoted a revision of care work in the family and improving the reconciliation of work and family life through structural changes in work place and leave arrangements. While the European Parliament's Women's Committee supported the initiative the European Commission did not pursue it further (Cohen and Fraser 1991, 52).

The promotion of equal opportunities in the early 1990s was strongly influenced by the extension of women and men's rights as workers based on the Social Charta of the Treaty of Maastricht (1992). "The Commission was being pushed by the European Parliament to develop hard law on equality, and the social partners wanted to give a new impetus to the social dialogue and legitimate their role in the EU. Parental Leave was the most appropriate issue with which to begin" (Strategaki 2000, 42). The drafting of the directive was however based on social partner framework directives. These drafts did not reflect the normative background of the action program – envisioning an egalitarian model of care - and supported equal opportunities as part of larger economic and strategic concerns of the social partners. This shift in emphasis becomes apparent when one compares the original draft directive on parental leave (COM (83) 686 final, 24 November 1983) that stressed equal treatment for women and men and the social partner framework directive that integrated parental leave in the overall strategy to enhance *labor market flexibility*. The latter avoided references to pay and social security benefits or to the distribution of care work in the family (Council Directive 96/34/EC). Similar assessments can be made for the Part-Time Directive (Council Directive 97/81/EC). The social partners also did not promote a framework directive on childcare.

⁹ Parallel to the European Childcare Network, headed by Peter Moss, a European Positive Action Co-ordination organized within the framework of the British Equal Opportunities Commission and headed by Janet Hemsely was active. Here, the focus was less on public service expansion and more geared towards private and public companies. "The network developed similar activities targeted at private and public companies, in an effort to encourage equality in human resources and total quality management programmes of enterprises. The aim was to promote positive action programmes by demonstrating their gender impact of work organization and career promotion schemes, and development guidelines for instituting good practice in the provision of childcare" (Statigaki 2000, 39). The European Childcare Network was renamed Network on Childcare and other Measures to Reconcile Employment and Family Responsibilities of Women and Men in 1991.

Thus, in the aftermath of the Treaty of Maastricht (1992) the reconciliation of work and family life was slowly removed from the realm of Community Action Programs and transformed into social partner negotiations and concerns on the restructuring of labor markets and welfare states. While parental leave and part time work were integrated into “Social Rights of Workers,” childcare was not. Childcare was seen as a policy issue where national and regional governments, local authorities, social partners and other relevant groups could determine how and to what extent employed parents should be supported.

The changed priorities became apparent when the European Commission restructured the expert network that was established during the course of the 2nd Action Program. The Childcare Networks was dismantled while the Women’s Legal Network and Women’s Employment Network remained intact. European Commission published a supplementary recommendation on childcare where objectives and principles of childcare and responsibilities of national groups were discussed to pacify those demanding a European Childcare Strategy (European Commission DGV, 1997: INT). This statement was a political statement and was not intended as a first step towards more active measures. The Childcare Network released its final report in 1998. At this point the resources for promoting a childcare directive were limited. The framework programs on equal opportunities, replacing the action programs, did not make childcare a priority. Herewith, it became clear that the egalitarian vision of care work as promoted in the Scandinavia countries and by the European Childcare Network had suffered a major setback.

The Treaty of Amsterdam (1997) became the turning point for the establishment of a European Childcare Strategy. Through the introduction of a new Employment Title the EU gained increased responsibility to coordinate employment policies. The new Employment Title created a window of opportunity for the EU to go beyond equal pay, equal treatment and positive action and move towards gender mainstreaming¹⁰ and enhancing the employability of men and women. In other words, while attempts had failed to integrate the demand for childcare within the “labor market flexibility” debate of the 1990s, childcare could be integrated into the vision of an active and dynamic welfare state that promotes people to seek jobs.

European Employment Strategy – The beginning of European Childcare Strategy?

¹⁰ Gender mainstreaming is directed towards equalizing opportunities for men and women. It is a holistic and long-term political strategy for achieving gender equality by ‘engendering’ the policy-making process (see Mazey 2001, Ostner 2000, 36). At the EU level gender mainstreaming involves the creation of specific organizational units, such as an Equal Opportunity Unit at the European Commission (EC), and specific programs for women, such as Action Programs with pilot projects that seek to systematically incorporate gender issues throughout *all* government institutions and policies (see Pollack and Hafner-Burton 2000, Mazey 2001).

The Treaty of Rome (1957) addresses employment in Article 104 (high levels of employment as part of the common economic policy) and Article 118 (employment as part of social policy). Based on the Treaty of Rome employment policies were mainly seen as supporting the economic integration of the European Union. In the 1960s and 1970s employment moved slowly onto the European agenda but only within the context of economic policy (Steinle 2001). In the 1990s the European Union experienced high unemployment levels of 18 million (Bertozzi and Bonoli 2002,2) and a loss of five million jobs. At the same time the Maastricht Treaty's European Monetary Union (EMU) suffered ratification difficulties in the UK, Sweden and Denmark. Herewith, the economic integration furthered through a monetary union was called into question and the absence of a coherent social and employment policy caused a legitimacy crisis. In this situation social democratic parties – in government in the majority of member states – and trade unions enhanced their demand for a social Europe and a European initiative to combat unemployment.

In 1993 Jacques Delor, Commission president from 1985 to 1995, presented a White Paper on Growth, Competitiveness, and Employment (European Commission 1993). The Commission documented its commitment to employment and structural reforms of the labor market. The White Paper shifted the European debate on employment from focusing on unemployment to one on how employment rates could be raised (European Commission 1993, 136; Ferrera, Hemerijck et al. 2000, 77-78). An increase in employment rate was envisioned through growth and an increase in employment opportunities for skilled workers. While the overall focus on employability was seen as generally positive for women's employment the White Paper was critiqued for its negligence of the structural constraints that excluded some adult workers, mainly women, from the labor market (Rubery and Fagan 1998, 99). The Commission set up Task Force to evaluate the equal opportunities issues related to the employment strategy. In its report the Task Force critiqued that unemployment was dealt with in the employment policy while equal opportunities were addressed in the action programs. As a result of this division "gender equality only emerges explicitly under the topic of targeted groups, with women identified as a group requiring special help and not as a group shaping the future pattern of employment in Europe" (Rubery and Fagan 1998, 99). The expert group emphasized the need to broaden the EES in scope and acknowledge the influence of the organization of care work in the different national circumstances to promote a higher employment rate. This demand was supported through the OECD study "Women and Structural Change" (OECD 1994b) which demanded a new gender contract to reflect the changing realities in the organization of gender relations inside and outside of work.

At the Essen Summit in 1994 equal opportunities and the fight against unemployment were identified as one of the two major priorities of the European Union. Based on the White Paper the Essen five points on employment were developed: vocational training, employment and growth, non-wage labor costs, labor market policy and unemployment. The Council also passed a resolution in support of equal participation by women in an employment-intensive economic growth strategy (European Council 1994). The Madrid European Council of 1995 again identified target groups for the strategy, namely young people, long-term unemployed and women. Equal opportunities and employment were still seen as separate issues and gender equality was still approached with a target group strategy.

In June 1997 the Treaty of Amsterdam consolidated the process started with Delor's White Paper and the Essen Summit. The "Essen Strategy" was integrated as Title VIII (Art. 109n-s ECT or 125-130 after the renumbering). Through the introduction of an Employment Title the European Union gained increased responsibility to coordinate employment policies. Based on the Treaty of Amsterdam the European Commission developed an implementation strategy in October 1997. A four pillar structure was proposed, namely employability, entrepreneurship, adaptability, and equal opportunities. In 1998 the Austrian Presidency introduced gender mainstreaming as a horizontal objective in the EES and established a dual strategy consisting of gender mainstreaming as an overall tool that should to be applied to all areas of the EES and specific measures to further equal opportunities in pillar IV¹¹. Herewith, a merging of equal opportunities agenda and employment was initiated. In the specific actions the focus was on gender gaps, reconciliation of work and family life, facilitating return to work, promoting the integration of people with disabilities into working life. Within reconciliation of work and family one guideline focuses on adequate provision of good quality care for children. For the first time the European Union supports childcare in a structure with a concept implementation system.¹²

In the follow up of the Treaty of Amsterdam the Commission proposed the first employment guidelines at the Luxembourg Job Summit in November 1997 and adopted at the Luxembourg European Council in December 1997. In regard to employability, youth unemployment and long-term unemployment were central elements of the first pillar while women's employability was addressed largely in the equal opportunities pillar. Consequently, childcare was addressed in the fourth pillar on equal opportunities.

¹¹ For a discussion on how feminist activists influenced the Treaty revision and how gender mainstreaming became enshrined in the Treaty and subsequently in the EES see Helfferich and Kolb 2001, Mazey 2001, Pollack and Hafner-Burton 2000. The Treaty of Amsterdam is perceived as a victory for feminist activists due to the integration of gender equality and gender mainstreaming in the treaty.

¹² The EES focuses exclusively on the supply side of childcare (quantity, quality, affordability). The demand side of childcare (wages and training of childcare workers) is only not addressed. (For an analysis on public childcare, parental leave and women's employment see Meyers et al. 1999)

Member states were asked “to strive to raise levels of access to care services where some needs are not met” (European Council 1997).

In 1998 two important alterations are made in the guidelines. Firstly, gender mainstreaming was introduced to the overall strategy and secondly, childcare was placed not only in the responsibility of member states but also asked for active social partner involvement. “In order to strengthen equal opportunities, Member States and the social partners will ... design, implement and promote family-friendly policies, including affordable, accessible and high quality care services for children and other dependents, as well as parental and other leave schemes” (European Council 1999). In addition, European Union committees developed a comparative index which compared men and women’s employment rate and examined the effect of the presence of children on the employment of men and women. The data shows that while men’s employment rates increases when children are present women’s employment rate decreases (Council of the European Union 1999, 80-81).

At the Lisbon European Council member states agreed on a new agenda to achieve “the most competitive and dynamic knowledge economy in the world, capable of durable economic growth, of high employment levels and jobs of a better quality and of improved social cohesion” (European Council 2000). An agenda 2010 was adopted with concrete quantitative targets to achieve this goal. Targets for 2010 were 70% employment rate for men and 60% employment rate for women. The Lisbon Council also adopted a new mode of governance, namely the open method of co-ordination (OMC) and applied its strategy to employment (as well as economic reform, social exclusion). While the Lisbon Summit had encouraged member states to set individual targets and benchmarks for childcare this was not yet translated into concrete measures at the Lisbon Council. In addition, the employment committee (EMCO) was established and replaced the informal expert group working on indicators and monitoring. The Stockholm Summit extended the target approach and set limits to the Commission strategy to propose perspective measures on how individual member states should approach problem. The European Council agreed on targets of 50% employment rate for older workers aged 55 to 64 years were set for 2010 older workers (European Council 2001). While still no formal targets on childcare were established the EU used the Joint Employment Report 2001 to encourage member states to individually set quantitative targets on childcare¹³.

At the Barcelona Summit 2002 childcare targets were finally adopted by the Council of Ministers. Herewith, childcare became part of the priority areas. The targets

¹³ “Although Belgium, the United Kingdom, France, Greece, Portugal and Ireland have set targets for increasing the provision of care services, for the most part childcare services are not sufficient to deal with the scale of demand. Countries with low levels of childcare services, especially for 0-3 year olds, have not set quantitative targets and have taken only limited action to improve the situation (Italy, Spain, Austria, Germany and the Netherlands) (European Commission 2001, 39).

aim for at childcare for at least 90% of children between 3 years and the mandatory school age and at least 33% of children under 3 years by 2010 (see Barcelona European Council 2002, 13). The same year the Joint Employment Reports notes that “Even though a growing number of Member States have introduced new measures, quantitative targets and deadlines to improve childcare facilities, good and affordable services are still not sufficient to meet the demand or to reach the new Barcelona targets. ... In addition, it is difficult to assess the effect of the initiatives because of the lack of appropriate and/or comparable data. The issue of improving care for other dependents has, as last year, received very little attention” (European Communities 2002a, 54).¹⁴

In 2002 the reform debate on the EES began. The first five years of the EES reflected the “Luxembourg Process” when social democratic governments were in office in the majority of states. The design of a new administrative structure for the EU was pursued when Conservative governments dominated the EU member states and altered economic conditions. One of the central goals of this restructuring was a streamlining and stronger coordination between the economic, employment and social inclusion processes.¹⁵

In preparation for a new structure of the EES a five year review process was initiated which comprised a series of impact evaluation and reviews (European Commission 2002a). Based on these reports the Commission proposed a streamlining of the annual economic and employment policy co-ordination cycles (COM 2002) 487). In November 2002 the Joint Employment Report (COM 2002) 621 of 13.11.2002) gave further orientation on the future of the EES. In January 2003 the Commission proposed a

¹⁴ Member states are also not required to report their national childcare targets in terms of percentages of children covered for age groups defined in the EES. This allows countries to report their investments in childcare in terms of government funds and places created. Furthermore, the statistical data on childcare provisions and employment impact of children for men and women has improved but is still not complete to provide comparable data on childcare.

¹⁵ The process started at the Stockholm Summit (March 2001). In the revision process of the different strategies the BEPG became the overarching policy framework for the EU. The “Broad Economic Policy Guidelines” and council recommendations are based on the Treaty of Maastricht Article 98-104 TEC). The BEPG started with the Cardiff process in 1998. The Treaty of Amsterdam included the “Employment Guidelines” based on Article 125-128 TEC). The EES started with the Luxembourg process in 1997. In September 2002, the Commission proposed a reorganization of the strategies to enhance efficiency of policy coordination, improve coherence and complementarities between the various processes and instruments, increase access to the strategy and make the strategy more publicly visibility COM (2002)487 of 3 September 2002). In 2003 the economic and employment processes were harmonized in terms of timing of the setting of guidelines and national reporting. While informally the open method of co-ordination had to avoid all challenges to the acquis of the internal market and monetary union (see Scharpf 2002, 655) the reform debate made this hierarchy more explicit. In other words, “the definition of a social model for the EU is realized in the shadow of an economic and monetary model that continues to constitute the *idée-force* of European integration” (de la Porte and Pochet, 2002b, 292). While childcare was part of the BEPGs in 2002 it was not included anymore in 2003. The Social Inclusion Process that began in 2001 and lacks a clear treaty basis was also renegotiated. It was however given lower priority than the economic and employment process.

restructuring of the strategy around three overarching objectives in line with the Lisbon balance (1) achieving full employment by increasing the employment rate; (2) raising quality and productivity at work; (3) promoting cohesion and inclusive labour market. In addition, priority areas were defined including one on gender equality (COM (2003) 6 final).

The proposal presented a major setback from a feminist perspective. Gender mainstreaming was no longer a horizontal objective and became a sub-point of gender equality. Due to massive protest from feminist actors at the European level (i.e. Expert Group on Gender and Employment, European Parliament, European Women's Lobby) gender mainstreaming was finally reintroduced and member states were made to adopt gender mainstreaming across all priorities (European Council 2003b). Throughout the revision process the Barcelona targets on childcare were not called into question which can be seen as an indication for the thorough integration of these targets in the strategy¹⁶.

In March 2003 the European Council followed a joint proposal of the UK and Portugal to create an expert group to the Economic Policy Committee (EPC) to critically evaluate how the Lisbon employment targets could be reached by 2010. This expert group, headed by Wim Kok, presented its report in Berlin in November 2003 (Kok 2003). The report mentions childcare in relation to producing inclusive labor markets and enhancing the employability of women. The report argues that the availability of affordable quality childcare enhances not only women's participation in the labor market but also full -- rather than part-time -- employment. The report does not give preference to one particular form of childcare (public or private) as long as quality and affordability are satisfied (Kok 2003, 37-8). The role of men in the provision of care or the distribution of care responsibilities within the family is not addressed¹⁷.

In the Joint Employment Report 2004, member states admit that the immediate employment targets for 2005 will be missed largely through a lack of employment of older (male) workers while female employment rate is still on track. On childcare, the reports notes that childcare is a priority in most member states but that the focus and ambition varies, and insufficient attention is given to quality and affordability¹⁸.

Overall, one can say that the equal opportunities debate has been reframed within the EES. Firstly, furthering equal opportunities in the labor market has been integrated within the employment agenda and thus removed from the realm of community action programs. This has affected the framing of the demand for childcare leading to a focus on the positive impact of childcare for parental employment. Secondly, childcare has increasingly gained importance in the EES. This can be seen in the increasing number of

¹⁶ While the Commission had also proposed to integrate concrete targets for equal pay – halving the gender pay gap – these targets were not included in the final guidelines.

¹⁷ For a general evaluation of the report from a gender perspective see Rubery 2003.

¹⁸ (http://europa.eu.int/comm/employment_social/news/2004/jan/jer2004_en.pdf).

Council recommendations given to member states¹⁹ and the setting of concrete childcare targets. Thirdly, the Joint Employment Reports repeatedly encourages member states to legitimize macroeconomic investments in childcare by linking it to labor market participation of women. Childcare targets are set for quantitative provision of care and affordability, quality and care for other dependents are only mentioned. The distribution of care work within the family is not addressed. This narrow vision of the European Childcare Strategy and its linkage to employability structures and limits the ability of national actors to incorporate the EES into their strategies.

Meeting childcare targets through the OMC

The EES uses the open-method of co-ordination as an implementation strategy that is clearly distinguished from the resources and opportunities provided through “hard law” that uses a top-down, rule-based, centralized implementation procedure with litigation strategies open to national actors. The “OMC represents a new form of regulation, that is softer than the classical legalistic approach, but is more than a simple non-binding recommendation or a political declaration” (De la Porte and Pochet 2002, 12). Scharpf summarizes the four key characteristics of the OMC:

- “(1) Policy choices remain at the national level and European legislation is explicitly excluded.
- (2) At the same time, however, national policy choices are defined as matters of common concerns, and efforts concentrate on reaching agreement on common objectives and common indicators of achievement.
- (3) Moreover, governments are willing to present their plans for comparative discussion and to expose their performance to peer review.
- (4) Nevertheless, co-ordination depends on voluntary co-ordination, and there are no formal sanctions against Member States whose performance does not match agreed standards” (Scharpf 2002, 652).

Within the EES the OMC works as follows: Based on a proposal from the Commission the Council of Ministers passes Employment Guidelines on the basis of Qualified Majority Voting (QMV)²⁰. From 1998 to 2002 these guidelines have been grouped into four pillars, namely employability, adaptability, and equal opportunities. Within each pillar specific guidelines, targets and indicators are negotiated each year. In addition, horizontal objectives have been formulated such as gender mainstreaming. Within the

¹⁹ In 2000 recommendation on childcare were only given to Ireland and the UK. In 2001 Ireland, UK and Portugal received a recommendation. In 2002 Germany, Greece, Spain, and Ireland were also included in the list of countries who received specific recommendations. In 2003 Italy was added to the list of countries which received recommendations. The number of recommendations on care has gone up from 2 in 2000 to 8 in 2003.

²⁰ For a detailed analysis of the formulation of EES guidelines see Jobelius (2003).

first five years guidelines have gained in specificity and key and context indicators have been developed. While this has improved the monitoring of the strategy it has made the reporting more difficult for member states. In 2003 the streamlining of the strategy reduced the number of key priorities to 10.

On the member state level, national governments are asked to draw up National Action Reports on Employments (NAPs) describing how they have put these guidelines into practice. The government is the key actor in the process. The guidelines encourage the integration of local and regional authorities and social partners in the process. Unlike the Social Inclusion process the civil society is not included.

Once the reports are submitted to the Commission the information is evaluated in the light of the indicators and information gathered at the EU level. Peer-reviews and data collection are used to evaluate the information provided by the member states and gives non-governmental actors access to evaluation process. Best practice examples and recommendations are based on the information provided and gathered on the EU level and in consultation with member states. The Commission proposals have to be passed by the Council of Ministers which votes on them in QMV and releases the Joint Employment Report.

Given this specific coordination framework actors can influence the strategy on the European and national level. On the European level influence can be exerted when guidelines and targets are set, national responses are evaluated and recommendations are given. On the national level actors' strategies can evolve around the drawing of the NAP. The key question guiding the case studies is under what conditions are national actors more willing and able to mobilize around these guidelines and targets.

CASES

Case selection

Childcare provisions vary greatly within European member states reflecting the different policy legacies evolving around childcare²¹ and women's employment. The egalitarian model of care promotes a defamiliarization of care through public provision of care and supports a universal breadwinner model (Sweden and Denmark). The neofamilial model of care is one which generally promotes different forms of non-

²¹ There has not yet been a commonly used typology on care regimes. Esping-Andersen's (1990) Three Worlds of Welfare State or Jane Lewis' (1992) Gender Regimes do not fully match care policies in the member states. Orloff (2002) develops a new typology for gender regimes where she has integrated the feminist critique on previous typologies. Orloff distinguishes between dual earner, general family support and market-oriented models. Here, however, Germany and France are grouped together in family support and Finland and Sweden in dual earner models. Looking at different models of care this clustering does not seem to be adequate. Based on recent work by Mahon (2002) and Daly (2000) I have grouped the countries into four groups. Southern Europe is not included in this typology since it is composed of a heterogeneous mix of countries that would not fit one category. These set of countries have historically relied on inter-generational provision of care combined with whole day schools.

parental care but has recently began to also support “choice” between homemaking and paid work (France and Finland). The new informal care model actively supports informal care within the family for children and other dependents and is slowly promoting “choice” between care work and paid work through an extension of universal childcare and incentives given to hire domestic help (Germany and Austria). The third way model emerged from the liberal model of care with target group focused public provision of care and increasingly supports different forms of non-parental care (“choice”) through a mix of targeted and universal measures (UK and Ireland). While the first two models have provided high levels of childcare provisions the other models have relatively low levels of public care coupled with a negative employment impact of parenthood for women’s employment.²²

Comparative research on care has shown the different models have undergone significant changes since the 1990s. The question remains as to what role the EES has played in this process (Randall 2000, Mahon 2002). Looking at the UK and Germany allows us to examine how the third way and new informal care models seek to enhance childcare provision and what role the EES plays in the redesign of national childcare strategies. In the UK and Germany actor mobilization takes place in the context of two different welfare state regimes and varieties of capitalism.

While Germany and the UK have historically supported male breadwinner welfare states (Lewis 1992, 1997) they have done so through very different welfare states structures. In the UK the less developed role of the state and a lack of support for public childcare left women more likely to remain economically dependent housewives (Ruggie 1984). In Germany the government actively supports stay-at-home wives and mothers while constraining women’s employment through, for instance, lack of available childcare and a half day schooling system (Ostner and Lewis 1995). In the restructuring of the labor market and welfare state “care” figures prominently because it’s positioning at the nexus of state-market-family.

The EES encourages active participation and involvement of the social partners on the European²³ and national level. The UK and Germany represent two different varieties of capitalism. The UK is a Liberal Market Economy (LME) where “firms

²² While the European average of employment impact of parenthood on men is -9.5 percent it is 12.7 percent for women in 2002. In the UK the employment impact of parenthood on men is -4.8 and in Germany -7.9. In the UK the employment impact of parenthood on women is 22.9 and 21.4 in Germany (http://europa.eu.int/comm/employment_social/news/2004/jan/jer2004_en.html)

²³ The European Employers Organization UNICE and the Trade Union Organization ETUC are asked to participate in the process on the European level. UNICE has repeatedly objected to this kind of involvement because it is afraid of unexpected consequences emerging out of the process such as the quality of work debate (de la Porte and Pochet 2003b, 7). The Commission however pushes for a stronger involvement of social partners and proposed a Tripartite Social Summit for Growth and Employment and a stronger involvement of social partners in the work of the Employment Committee and Social Protection Committee to stipulate social partner involvement in the devising of rules (de la Porte and Pochet 2003b, 8).

coordinate their activities primarily via hierarchies and competitive market arrangements” and Germany a Coordinated Market Economy (CME) where “firms depend more heavily on non-market relationships to coordinate their endeavors with other actors and to construct their core competencies” (Hall and Soskice 2001, 8). In the context employability and childcare within the EES two features of the varieties of capitalism are of central importance, namely the industrial relations system and the skill-wage equilibrium.

The German industrial relations system is composed of a multi-layered bargaining system with industry-wide and regional components and works councils on the firm level. In the 1990s the bargaining system underwent changes introducing opt-out clauses to allow for company based pay determination and opt-outs of employers from the bargaining system. However, the industrial relations system still has a high degree of interest mediation. Social partners have also been historically involved in the operation of the Employment Agency through its tripartite board structure. Herewith, social partners are directly involved in the organization of active and preventive employment strategies and involved in the restructuring of the agency. Finally, social partners are involved in the organization of labor market policy on the Länder level. Depending on the organization of the labor market in the different states the social partners have a co-decisive role in the committee of the structural funds (Begleitausschüsse) which decides about the distribution of European Social Fund resources. Thus, we find a high level of interest mediation between the state and social partners at various levels of labor market organization. Social partners are not for an opening of the process to other actors and claim that they have a special status in the area of employment and labor market policy.

In the UK industry-wide bargaining crumbled during the Thatcher government in the 1980s. Company based bargaining is the norm in the private sector. Through the devolution movement in the 1990s the centralized bargaining in the public sector has increasingly become regionalized (England, Scotland, Wales). The UK bargaining system in the private economy has a low degree of interest mediation. The different historical legacies of interest mediation affect the preferences and ability of national actors to engage in social partnership that the EES encourages.

Germany and the UK have also produced different equilibriums on wages and skill formation. “For example, Britain has struggled with a low-skill, low-wage equilibrium because a deregulated labor market has produced an industrial-relations system that discourages producers from making long-term investments in their employees (Finegold and Soskice 1988). In contrast, Germany has relatively inflexible labor markets that have produced a high-skill, high-wage equilibrium, where there are institutional incentives for employers to invest in their employees’ skill acquisition (Soskice 1994b)” (Fioretos 2001, 221). These different systems also effect female skill acquisition and gender segregation in the labor market. From an employers’ perspective investment in

women's industry-specific skills requires certain institutional guarantees that ensure women's continuous employment such as leave arrangements and childcare. "(E)mployers are unlikely to support family leave or childcare programs except under two circumstances: (i) when someone other than the employer covers the program expenses; or (ii) when there is an acute shortage of men willing to invest in the skills they need" (Estevez-Abe et.al. 2001, 159). For an LME we can expect that employers are ambivalent regarding childcare as long as they do not have to pay for the program expenses; or when there is an acute shortage of workers in deregulated labor markets with low skill (part-time) work arrangements. Thus, not only are the institutional preconditions for engaging in a social dialogue different but also the conditions under which employers will promote public childcare provision and/or are willing to cover parts of the costs.

While the UK and Germany both face a similar "misfit" between EU targets on childcare and national childcare provisions the causes for this low level of public childcare provisions as well as the economic and social problems associated with it are significantly different. In addition, the different modes of interest mediation between the state and social partners set different preconditions for social partner involvement in the EES process. Examining national actor strategies evolving around the EES in the UK and Germany allows us to examine how different modes of interest mediation feature and reshape the influence of the EU.

LITIGATION FROM OUTSIDE – THE CHALLENGE TO USE THE EES (United Kingdom)

Policy Evolution

Until the 1990s the United Kingdom did relatively little to provide public childcare. Childcare has historically been seen as a private matter between parents and private or voluntary resources. Public provision of childcare was stigmatized as being for those mothers who have to work or cannot take care of their children. Childcare work has been seen as low skilled work that could be performed by women through extending their mothering role. While there had been some attempts to enhance childcare since the 1960s this did not lead to a significant expansion of childcare and were put on hold when the Conservative Thatcher government came into power (Randall 2000, 2002). The neo-conservative Thatcher government disapproved of an expansion of the public budget to provide for social services for all. Providing universal care was perceived as supporting welfare state dependency and running against proclaimed "strong family values". Instead of extending public provision of care (for all) the government used tax credits to encourage low income parents to work. In 1988 the Family Income Supplement (FIS),

established in 1971, became the Family Credit (FC) with more generous benefits to make low paid work more attractive. At the same time benefits for single parents were cut and absent fathers fiscal responsibilities for their previous families were increased through the establishment of the Child Support Agency in 1990 (Kiernan et.al. 1998, 95).

In the mid-1990s the government partially altered its strategy due to the rising number of lone parent families and rising levels of child poverty. Prime Minister John Major committed to universal nursery education for 3-4 year olds in 1993. The Ministry of Education introduced a Nursery Education Voucher system to make nursery school education more affordable for low income families, to encourage “choice” among different childcare options and create conditions for parents to seek employment. The system was however costly, difficult to administer and did not succeed (Kiernan et.al. 1998, 273; Randall 2000, 93-95). In 1994 the government also increased the FC further.

In 1997 the Labour Government under Tony Blair came into office. The government signed the Social Charta of the Treaty of Maastricht and herewith agreed to implement key directives to further equal opportunities, such as Working Time Act 1998, Parental Leave 1999, and Part-Time Working 2000. The administration altered the tax and benefit reform started during the conservative governments of Thatcher and Major. The Blair government aimed at a further reduction of welfare dependency through a dual strategy of “welfare to work” and “making work pay”. To make this strategy inclusive for low income families and lone parents in particular the government complemented it with an expansion of welfare state services on childcare. Since tax and benefit form, New Deal for Lone Parents (NDLP) and the National Childcare Strategy are interrelated I will explain briefly the tax and benefit reforms and active labor market strategy before turning to childcare more in-depth.

The government transformed the FC into the Working Family Tax Credit (WFTC) in 1999. The government estimated that nearly twice as many families will be in receipt of WFTC as compared to those that received FC. The WFTC increases the in-work support relative to the FC system in four ways: a credit for children, increase in the threshold, reduction in the taper and a childcare credit of 70 per cent of actual childcare costs up to £ 150 per week (Dilnot and McCrae, 2000, 72, HM Treasury, 1998a, Paragraph 1.30). From April 2003, WFTC and Disabled Person's Tax Credit (DPTC) are replaced by two new tax credits, Working Tax Credit (WTC) and Child Tax Credit (CTC). In order to receive the WTC a person must work at least 16 hours per week with premiums given for work over 30 hours per week. The CTC is a universal benefit which provides £ 26.50 per week to families earning less than £50,000 a year and £54.25 a week for the first child to families with an income less than £13,000. In addition, the National Minimum Wage Act 1998 set a wage floor to make work in the highly deregulated low wage sector more attractive. The WTC provides benefits independently from the family type and herewith ignores the challenges lone parents face to combine work and family.

Since childcare is costly and most public childcare places have limited opening hours the WTC demand of at 30% private coverage of the costs and work of at least 16 hours per week make it especially difficult for lone parents to take full advantage of new deal incentive structure to seek employment.

A second important strategy of the Blair government has been the New Deal for specific target groups and is designed to move people from claiming unemployment benefits to work²⁴. The New Deal focuses on target groups, such as New Deal for Young People (NDYP), Long Term Unemployment (NDLTU), Lone Parents (NDLP) and Partners of Unemployed (NDUP). The NDLP seeks to increase the employability of lone parents. In 1997 more than 20 percent of families with children were headed by a lone parent. Unlike in other liberal welfare states the employment rate among those parents was relatively low with 41 percent (unlike 82 percent in the US) (Department of Social Security 1997, 7). In 2000 Chancellor Gordon Brown said that he expected that through the investments in childcare and the NDLP an employment rate of 70% for lone parents could be achieved by 2010. By increasing the employment rate of lone parents the government also seeks to eliminate child poverty by 2020. Through the introduction of ONE (single work-focused gateway) lone parents with children age 5 years are automatically invited to speak to benefit officials about taking part in NDLP scheme. If they do not attend they face partial loss of benefit. In 2002 the measures were extended to all parents²⁵. The Minister of Employment, Ms Margaret Hodge, insists that while these requirements are there “We are not forcing anybody to go out to work. What we are doing is to encourage choice” (BBC 2000).

The NDPU is available to partners of the unemployed where there has been a Job Seekers Allowance (JSA) claim for the couple for more than six months. While the New Deal gives advice and support to individuals the access to the program is dependent on the partners’ unemployment status. Herewith, the family unit is important and the household has to declare the main breadwinner. Women whose partner are employed but are out of paid employment are excluded from the NDPU. “Lack of provision for these women reflects the conditioning of New Deal support on familial, rather than individual, ‘work poverty’” (Rake 2000, 214).

²⁴Rake points out that the two New Deals with a high level of male participation (NDYP and NDLTU) offer, in combination with an element of compulsion, the most extensive range of options. Whereas the NDYP and NDLTU channel 40 percent of participants into training this is only the case with 9 percent of the participants in the NDLP and the NDUP. “The combination of eligibility requirement, the number of participants and quality of provisions means that the New Deals command very different levels of government expenditure (Rake 2000, 215). “

²⁵ From October 1998 to September 2003 NDLP had a caseload of 540630, presenting 83% of initial interviews. The number of leavers from NDLP reached 441,870 by the end of September and 98,790 lone parents were still participating at this point. The statistics on leavers from the program are as follows: 52% left for employment, 1 percent transferred to other benefits, 32% withdrew for other reasons but remained on Income Support and 1 % were no longer eligible and 13% left for unknown destinations (http://www.dwp.gov.uk/asd/asd1/ndlp/ndlp_dec03/SFR_dec03.pdf).

The underlying gender bias of this new vision can be seen in the way the NDUP uses the family unit as the criteria for access to the New Deal and different levels to which the new deals encourage skill acquisitions and full-time employment. The NDYP and the NDLTU give much higher preference to skill acquisition and full-time employment than the NDLP and the NDPU were women are the key participants²⁶.

These reforms have led to a shift from needs-tested benefit provision towards work-conditional benefits. Indirectly, these reforms also enhanced the labor supply for the deregulated low-wage (part-time) labor market segment. The ideological justification for making mothers work and to move to an activation strategy including mothers is to expand the “working citizen” concept to all persons of working age and to indirectly reduce child poverty. However, the structure of the tax and benefit system as well as the active labor market measures of the new deal indicate that the concept of working citizen does not fully incorporate married mothers and is targeted towards lone parents and persons whose partners are unemployed. Since a lack of childcare is a key stumbling block for the integration of these target groups childcare has become a key element of the activation strategy of New Labour.

The day after the 1997 election (May 2, 1997), the Secretary of State of Education abolished the Nursery Education Voucher scheme (targeted strategy) and set out the new early years’ policy (universal scheme). In July 1997, Chancellor of the Exchequer Gordon Brown declared in his budget speech that henceforth childcare would be “an integral part of our economic policy”²⁷. Following its election platform the National Childcare Strategy Green Paper “Meeting the Childcare Challenge”²⁸ was published in May 1998. The UK childcare strategy consists of the National Childcare Strategy, the Sure Start Program and the above described Child Tax Credit. Baroness Ashton describes the vision of the National Childcare Strategy as follows:

“The ambition is that every family that wishes could find childcare for their children appropriate to the age of the children, because a family’s desire to have different childcare is often based around the age of the child or their own personal preferences, and that is for them. We would want to make sure that any family would be able to find adequate childcare. That does not mean we would pay for it as a Government; it means it is a mixture of Government money, through tax credits and through family income, to support those children” (HC 1184).

The National Childcare Strategy has adopted a universal approach to childcare aiming at “accessible, affordable and quality childcare for children aged 0 to 14 (and to 16 for those

²⁶ As Katherine Rake has pointed out the government wanted to enhance “employment and equal opportunities for all” but women are disproportionately in the NDLP (95%) and NDYP (27%) and the Women’s Budget Group revealed that only 8% of the funds goes to NDLP whereas 57% go to the NDYP (Rake 2000, WBG 2003).

²⁷ See <http://archive.treasury.gov.uk>

²⁸ Childcare (Meeting the Childcare Challenge). Cm 3959 (19.5.98), Childcare (Scotland) Meeting the Childcare Challenge – A childcare Strategy for Scotland. Cm 3958. TSO (19.5.98), Childcare (Wales) The National Childcare strategy in Wales. Cm 3974. TSO (22.6.98).

with special educational needs or disabilities) in every neighbourhood.” A dual strategy is set up where the National Childcare Strategy aims at universal childcare provisions for 3 and 4 year olds and the Sure Start Program is a targeted approach which addresses poor areas and wants to elevate child poverty. While the National Childcare Strategy is aimed at helping 1,007,000 children, the Sure Start program is set up to 400,000 children living in disadvantaged areas by 2004 (DfES 6.11.2002 Press Release). The strategy does not set minimum opening hours and thus, children can be cared for as little as 12.5 hours per week. Since the WTC requires at least 16 hours per week to be eligible for the credit this can be seen as a major weakness of the strategy.

The Ministry of Education and Employment (DfEE), now the Department for Education and Skills (DfES) has historically been responsible for preschool education. (The Ministry of Health and Social Security has historically been responsible for ensuring standards of care in local authority day nurseries). The DfEE in cooperation with Local Education Authorities formed Early Years Development Childcare Partnerships (EYDCPs). Herewith, the strategy is led and coordinated nationally by the DfEE but locally run where 150 partnerships have been established so far²⁹. In addition, a Children’s Information Services was established to provide local information for parents and the ChildcareLink to provide more general information on the national level. The EYDCPs also promote the implementation of the Sure Start Program which tackles child poverty and social exclusion. Through the mix of a national strategy design and local involvement in setting up EYDCPs a large number of actors interested in advancing childcare provisions are participating in the strategies design and implementation. Daycare Trust – a leading charity working on childcare – was strongly involved in the design of the strategy and the director of Daycare Trust, Colette Kellerher, became advisor to the EYDCP in 2000. On the local level the Childcare Strategy is open to the participation of non-governmental actors. However, the local partnership character also opens the strategy up for a large degree of variation.

In October 2001 the “Inter-Departmental Childcare Review: Delivering for Children and Families” was announced as part of the 2002 Spending Review. It was led by Baroness Ashton (minister for Sure Start, Early Years and Childcare) and also included Baroness Hollis (DWP), Dawn Parimarolo MP (HM Treasury) and Barbara Roche MP (Minister for Women). The Department of Trade and Industry, the Children and Young People’s Unit, Department of Health, and the No 10 Policy Directorate were also involved. The goal of the report was to assess the future demand and need for childcare, assess the effectiveness of the different types and qualities of care and to develop a 10 year vision and strategy. In its conclusions the report links childcare spending to enabling parents to go out to work and lift their families out of poverty. The

²⁹ The DfEE pushed a guideline for EYDCPs “Good Practice for EYDC Partnerships Developing and supporting high quality, sustainable childcare” DfEE, 1999.

review identified areas of market failure to produce access to affordable, good quality childcare for all (Cabinet Office 2002).

In 2003 the DWP published its fifth report focusing on “Childcare for Working Parents” (HC564). The DWP committee collected written and oral evidence from key actors working on childcare in the UK. Here, criticism was voiced on several dimensions, mainly regarding the normative vision of care, access to care and affordability.

The British academic Peter Moss, formerly head of the European Childcare Network, outlined an alternative vision of childcare to the one proposed by the government. “In his view, childcare is a public good which is the right of all children, regardless of whether their parents work or not. Professor Moss criticized the Childcare Review for failing to look at the bigger picture. ... The Review should have questioned existing initiatives, such as tax credits, and moved childcare provision away from being a private commodity towards a universal, free service” (HC 1184). While Professor Moss made references to childcare provisions in other European countries he did not refer to the EES (see also Daycare Trust 2001).

The National Childcare Strategy was also critiqued for not delivering a working childcare market and rather patchy provisions. The EOC remarks “even with this Government’s commitment to childcare and the substantial amount of money already spent, and due to be spent, there are still not enough good, affordable childcare places for everyone who wants one. The high cost, the lack of flexibility in drop off and pick up times, as well as chronic shortage of supply, compound the stress for parents trying to juggle work and children” (EOC 2003, 4). The EOC concludes that “As it stands, childcare remain largely a private benefit for high-income families and a social benefit for some poorer families” (EOC 2003, 5).

The Daycare Trust also points to the affordability question. Only 13 per cent of parents with dependent children use formal childcare services all the time due to the high costs involved. The shortage in places also contributes to rising childcare costs (Daycare Trust 2003). The costs for childcare are thought to be buffered through the reform in the tax and benefit system. The Children’s Tax Credit was however only taken up by 2.3 percent of all families with children up to the age of 16 in England (EOC 2003, 8). One of the main reasons why the Child Tax Credit has not been taken up is that it only covers 70% of the actual costs of childcare. This is of a particular problem for lone parents who are more likely to work limited hours at national minimum wage. If the employment is at the national minimum wage for 16 hours a week the net income is £ 34 a week. Since the WTC requires parents to cover 30% of the childcare costs themselves they might be worse off when moving into work than before. Another problem is that tax credits can only be claimed if registered childcare is used. This argument is supported by a survey by the Chartered Institute of Personnel and Development’s (CIPD) that shows that

“22% of new parents who earn less than £20,000 have stopped work completely, compared with 10% of those who earn more than £20,000. It is arguably due to the alarming lack of childcare provision in the UK, where only 4% of parents get their crèches provided for by the Government or their organization. Given that British parents face the highest childcare bills in Europe, more and more parents, particularly women, have little choice but to drop out of the labour market” (CIPD 2002/3, 9).

At the annual Daycare Trust conference Daycare Trust Director Stephen Burk said that “Access to childcare still depends on where families live, how much they earn and whether they are in work. According to a Daycare Trust survey families living outside of the 20% most disadvantaged areas are not reached sufficiently by the strategy” (BBC 2003).

Overall, various governmental and non-governmental actors are given access to government negotiations on the National Childcare Strategy on the national and local level; semi- and non-governmental actors generally recognize declared childcare to be a priority and welcomed the shift towards a more universal provision of childcare; the review process of the strategy allows groups to point to areas where the strategy has not been sufficient to deliver available, affordable and quality care for all. In the national debate on childcare we find some references to childcare provisions in other European countries but we do not find references to the EES. In the following section we will explore the implementation of the EES in the UK, the involvement of national actors in the strategy and explore why actors have not Europeanized their strategies in the context of the EES.

EES and Childcare

The UK has adopted a centralized structure for the drafting of the NAP Employment with the Department of Work and Pension (DWP), in charge of active labor market policies, coordinating the process. Within the DWP the Joint International Unit (JIU)³⁰ is coordinating with other ministries, regions and semi-governmental actors as well as coordinating relations with the EU. On the national level the JIU coordinates with HM Treasury, the Department of Trade and Industry (DTI), the Department of Education and Skills (DfES) and the Prime Minister’s Office. The regions of Scotland, Wales and Northern Ireland are consulted for their specific policies on employment and education. The DTI is in charge of coordinating with social partners on specific guidelines. At the final stages of process the draft of the employment report is sent to the EOC, the Disability Rights Commission and the Commission for Racial Equality. The JIU is also in charge of bilateral coordination with the European Commission and is a member of the EMCO committee. The centralized administrative structure lays the conditions under

³⁰ The JIU serves the DWP and the DfES as a joint unit.

which key actors actively interested in furthering equal opportunities can influence the drawing of the NAP. The key actors are the Women and Equality Unit (WEU), the EOC and the social partners (TUC, CBI) and -- in the case of childcare – the Daycare Trust.

The WEU was set up as a “gender mainstreaming unit” within the cabinet office in 1997 and has been moved to the DTI in 2001. The main focus of the unit has been to advance women in the workforce (especially equal treatment, antidiscrimination, equal pay). While the WEU was initiated as a gender mainstreaming unit it has not applied gender mainstreaming forcefully to the NAP. While the NAP uses a gender neutral language it tends to limit gender mainstreaming to equal treatment and equal opportunities (Walby 2000). The WEU has neither made the EES nor the National Childcare Policy a priority and has not mobilized around either of them³¹.

The EOC has been reviewing the NAP more critically. The EOC -- like the Disabilities Rights Commission and the Commission for Racial Equality -- receives the NAP when the full draft has been written. This limits the ability of EOC to mobilize around the NAP and gives the EOC a correcting rather than influencing role in the drafting process. In addition, the low public visibility of the EES would require a significant allocation of resources without the opportunity to mobilize around potential (legal and fiscal) sanctions. Since the EOC has limited resources lobbying around the EES is much less attractive than mobilizing around hard law which has higher public visibility – since the government has to implement the directives into national law – and litigation strategies are available. In addition, New Labour has made childcare a priority and elicits EOC’s opinion in the policy making process. Thus, while there is a clear misfit between the national level of childcare provision and European childcare targets the EOC has not incorporated them into its national strategies thus far.

The DTI involves the social partners at an earlier stage and more actively than the EOC. The DTI consults the Confederation of British Employers (CBI) and the Trade Union Congress (TUC) and, to a lesser degree, the Centre for Enterprises with Public Participation and Services of General Economic Interests (CEEP). The social partners have participated minimally in the drawing of the NAP. From TUC’s perspective the UK lack national institutions facilitating a comprehensive social partnership and CBI is not willing to develop those institutions. TUC and CBI involvement occurs in some areas such as the “UK productivity challenge” and “Work and Parents Taskforce”. However, this is following an ad hoc approach of coordination rather than a comprehensive partnership approach the EU envisions. CBI perceives itself as a junior partner or consultant in the drawing of the action plan and avoids concrete commitments resulting

³¹ The WEU has been engaged in projects such as „Advancing Women in the Workplace“ or „Equal Pay“ and thus, focuses more on issues of equal treatment, equal anti-discrimination which are areas targeted by the EC directives. With the financial support of the EU projects and cooperation with industry are furthered.

from its involvement or the institutionalization of a “social dialogue”. TUC is more supportive of a social partnership but skeptical as to whether it is possible. The NAP is seen as a government statement of “best practice” examples and giving the UK government the opportunity to outline what Europe can learn from the UK rather than vice versa. TUC would like to use the NAP in principle to introduce a “European perspective” into the national debate but the EES framework is not suitable for doing so in the UK. The lack of a comprehensive partnership, low public visibility of the strategy and the lack of sanction mechanism are seen as central problems for mobilizing around the EES. On the whole social partnership involvement is minimal in the area of the EES and neither TUC nor CBI dedicates significant resources to mobilize around the drawing of the NAP³².

Neither CBI nor TUC use the EES to influence the National Childcare Strategy. From an employers’ perspective the incentive of doing so are very low. Firstly, the National Childcare Strategy is tax financed and the government did not propose to have firms share some of the costs for the macroeconomic invests. Because of the low degree of interest mediation between employers, trade unions and the state the establishment of social pacts or other measures to make employers accountable for childcare is highly unlikely. Secondly, through the New Deal and tax and benefit reforms the labor supply for the deregulated low-wage sector is already promoted. Thus, firms have little incentives to become involved in the provision of childcare for low income families.

Overall, the low public visibility of the EES combined with a weak social partnership relationship and exclusion of other actors from the drawing of the NAP leave the government relatively unconstrained in drawing of the NAP. The government is able to use the NAP as a report rather than an action plan and can portray its reforms in the “most positive” light. Shortcomings of the National Childcare Strategy are not voiced in the NAP.

Domestic actors do not only have the opportunity to directly exert pressure on the national government when the NAPs are drafted but can also use tools of the EES, such as targets, recommendations and funds (via the ESF) to indirectly challenge government policies. British actors are well connected the European level through the EOC being a member of the Advisory Committee on Equal Opportunities for Men and Women, the academic Jill Rubery being the coordinator of the EU Commission’s Expert Group on Gender and Employment, as well as strong ties with the European Women’s Lobby. Through these strong ties national issues can be brought onto the European agenda and via the “boomerang effect” spiraled back to the national level (Keck and Sicking 1998).

³² This is based on interviews with DWP, WEU, CBI, TUC, EOC, WEU

Within the EES the question is how successful this strategy is and if it allows actors to mobilize around the vertical boomerang effect.

Firstly, a domestic actor mobilization could evolve around the Barcelona childcare targets. The UK having a diverse childcare system with day nurseries, child minders, nursery schools, reception classes and playgroups and childcare statistics compiled separately for England, Wales, Scotland and Northern Ireland make it difficult for actors to compare the EES targets with national statistics. Thus, the question is what level of care and kind of provision of care can be counted towards these targets. National childcare statistics are also not fully comparable to the age structure set within the EES. In addition, the National Childcare Strategy is not structured around percentage targets but focuses on additional childcare places and public funds provided. Accessibility and affordability of childcare are key concerns in the national debate but no European targets have been established and these issues are only mentioned in the guidelines and joint employment report. These restrictions limit the ability to mobilize around specific EES targets. Furthermore, the EES has not developed a specific vision of childcare which limits the ability of national actors to refer to the EES on a normative level.

Secondly, the EU gives regular recommendations to the UK to improve its childcare provisions. The Joint Employment Report 2002³³ however also acknowledges the governments' commitment to childcare and perceives the overall development on childcare in the UK in line with the EES. Through these mixed messages from the EU national actors have no real leverage when referring to the EES.

Thirdly, the European Social Fund (ESF) EQUAL provides funds to find innovative solutions to childcare. A central aim of EQUAL is to support bottom-up innovative processes through setting up developmental partnerships along the guidelines of the EES. In the UK EQUAL is important for the recruitment and training of childcare workers. The UK has historically perceived childcare work as low skilled work and the area has suffered from a shortage in labor supply. Within the National Childcare Strategy more child minders are needed. "At present rates of growth, more than 150,000 new childcare workers are required to meet the target of one million new childcare places by 2004" (Daycare Trust 2001, 1). In July 2000 the government launched a campaign to increase child minders and playgroup staff. The DWP channels funds from EQUAL directly towards training and skill acquisition for child minders³⁴. Participants of the NDLP are especially encouraged to acquire these skills. Thus, the idea of EQUAL to

³³ http://europa.eu.int/comm/employment_social/employment_strategy/report_2002/jer2002_final_en.pdf

³⁴ Looking at the spending of EQUAL (2000-2006) the UK spends 40% on employability, 20% on entrepreneurship, 25% on adaptability, 5% on equal opportunities as well as 5% on asylum seekers and 5% on technical assistance. In the EU spending guidance to member states 10% of the funds should be going to equal opportunities. However, Theme G (Reconciliation of work and family life) is not offered and the money is given to Theme E (work-life balance which focuses on return to employment) and Theme A (re-integration to the labor market).

promote innovative solutions from below is circumvented to meet the demands for more childcare workers. While the usage of EQUAL runs against the original idea of the funds it assists the government in meeting the demands for childcare workers.

Overall, the UK has a high misfit between EU targets and national level of childcare provision. However, the EU hardly exerts any pressure on the national government due to the existence of a national childcare strategy and the integration of childcare in the overall employment strategy. The low public visibility of the strategy and the lack of (legal or fiscal) sanction mechanisms sets strong disincentives for actors to mobilize around the EES since they cannot rely on high levels of interest mediation to compensate for these shortcomings. This allows the government to treat the NAP as a report rather than an action plan and limits the ability of actors to use the EES tools in the national childcare debate. In the national debate actors make references to different care regimes, such as Sweden and France, than to the EES childcare approach. This allows national actors to introduce different visions of childcare into the national debate which the EES does not permit.

**NEGOTIATION FROM WITHIN -
OVERCOMING NATIONAL RESISTANCE FOR REFORM
(Germany)**

Policy Evolution

Through the reunification of West and East Germany two different “care” regimes coincided on October 3rd, 1990. While East Germany provided universal childcare for all age groups and experienced similarly high employment rates of men and women the West German welfare state actively supported a Three-Phase-Model of Women’s employment (Kirchner and Schulz 1992). Historically, West Germany had supported a male breadwinner welfare reform through its tax and benefit system, i.e. married couple tax splitting and child allowance, family policy (i.e. long term paid maternity leave) and a social security system (i.e. family based insurance claims). The fiscal support is coupled with low investments in public childcare provisions and a half-day school system.

In West Germany family policy was strongly tied to the reconstruction of social and political order after WWII. The Christian Democratic Parties (CDU/CSU) institutionalized a social Catholic notion of family with men and women having complementary roles (different but equal) and gave special protection to the family in the German Basic Law (Grundgesetz). The Ministry for Family was established in 1953. The Ministry for Family was headed by the Catholic Franz-Josef Würmeling from 1953 until 1962. The Ministry for Family supported a male breadwinner female homemaker arrangement and did not support an extension of childcare. In 1969 the Social-

Democratic-Liberal Government took office and partially altered the civil and labor code opening new avenues for women's employment. While the government demanded more equal distribution of care work within the family measures to support this change, such an amendment of the tax and benefit system and expansion of public childcare were not taken. At that time the women's movement and student protests gave marginal attention to childcare. If childcare was on their agenda then as part of the demand to make the education system less authoritarian. Kinderläden (children's shops) were set up that reflected these ideas. However, these children's shops relied on parental involvement and were not designed to take care of children to allow mothers to combine work and family more easily (see Naumann 2003, 13).

A new maternalist debate emerged on "new motherliness" (Neue Mütterlichkeit) in the 1980s. The needs of mothers – independently from their marital status – were formulated to elevate the social recognition, financial support and improve the infrastructure for women with children. Part of this debate was the demand for "wage for housework" to reflect the equal value of paid work and care work in the family (Opielka 2002, 23). These demands were not tied to childcare or active labor market participation of women (Neumann 2003, 15). The Christian Democratic-Liberal government (CDU/CSU and F.D.P.), in office from 1982 to 1998, did not meet these demands and supported a Three-Phase-Model of female employment. Here, a "typical work biography" consists of (full-time) work until childbirth, a relatively long parental leave and return to (part-time) work hereafter. The transition from a male breadwinner female homemaker model has been supported through a policy mix of parental leave (Erziehungsurlaub) and parental assistance (Erziehungsgeld). Shortly after the election 1982 the government re-introduced the dual system of child tax credits (Kinderfreibeträge) and child allowance (Kindergeld). Since childcare facilities and schools are largely part-time most women "prefer" part-time work. This gives firms an instrument to select who will return and in which conditions (Pfau-Effinger 2000, 132). Unlike in the UK, the welfare state and the labor market policies have not specifically targeted lone parents.

After the German reunification the West German tax and benefit system, family policy, social security and administrative structure on childcare was transferred to East Germany. Local authorities became in charge of childcare provisions. In the process of political and economic restructuring local authorities in the East Germany faced severe fiscal constraints. A retrenchment of women's employment was parallel by a retrenchment of public childcare provisions to cut public spending.

In 1989 Professor Dr. Dr. h.c. Ursula Lehr, Minister for Family from 1989-1991, demanded for the first time an expansion of childcare for under three year olds. The proposal met fears resistance from the Christian-Democratic Party and the states. The initiative was uniformly opposed by all of the Länder unless the federal government provides significant financial assistance to the Länder. The only way the federal

government could become active on childcare was through a legislative initiative. In 1991 the government amended the Children and Youth Act (Kinder und Jugendhilfegesetz) (KJHG) and introduced the term “bedarfgerechtes Versorgungsangebot” (supply based on demand) for all age groups. This was, however, not seen as sufficient to promote an extension of childcare places in West Germany and prevent a cut back of existing once in East Germany.

In 1992 negotiations on a new German abortion act began. The West German Paragraph 218 of the Criminal Code was modified and applied to East Germany eventually in 1995. In the course of the abortion acts’ amendment childcare played an important role. Since abortion would no longer be easily accessible in East Germany the right to a kindergarten place was seen as necessary compensation. In 1992 the right to a kindergarten place for all three to six year olds was adopted and the act came into force in 1996 (Paragraph 24 KJHG). Local authorities was given time to make the necessary infrastructural investments until 1999. The law does not address opening hours and holiday arrangements which both represent major obstacles for parents to work part- or full-time. For children under the age of 3 years the SGB VIII only recognizes a need based provision (bedarfgerechtes Angebot) leading to a large degree of variation on childcare among the different states and between rural and urban areas.

The federal government had envisioned that local authorities would make infrastructural investments and the government would not have to participate in the costs for these macroeconomic investments. Many local authorities decided however to shift funds rather than allocate additional funds to childcare. Especially in East Germany local authorities could cut back on childcare provisions for children under age 3 (Kindergrippen) and after school care older children (Kinderhorte). In East Germany, for instance, 56,4% of children under 3 years of age had childcare places in 1989 the number dropped to 14,4% in 2000 (Dingeledy 2003, 103). In West Germany the new legislation has promoted an extension of childcare places within the age segment of 3-6 year olds but limited investments in after school care still make full-time employment of parents difficult. Germany remains one of the few European countries with a half-day school system relying on parental support for homework and a three tear school system where decisions on which school to attend are made when children are aged 10. Through the combination of limited childcare and a school system relying on parental involvement strong disincentives is set for a dual breadwinner model. In the 1990s the insufficient infrastructure in conjunction with an economic downturn led to a further drop of fertility rates (Kreyenfeld 2002; Sleebos 2003).

In 1998 the Social Democratic-Green government took office. In the first term (1998-2002) the government amended, for instance, the parental leave law (Bundeserziehungsgeldgesetz) and complied with the EU directive. According to the new regulation parents of children born after 1.1.2001 can take parental leave independently

of the family type and each parent can also work up to 30 hours. Through budgeting options integrated – allowing choose between different durations of parental leave with higher payments for shorter leave periods – the law has given incentives to return to work earlier and not use the full three years of parental leave. The new law also partially breaks with traditional gender divisions by allowing both parents independent of the employment status of the partner to take the leave.

While the Social Democratic-Green government swiftly implemented EU Directives to further equal opportunities the government did not take steps to reform the tax and benefit system. The marital tax splitting and the option model allowing parents to choose either child allowance (Kindergeld) or child tax credit (Kinderfreibetrag) were maintained. Both measures benefit particularly higher income families. The government also followed the policy legacy of increasing the child allowance to compensate parents for the upbringing of their children. Minister for Family, Senior Citizen, Women and Youth Ingrid Bergmann, 1998-2002, increased the child allowance by nearly 50 percent to 154 Euros per child for the first three children and introduced an education credit of 21640 Euros. At the same time, the household credit (Haushaltsfreibetrag) that gives support to lone parents who cannot benefit from the marital tax splitting has been gradually reduced from 2.916 Euros (2001) to 0 (2004). Furthermore, the government discontinued the care tax credit for lone parents (Betreuungskostenfreibetrag, approximately 2000 Euros until 1999). Starting in 2000 all households can only claim the child tax credit (Kinderfreibetrag). In households with (both) parents working and childcare costs exceeding 1.548 Euros further tax reductions can be claimed (see Schratzenstaller 2002, 129). Through these reforms fiscal incentives are given for high income parents to remain employed and to hire private help in the household while at the same time the fiscal support for employed lone parents has been reduced. The government reintroduced the tax credit for lone parents who live without a partner. “True” lone parents can receive 1,300 Euros as tax credit starting in January 2004.

In regard to childcare the government did not take specific actions within the first term in office. However, childcare and education came forcefully onto the political agenda when the OECD PISA study was released in 2000³⁵. According to this study educational achievements of German students were below OECD average on reading, math and sciences. The results put educational concerns onto the political agenda and enabled women’s activists within the government to demand decisive action on education. Within the emerging political debate on the PISA results long-standing demands for whole day schools to improve students’ performance. These debates translated into a program “Education and Care” (Bildung und Betreuung) and the governments

³⁵ See <http://www.pisa.oecd.org/> for the overall PISA strategy and http://www.mpib-berlin.mpg.de/pisa/PISA-2000_Overview.pdf for specific information in relation to Germany.

commitment to transfer 4 billion Euros from the federal government to the Länder to set up whole day schools once reelected.

In the second term in office (2002 to present) the Social Democratic-Green government continued with and expanded its labor market reform and became active on childcare. During the first term in office the government passed the Job-Aktiv Act 2001 that reformed the SGBIII.³⁶ The reform has been carried out in reference to the EES. Its key emphasis is on skill acquisition and strengthened preventive labor market measures to avoid long-term unemployment through early intervention by the employment agency. From a gender perspective the new law is important in two ways. Firstly, gender mainstreaming was integrated in paragraph 1 of the Job-Aktiv Act 2001. The introduction of this element of the law was made with specific reference to the EES (BT-Drucksache 14/6944, 26). Secondly, through the Job-Aktiv Act equal opportunities in access to active labor market measures has been promoted. For parents in training and skill acquisition programs the agency should assist in childcare provisions. While the DGB welcomed the reforms the BDA was critical of them and thought that they are not going far enough to restructure the labor market.

In February 2002 the Federal Audit Office (Bundesrechnungshof) reported severe mismanagement of the Federal Employment Agency in reporting of placements and assisting job seekers. Through this scandal the activation strategy of the agency was called into question and consequently, the agency as whole. The government decided to set up a Commission led by Peter Hartz, manager at Volkswagen, to develop an overall labor market strategy. Shortly before the federal election in fall 2002 the Hartz Commission published a set of labor market reforms which translated into Modern Services of the Labor Market Act (Gesetze für moderne Dienstleistungen am Arbeitsmarkt in 2002 and 2003).

The first two sets of Reforms (Hartz I and II) came into force in January 2003³⁷. Hartz I reorganized the Federal Agency and its work to assist job seekers have been altered. The tripartite structure of the agency involving employers, trade unions and the

³⁶ In 1997 the Labor Promotion Act of 1969 (Arbeitsförderungsgesetz, AFG) was transformed into the Sozialgesetzbuch III (SGBIII). Job-Aktiv Gesetz: Gesetz zur Reform der arbeitsmarktpolitischen Instrumente. Bundesregierung – Gesetz vom 10.12.2001 – Bundesgesetzblatt Teil I 2001 Nr. 62 4.12.2001, 3443

³⁷ Hartz I: Bundesregierung – Gesetz vom 23.12.2002 – Bundesgesetzblatt Teil I 2002 Nr. 8730.12.2002, 4607

Hartz II: Bundesregierung – Gesetz vom 23.1.2002 – Bundesgesetzblatt Teil I 2002 Nr. 8730.12.2002, 4621

Hartz III: Bundesregierung – Gesetz vom 23.12.2003 – Bundesgesetzblatt Teil I 2003 Nr. 6527.12.2003, 2848

Hartz IV: Bundesregierung – Gesetz vom 24.12.2004 – Bundesgesetzblatt Teil I 2003 Nr. 6629.12.2003, 2954

For an overview of the key legal changes see:

<http://www.labournet.de/diskussion/arbeit/realpolitik/modelle/hartz/uebersicht.pdf>

government was transformed to a supervisory board. In addition, Job-Centers were opened to assist job seekers to find a new position. Hartz II introduced tax subsidized Ich-AG giving unemployed incentives to start up their own business (entrepreneurship) as well as Minijobs which provide tax subsidies for low income jobs, especially thought to reduce the black market in domestic work.

Parallel to the implementation of Hartz I and II the Chancellor's office formulated a strategy paper on "A way to more growth, employment and social justice" (Auf dem Weg zu mehr Wachstum, Beschäftigung und Gerechtigkeit). Here, explicit references are made to the Lisbon strategy and emphasized its commitments to the 2010 goals (Kanzleramt 2002, 3). The paper also reinforces the governments' commitment to macroeconomic investments in the area of education and families. As already in the coalition treaty between Social Democrats and Green Party, the paper calls for macroeconomic investments in care and education. The federal government will provide 4 billion Euros to assist the Länder in setting up whole day schools and 1.5 billion Euros per year from 2003-6 to assist local authorities in expanding childcare for under three year olds. The paper also argues that the federal division of responsibilities should not prevent these investments (Kanzleramt 2002, 7-8). A revision of the tax code in support of the male breadwinner model is not included in the tax and benefit reform package. In regard to the labor market the strategy paper envisions a reform of labor market policy according to the Hartz reforms. The key concepts of Hartz III and IV are reinforced, namely a combination of unemployment assistance (Arbeitslosengeld) and social assistance (Sozialhilfe) to cut spending on labor market policy; limited options to deny a job offered; deregulation of the labor market to accommodate fixed term and other forms of employment; new organization of the low wage labor market segment (Kanzleramt 2002, 16).

On March 14 2003 Chancellor Schröder announced his Agenda 2010 in parliament. Following the strategy paper the Chancellor supported the Hartz reforms. On June 2003 the Social Democratic Party a posteriori approved of the Hartz agenda as part of the document "Courage to Change" (Mut zur Veränderung) (SPD 2003, 13-16). Again, references are made to the creation of a European Social Model that does not regulate society via market rules. The reform agenda 2010 is seen as a way to restructure welfare states to allow for growth and tied to the Lisbon strategy (SPD 2003, 7). A dual strategy to increase employability is proposed in the key chapters of the agenda 2010 on education, training and innovation and modernization of the labor market. On the one hand, the opportunities for young people (below 25) should be enhanced to get them into employment and childcare provisions should be extended provide better conditions to reconcile work and family life. On the other hand, the pressure on older employees to remain employed is enhanced through a termination of early retirement policy, combination of social assistance and unemployment assistance and reduced options to

decline a job. The reform agenda met with high levels of resistance within the Social Democratic Party and trade unions. The Hartz III and IV passed – with minor alterations - - both houses of parliament after long negotiations between federal and state governments and intensive lobbying on behalf of the social partners at the end of 2003.

From a gender perspective the Hartz reforms are quite problematic. A positive aspect of the reform is that childcare has become a priority of the government and the government is willing to use fiscal gains through the Hartz reforms for these macroeconomic investments.³⁸ Through this policy innovation the government has not diverted from the policy legacy of compensating parents for raising children through fiscal transfers to families but has rather added a new element to the strategy. The labor market reforms themselves are seen critically. Gender mainstreaming has not been applied to the Hartz III and IV reform package to reduce or eliminate a strong gender bias of the reforms.³⁹ Firstly, the Arbeitslosengeld II takes the family income as the basis for determining whether or not a person will receive these benefits. At the same time it has become more difficult to decline a job. For a person with an employed partner this enhances the pressure to either take on the job offered or to withdraw from the active labor market after one year of being unemployed. For low skilled (female) workers employment in “minijobs” is indirectly encouraged by making it harder to decline a job offer (Zumutbarkeitskriterien). For (lone) parents the criteria for having to accept a job are less strict since they are conditioned on the availability of childcare. The new regulation perceives lone parents as being able to seek employment once their children are three years old and thus, breaks with the welfare state legacy of given special protection to mothers to withdraw from the labor market. Through these new regulations an increase in child poverty is anticipated and there has not been a conclusive strategy developed to reduce child poverty⁴⁰.

Overall, the Agenda 2010 introduces a significant restructuring of the labor market which implicitly further the employment of (skilled female) workers planned investments in childcare and school systems and tax incentives to hire domestic help

³⁸ The redistribution component of agenda 2010, namely the transferal of public spending away from labor market measures to macroeconomic investment, is however put into question since new the fiscal gains from the Arbeitslosengeld II might be much lower than anticipated (Käppner 2004).

³⁹ Due to massive protests from feminist actors within the DGB, Deutsche Justinnenbund, Berufliche Perspektiven fuer Frauen E.V. and the equal opportunities unit within the federal employment agency a sentence on gender mainstreaming has been added on the first respectively the last page of the legislative drafts. Feminist activism has been during the legislative process had relatively little impact. Childcare was also not a key concern of these protests.

⁴⁰ Associations, such as the Kinderschutzbund (Association Protection Children) organized large scale protest against the Arbeitslosengeld II since a massive increase in recipients of social assistance is expected bringing to 1,5 million children into social assistance. The BMFSFJ proposed a credit of 140 Euros for low income working parents. The ministries estimate that those 150,000 children and their families will be removed from the Arbeitslosengeld II. Arbeitslosengeld II pays 345 Euros in West Germany and 331 Euros in East Germany (see BMFSFJ 2003). Housing costs and other related costs are covered by local authorities.

(Minijobs) and create (low skilled female) jobs; increases the pressure on married women with an employed partner to find employment, take on a job or withdraw from the active labor market; enhances the pressure on single parents to seek paid work by treating them as being employable aside from few exception. Childcare is not an integral part of the labor market reform and only plays a role in terms of financing investments for under three year olds. A radical shift towards universal childcare cannot be achieved with the funds allocated and neither with the once allocated for the building of whole day schools. Despite these shortcomings we can nevertheless determine a process of institutional layering (Thelen 1999, 2003) in the sense that a new dimension is added to the policy legacy on child support. In other words, while the Christian-Democratic governments have provided families with fiscal support to help parents bear the expense of children the Social Democratic Green Government continues with this strategy but adds a new component to it, namely infrastructural investments. Herewith, the government supports “choice” between homemaking and paid work.

EES and Childcare

In Germany the drawing of the NAP is done in a decentralized fashion reflecting the high degree of vertical and horizontal fragmentation of the state. Prior to the 1998 election the Ministry for Economics and Technology (Bundesministerium für Wirtschaft und Technologie) was responsible for the drawing of the NAP. After the Social-Democratic Green government took office in fall 1998, the responsibilities shifted twice in the cause of an overall restructuring of the ministries. The Ministry of Finance (Bundesministerium für Finanzen, BMF) had the coordinating responsibilities from 1999-2003. The Ministry of Economics and Labour (Bundesministerium für Wirtschaft und Arbeit, BMWA, formally the Bundesministerium für Arbeit und Sozialordnung, BMA) has been in charge of key issues of the NAP concerning labor market reforms. Since the fall 2003 the BMWA has been leading the drawing of the NAP. The ministry coordinating the drawing of the NAP consults with other ministries, such as the Ministry for Health and Social Security, the Federal Ministry of Education and Research or the Federal Ministry for Family, Senior Citizens, Women and Youth (BMFSFJ). The different states and local authorities are contacted and each state is drawing up a statement that is added to the NAP⁴¹.

While different ministries have been coordinating the process the staff working on the drawing of the NAP has largely remained the same. The BMWA is the central actor in bilateral negotiations with the European Commission and the Employment Committee (EMCO) as well as consulting with the Länder, central associations of the local authorities and the social partners. The BMWA is also the key actor in preparing labor

⁴¹ Interviews have been conducted with the BMWA, BMFSFJ, BDA, DGB, Deutsche Frauenrat.

market reforms and the reform of the Federal Employment Agency (Bundesagentur für Arbeit, formally Bundesanstalt für Arbeit). Since the Federal Employment Agency has been a “semi-sovereign administration” (Selbstverwaltung) the social partners are involved in the administration of the agency alongside the government on the federal, state and local level.

In respect to childcare and education the drawing of the NAP involves two ministries. The Federal Ministry of Education and Research (Bundesministerium für Bildung und Wissenschaft) is responsible for coordinating with the Ministries of Education on the state level since key responsibilities in this area fall into the jurisdiction of the states. The Ministry of Education and Research can coordinate the education policy through the Conference for the Arts and Culture (Kultusministerkonferenz). The federal ministry is not entitled to set standards in terms of opening hours of schools and curriculum. The co- financing of the whole day school project required a formal agreement between the federal and state level (Bund-Länder-Abkommen).

The BMFSFJ is coordinating with the states, the local authorities as well as social partners’ on childcare provisions. The BMFSFJ is only responsible for drawing of sections on equal opportunities and is given limited ability to apply gender mainstreaming to the NAP as a whole. An external monitoring unit such as the EOC in the UK does not exist in Germany. Important NGOs such as the Deutsche Frauenrat (German Women’s Federation) or the Deutsche Juristinnenbund (German Female Lawyers Association) are not consulted by the ministry. The BMFSFJ sees the NAP as a report of what the government has done and not as an action plan.

While the number of government actors involved in the drawing of the NAP is significantly larger in Germany than in the UK the process is similarly closed. A key difference between the UK and Germany is the absence of a national childcare strategy and the refusal of the federal government to set national targets. This makes the government more “vulnerable” to external pressure exercised via the OMC. In this particular national conditions European targets and recommendations play a different role than in the UK⁴².

Firstly, the EES targets on childcare represent a significant challenge to the government since Germany is one of the few European countries with low childcare provisions – especially for under three year olds – and without a national childcare strategy to meet the targets. The government is repeatedly quoting the prospective investments in childcare but these are not tied to national targets. One of the reasons for

⁴² Finally, EQUAL funds are not directly channeled to a particular purpose, i.e. training of child minders. The projects funded through the fund are running until 2006 and it is too early to determine evaluate if innovative solutions are produced.

the resistance to national targets is the political experience of not meeting targets set to reduce unemployment of 3.5 million by the end of the first term in office in 2002. The opposition parties interpreted not meeting the target as an overall failure of the government's labor market strategy. Through the governments' refusal to set national targets, despite supporting European wide targets on childcare, the government is inviting in external pressure. The government seeks to compensate for the lack of specific national targets and strategy by making detailed reports on the advancements on childcare on the Länder level in its NAP 2003. Secondly, Germany receives regularly recommendations to improve its childcare provisions. Since the government is not setting up national targets and only reiterates the increased funds given to local authorities further frictions between the EES strategy and the national response are created. While the lack of a national strategy and targets makes the government vulnerable to external pressure it strengthens its position vis-à-vis the Länder and conservative forces wanting to preserve the male breadwinner female homemaker division of labor. In Germany childcare and education fall into the responsibility of the Länder and local authorities. These actors have exercised their veto power to prevent the federal government from becoming active on childcare and education since this perceived this as weakening the division of power within the federalism. With the EES targets on childcare coming into play the governments' demands for macroeconomic investment on childcare are strengthened.

While the government is open for external pressure through the OMC this would have limited consequences without domestic pressure. Germany does not have a strong childcare lobby and childcare initiatives are mainly locally organized without the organizational capacity to influence federal policy making. Since NGOs are not consulted in the drawing of the NAP and given the low public visibility of the EES we can exclusively focus on the social partners positioning towards childcare. Here, the question is if social partners, and especially employers, are using the resources the EES provides to achieve their own goals. This will help us to understand why the "boomerang effect" works in the case of Germany.

In the drawing of the NAP we find a medium level involvement of social partners. Federal bodies of the social partners are the Deutsche Gewerkschaftsbund (DGB), Bund Deutscher Arbeitgeber (BDA), Bund Deutscher Industrie (BDI), Deutsche Industrie und Handelskammer (DIHK) and the Zentralverband des Deutschen Handwerks (ZDH). In the drawing of the NAP the BMWA consults mainly with the BDA and DGB since these organizations are concerned with labor market policy. The key difference between the implementation of the NAP in the UK and Germany lay is the level of interest mediation and the role the social partners play in the broader labor market and childcare reform process. The role of the social partners cannot be restricted to their role in the drawing of

the NAP. It is necessary to also investigate the strategies evolving around the NAP and the general involvement of social partners in labor market and policy reforms.

Since 1998 the EES guidelines asks member states and social partners to seek ways to enhance childcare provisions. The German government has perceived this to be a state task and has sought to promote and fund these macroeconomic investments. The BDA supports the government's initiative by saying "It is predominantly a governmental task to create high quality childcare and to expand existing once – especially since Germany is one of the countries with the worst provision in Europe. Equal opportunities between men and women and the reconciliation of work and family life can only be achieved through a better childcare provisions" (BDA 2001, 6). The following year the BDA argues in its position paper on the five year revision of the EES "The Commission's approach is correct arguing that it is the responsibility of the government to create childcare facilities. It is a public task to set up area wide childcare facilities according to demand" (BDA 2002a, 6). In 2003 the BDA supported the European Commission's recommendations on childcare arguing that a lack of those provisions harms women's labor market participation (BDA 2003). Thus, while it is not clear that the Commission really leaves social partners out of the responsibility to enhance childcare the employers association prefers this interpretation. For the BDA the government has agreed to the EES targets and consequently, it is the government's task to meet the demands. The regular reference to the EES in regard to childcare leaves us with the question of why employers use the resources the EES provides on this specific issue.⁴³

Firstly, firms operate in a CME high-skill, high-wage equilibrium in Germany. With rising numbers of women being employed firms invest significant resources into education and training to provide their employees with firm specific skills. If highly trained women take pro-longed parental leave, return to work part-time or exit the labor market the firm specific investments in training and skill acquisition are lost. During the first term of the Social Democratic Government (1998-2002) a skill shortage in the IT sector let, for instance, to employers' support of women in the IT sectors⁴⁴. In addition, skilled labor shortages are particularly strongly felt in (Catholic) states with low childcare provisions, such as Baden-Württemberg and Bavaria. Furthermore, labor market predictions predict a skill shortage (despite high unemployment rates) in the future. Having highly qualified women exiting the labor market creates severe problems for

⁴³ The DGB is participating in the drawing of joint statements on particular guidelines but is not actively using the strategy to promote childcare. The DGB is active on equal opportunities within the labor market and childcare plays a secondary role.

⁴⁴ On the European level the Commission organized a strategy to increase the level of employment in the IT sector (COM (2000) 48endg). The Federal Employment Agency also initiated a program on gender mainstreaming and IT sector employment. These programs became abandoned with the end of the IT boom. Nevertheless, a shortage on highly qualified workers is anticipated given the low fertility rate and lack of elite training facilities. It is doubtful that Germany will alter its immigration policy to such an extent that it will fill this demand through immigration. Current initiatives, such as the Green Card, will not be sufficient.

firms and this provides incentives for the employers' association to support the federal government's initiative on childcare.

A second point of concern is the involvement of firms in the provision of childcare. German firms – unlike their British counterparts – have to anticipate that the government may require them to participate in the financing and organization of childcare. In 2003 the government has initiated Local Pacts for Families (Lokale Bündnisse für Familien) to enhance social partners' involvement in the reconciliation of work and family life. The strategy entitles elements of flexible working time and work organization, firm based infrastructure for childcare and human resource planning taking parental leave into consideration. From 2003-6 these pacts should encourage voluntary arrangements between different actors on the local level, such as welfare associations, firms, trade unions and local authorities to promote the reconciliation of work and family life. From an employer's perspective these pacts are preferable to legislation demanding specific actions from firms or fiscal support. The Alliance for Families (Allianz für Familien) has a similar status as the Voluntary Agreement between the state and leading employers' organization (BDA, BDI, DIHT, ZDH) on equal treatment. The Equal Treatment Act (2.GleiBG 2001) only applies to the public sector and the private sector encourages equal treatment on the basis of a voluntary agreement. Firms prefer a similar arrangement in regard to reconciliation of work and family life.⁴⁵ In this specific situation the BDA uses its involvement in the EES to reemphasize that the state rather than firms should facilitate macroeconomic investments on childcare (and education). Thus, for the BDA the EES is a tool to reinforce the value of voluntary arrangements or soft measures. Indirectly, this strategy leads to domestic pressure on the government to find innovative solutions to meet the targets set at the EU level.

Overall, in the specific national context of Germany the EES is an important tool to overcome national resistance to reforms of the labor market and childcare strategies. When the Social-Democratic Green Government took office in 1998 only marginal reforms were carried out in the labor market (i.e. Job-Aktiv law) and childcare and whole day school initiatives were proposed but not carried out. During the second term in office the government has continuously made references to the Lisbon strategy to promote further reforms of the labor market and reallocate resources from labor market to macroeconomic investments in childcare. Social partners, especially employers, are using the EES to put the government between a 'rock and a hard place' to make macroeconomic investments and to fund these needed investments. In this specific

⁴⁵ If these voluntary arrangements do not produce satisfying results the government can threaten with legal regulations such as done just recently in the case of the education and training. On March 3rd, 2004 the government decided to pass a law requiring firms to pay a fee if they do not provide sufficient vocational training (Ausbildungsabgabegesetz). This law will end a voluntary pact of main employers to deliver sufficient vocational training.

context the low public visibility of the EES and lack of (legal and fiscal) sanction mechanisms are compensated by actors' ability to use the high degree of interest mediation to exert pressure on the government. To sum up, the EES has contributed by adding a new component to the family policy, namely federal government spending on infrastructure for childcare (and whole day schools). This is an institutional layering over and above the fiscal strategies of support for families with children.

CONCLUSION

Childcare has been on the European agenda since the 1980s. Based on the work of the European Commission Network on Childcare a directive on childcare was drafted in 1992. The draft directive set specific targets for childcare for under three year olds and children of three to school age and emphasized an egalitarian vision of childcare following the Scandinavian example. The draft directive was however not adopted. In the late 1990s childcare became part of the European Employment Strategy (EES). While the European Union integrated childcare within a concrete implementation framework of the EES it only became a priority of the strategy at the Barcelona Council of Ministers in 2002 and 2003 guidelines. The EES has narrowly incorporated childcare and focuses on aspects quantity, quality and affordability – with most attention being given to quantity of childcare. The strategy lacks a normative vision of childcare. The distribution of care work within the family has not been addressed and neither has the issues evolving around childcare workers been incorporated in the strategy. The narrow focus of the EES on targets is part of the EES strategy to honor national diversity and the principle of subsidiarity but limits the building of a Social Europe on a normative level. For national actors the specific incorporation of childcare limits and structures the ability to use the EES.

Comparing the implementation of the EES in the UK and Germany we find that only under certain institutional conditions, namely a high degree of interest mediation, national actors are able and willing to draw on the EES. In the UK New Labour took office in 1997. The government immediately made childcare a priority and integrated childcare in its economic policy. NGOs have been given access to the development and revision of the National Childcare Strategy and have been incorporated in the implementation of the strategy on the local level. In the context of the EES the government refers to the National Childcare Strategy to minimize external pressure. While the government can insulate itself from the soft pressures of the OMC national actors, such as the EOC or TUC could theoretically use the EES to question the set pattern of response to external recommendations. While these actors are vocal about the shortcomings of the National Childcare Strategy in the revision of the strategy they are not incorporating the EES into their arguments in the national debates and they also do

not mobilize around the EES. The key reasons for actors choosing not to use the EES are the lack of legal and fiscal sanction mechanism and low public visibility of the strategy. These inherent shortcomings of the soft law approach could be overcome if the social partners would mobilize around the strategy and use their preferential involvement in the drawing of the NAP. Social partners however do not dedicate significant resources to the NAP and do not mobilize around it. The underlying reason for the indifference of social partners to the EES is the low level of interest mediation between the state, employers and unions in the UK. In the LME context firms have relatively little incentive to support universal provision of childcare and they do not anticipate that the government could draw them into social pacts to provide for this infrastructure. In this specific national context the EES neither exerts significant external pressure nor is it made relevant on the national level through national actor mobilization on childcare using the EES to achieve their goals.

In Germany the Social Democratic Party and the Green Party have been supporting an extension of public childcare prior to the 1998 election. Once in office no actual strategy was derived. Through the vertical division of power between the federal government and the states childcare – like education – falls into the responsibility of the states. The establishment of childcare targets on the European level strengthens the federal governments demand for more macroeconomic investments and the position of the federal government vis-à-vis the states.

The external pressure exercised through the OMC is complemented by internal pressure from the social partners, especially employers. Germany is a CME with high skill-high wage labor market equilibrium and firm and industry specific skill investments. In this context employers have an interest in keeping skilled female workers in the labor market since a growing number of qualified women are employed and a skilled labor shortage is anticipated in the near future. Childcare is seen as one of the key preconditions to facilitate the reconciliation of work and family life and to keep these workers tied to the labor market. The EES is important because it allows employers' associations to point to the responsibility of the government to carry out the macroeconomic investment in childcare (and education and training). Secondly, through the high level of interest mediation employers are more concerned about being drawn into the actual childcare provisions than their British counterparts. Thus far, the federal government has proposed to use cuts in social spending on unemployment assistance and social assistance to finance the expansion of childcare. In contrast to the UK where the expansion of childcare is tax financed and employers do not play a significant role in the strategy's delivery German employers cannot be certain they are not required to share part of the costs. Through the higher degree of interest mediation the government has however already initiated local pacts for families where employers are drawn into social policy. From an employers' perspective voluntary cooperation is preferred to legislative

regulations or formal “taxes” on companies or wages to finance childcare. The EES is used to reiterate this point and make the government accountable for the commitments it has made on the European level. The high degree of interest mediation and different conditions under which employers support childcare create better institutional conditions for the “boomerang effect” to work in Germany than in the UK.

Bibliography

Abbot, Kenneth W. and Duncan Snidal (2000) Hard and Soft Law in International Governance. International Organization. 54 (3), 421-457

Alter, Karen J. and Jeannette Vargas (2001) Explaining Variation in the use of European Litigation Strategies. European Community Law and British Gender Equality Policy. Comparative Political Studies 33 (4), 452-482

BBC (2000) Concern over childcare <http://www.news.bbc.co.uk/1/hi/education/855832.stm>

BBC (2003) "Childcare for all" says minister. <http://www.news.bbc.co.uk/go/pr/fr/-/1/hi/uk/3261283.stm> (11.11.2003)

Behning, Ute and Amparo Serrano Pascual (2000) Gender mainstreaming in the European employment strategy. Brussels: ETUI

Bertozzi, Fabio and Guiliano Bonoli. (2002) Europeanisation and the convergence of national social and employment policies. What can the open method of coordination achieve? Paper prepared for the workshop Europeanisation of national political institutions. ECPR Joint-session, Turin, Italy, 22-27 March 2002

Best, Edward and Daniel Bossaert (2002) Introduction: Making the Employment Strategy Work, in: Best, Edward and Daniel Bossaert (eds.) From Luxembourg to Lisbon and beyond. Making the Employment Strategy work, European Institute of Public Administration, Maastricht, 1-15

Börzel, Tanja A. (2000) Improving compliance through domestic mobilization? New instruments and effectiveness of implementation in Spain. In Knill, Christoph and Andrea Lenschow (eds.), Implementing EU Environmental Policy, 222-250

Bundesvereinigung Deutscher Arbeitgeber (2001) Beschäftigungspolitische Leitlinien 2001. Bewertung

Bundesvereinigung Deutscher Arbeitgeber (2002) Stellungnahme zur Mitteilung der Europäischen Kommission Fünf Jahre Europäische Beschäftigungsstrategie – eine Bestandsaufnahme. 1. Oktober 2001

Bundesvereinigung der Deutschen Arbeitgeber (2003) Europäisch Koordinierte Beschäftigungsstrategie, 17. November 2003

Caporaso, James and Joseph Jupille (2001) The Europeanization of gender equality policy and domestic structural change, in: Cowles, Maria Green, James Caporaso and Thomas Risse. Transforming Europe – Europeanization and domestic change. Ithaca, Cornell University Press, 21-44

Cabinet Office (2002) Inter-Departmental Childcare Review – November 2002: Delivering for Children and Families.

Chartered Institute of Personnel and Development (CIPD) (2002/3) Overview of CIPD surveys 2002/3. London

Cohen, Bronwen and Neil Fraser (1991) Childcare in a Modern Welfare System. London: Institute of Public Policy Research.

Conant, Lisa (2001) Europeanization and the courts: Variable Patterns of Adaptation among National Judiciaries, in: Cowles, Maria Green, James Caporaso and Thomas Risse. Transforming Europe – Europeanization and domestic change. Ithaca, Cornell University Press, 97-115

Coron, Gaël and Bruno Palier (2002) Changes in the Means of Financing Social Expenditure in France since 1945. In de la Porte, C. and Philip Pochet (eds.) Building Social Europe through the Open Method of Co-ordination, 97-136

Cowles, Maria Green, James Caporaso and Thomas Risse (eds.) (2001) Transforming Europe – Europeanization and domestic change. Ithaca, Cornell University Press

Daly, Mary (2000) The Gender Division of Welfare. The Impact of the British and German Welfare States. Cambridge, Cambridge University Press

Daycare Trust (2001) Who will care? Recruiting the next generation of the childcare workforce, London, September 2001

de la Porte, Caroline and Philippe Pochet (eds.) (2002a) Building Social Europe through the Open Method of Co-ordination. Brussels: P.I.E. –Peter Lang

de la Porte, Caroline and Philippe Pochet (eds.) (2002b) Conclusion, in de la Porte, C. and P. Pochet (eds.) Building Social Europe through the Open Method of Co-ordination, in P.I.E. Lang, Brussels, pp. 285-303

de la Porte, Caroline and Philippe Pochet (2003a) The OMC Interwined with the Debates on Governance, Democracy and Social Europe”, report prepared for the Belgian Ministry of Social Affairs, <http://www.ose.be/files/docPP/researchOMC.pdf>

de la Porte, Caroline and Philippe Pochet (2003b) The Participative Dimension of the OMC. Paper prepared for the conference «Opening the Open Method of Co-ordination », Florence, Italy, 4 and 5 July, 2003

Department of Education and Employment (1998) Green Paper. Meeting the Childcare Challenge, CM 3959, London: Stationary Office

Department of Education and Employment (1999) Good Practice for EYDC Partnerships Developing and supporting high quality, sustainable childcare, London: Stationary Office

Department of Social Security (1997) Unemployment and access to work, Welfare Reform Focus File, no. 3, London: Stationary Office

Deutscher Gewerkschaftsbund (2003) Geschlechtergerechte Arbeitsmarktreformen? Zu den frauenpolitischen Forderungen für das Vermittlungsverfahren, Papier 12/2003

Dilnot, A. and J. McCrae (2000) The Family Credit System and the Working Families Tax Credit in the United Kingdom. OECD Economic Studies, No. 31, 2000/II

Dingeldey, Irene (2003) Politikfelduebergreifende Koordination als neue Steuerungsform im aktivierenden Sozialstaat? Eine Analyse der Employability Politik in Dänemark, Deutschland und Großbritannien am Beispiel der Beschäftigungsfähigkeit von Müttern. Österreichische Zeitschrift für Politikwissenschaft, 32 (1), 97-108

Employment Taskforce (2003) Jobs, Jobs, Jobs. Creating more employment in Europe. Report of the Employment Taskforce chaired by Wim Kok. Berlin, November 2003.

Equal Opportunities Commission (2003) How can suitable, affordable childcare be provided for all parents who need to work? Submission to the Work and Pension Select Committee Inquiry, February 2003, (Helen Lindars, EOC Manchester)

Estevez-Abe, Margarita, Torben Iversen, and David Soskice (2001) Social Protection and the Foramation of Skills: A Reinterpretation of the Welfare State. In: Hall, Peter A. and David Soskice (2001) Varieties of Capitalism., 145-183

Esping-Andersen, Gosta (1990) The Three Words of Welfare Capitalism. Princeton: Princeton University Press

Esping-Andersen, Gosta (1999) Social Foundations of Postindustrial Economies. Oxford: Oxford University Press

Esping-Andersen, Gosta, Duncan Gallie, Anton Hemerijck, and John Myles (2001) A New Welfare Architecture For Europe? Brussels: Belgian Ministry of Social Affairs

European Council (1974) Council Resolution of 21 January 1974 concerning a social action programme (OJ, C13/1 12.2.74)

European Council (1982) Council Resolution of 12 July 1982 on the promotion of equal opportunities for women (approval of Action Programm 1) OJ C186, 21.7.82, p. 3

European Council (1984) Council Resolution of 7 June 1984 on action to combat unemployment among women. (OJ 161, 21.6.84)

European Council (1984b) Council Recommendation 84/635 EEC of 13 December 1984 on the promotion of positive action for women (OJ L 331, 19.12.84)

European Council (1986) Second Council Resolution of 24 July 1986 on the promotion of equal opportunities for women (approval of Action Programme 2) (OJ C 203, 12.8.86)

European Council (1989) Conclusion of the Council and the Ministers Responsibility for Family Affairs, meeting within the Council of 29 September 1989 regarding family policies (OJ 277/2 31.10.89)

European Council (1992) Council Recommendation 92/241/EEC of March 31 1992on childcare (OJ L 123, 8.5.92)

European Council (1992) Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. (OJ L 348, 28.11.92)

European Council (1994) Council Resolution of 6. December 1994 on equal participation by women in an employment-intensive economic growth strategy within the EU (OJ C 368, 23.12.94)

European Council (1997) The 1998 Employment Guidelines. Council Resolution of 15 December 1997, no 13200/97

European Council (1999) Council Resolution of 22 February 1999 on the 1999 Employment Guidelines, OJ C 069 , 12/03/1999 p. 0002 - 0008

European Council (1999) 1999 Joint Employment Report, 13607/99, SOC 438 and ECOFIN 268

European Council (2000) Presidency Conclusions. Lisbon European Council 23-24 March. Press Release 24 March, No. 100/1/00, Lisbon

European Council (2001) Presidency Conclusions. Stockholm Annual Spring Meeting of the European Council, Press Release, 24 March, No. 100/1/01, Stockholm

European Council (2002) Presidency Conclusions. Barcelona Annual Spring Meeting of the European Council, Press Release, 16 March, No. 100/1/02

European Council (2003a) Council Decision on guidelines for the employment policies of the Member States. Brussels 14.7.2003 (SOC 262, ECOFIN 189, OC 417)

European Council (2003b) Council Decision of 22 July 2003 on guidelines for employment of Member States. (2003/578/EC)

European Commission (1981) Commission Proposal for a Council Directive on part-time work. COM (81) 775, 22 December 1981

European Commission (1982) A new Community action programme on the promotion of equal opportunities for women. Bulletin of the European Communities, Supplement, 1/81

European Commission (1983) Commission Proposal for a Council Directive on parental leave and leave for family reason. COM (83) 686, 22.11.1983

European Commission (1986) Equal opportunities for women. Medium-term Community programme, Bulletin of the European Communities, Supplement, 3/86

European Commission (1989) Family Policy (COM (89) 363 final, 8 August 1989)

European Commission (1993) Wachstum, Wettbewerbsfähigkeit, Beschäftigung. Herausforderungen der Gegenwart und Wege ins 21. Jahrhundert. Weißbuch. Luxembourg: Office for Official Publications of the European Union.

European Commission (1994a) White Paper, Growth, Competitiveness, Employment – the challenges and ways forward into the 21st century, OPEEC, 1994

European Commission (1994b) The European Union and the family, Social Europe, 1/94

European Commission (1995) White paper on education and training. Teaching and learning. Towards a learning society (COM (95) 590 final, 29 November 1995)

European Commission (1995b) Equal Opportunities for Men and Women: Follow up to the White Paper on Growth, Competitiveness and Employment. Report to the European Commission's Task Force (Directorate General V)

European Commission (1997) Towards a Europe of knowledge (COM (97) 563 final, 12 November 1997)

European Commission (1999) Reconciliation of work and family life for men and women and the quality of care services – Report on existing research in the European Union. Luxembourg: Office for Official Publications of the European Union.

European Commission (1999b) Employment Policies in the EU and Member States. Joint Report. Luxembourg: Office for Official Publications of the European Union.

European Commission (2001) Employment Policies in the EU and Member States. Joint Report. Luxembourg: Office for Official Publications of the European Union.

European Commission (2002a) Taking Stock of five years of the European Employment Strategy, COM (2002) 416 final, 17.7. 2002

(http://www.europa.eu.int/comm/employment_social/news/2002/may/eval_en.html)

European Commission (2002b) Communication from the Commission on streamlining the annual economic and employment policy co-ordination cycles, COM (2002) 487 final, 3.9. 2002

European Commission (2003a) Choosing to grow: Knowledge, innovation and jobs in a cohesive society - Report to the Spring European Council, 21 March 2003 on the Lisbon strategy of economic, social and environmental renewal {SEC (2003) 25}/* COM/2003/0005 final/2

European Commission (2003b) The future of the European Employment Strategy (EES): "A strategy for full employment and better jobs for all" (COM) 6 final

European Parliament (1983) Resolution of the European Parliament on family policy in the European Community, 9 June 1983, OJC 184/116 11.7.83

European Parliament (1994) Resolution of the European Parliament protection of families and family units at the close of the International Year of the Family, 14 December 1994, OJC 18/96 23.1.95

Ferrera, Maurizio and Hemerijck, Anton et.al. (2000) The Future of Social Europe Recasting Work and Welfare in the New Economy, Oeiras: Celta

Finn, Dan (1999) From Full Employment to Employability: A New Deal for Britain's Unemployed? Paper delivered to the advisory group for the National New Deal Task Force and the special adviser to the House of Commons Employment and Education Select Committee

Fioretos, Orfeo (2001) The Domestic Sources of Multilateral Preferences: Varieties of Capitalism in the European Community, In: Hall, Peter A. and David Soskice (2001) Varieties of Capitalism, 213-246

Gesellschaft für Informationstechnologie und Pädagogik am IMBSE (Hrsg.) (1998) Beschäftigungsrisiko Erziehungsurlaubs für die Entwicklung der Frauenerwerbstätigkeit. Opladen: Westdeutscher Verlag, 39-92

Goodin, Robert. E. (2001) Work and Welfare: Towards a Post-Productivity Welfare Regime. *British Journal of Political Science* 31: 13-39

Hall, Peter A. and David Soskice (2001) Varieties of Capitalism. The Institutional Foundations of Comparative Advantage. Oxford: Oxford University Press

Hantrais, Linda (2000) Social Policy in the European Union. 2nd edition. London: McMillan Press

Helfferrich, Barbara and Felix Kolb (2001) Multilevel Action Coordination in European Contentious Politics: The Case of the European Women's Lobby, in Imig, Doug and Sid Tarrow (eds.) Contentious Europeans: Protest and Politics in an Emerging Polity. Boulder, CO: Rowman & Littlefield.

Hillage, J. and E. Pollard (1998) Employability: Developing a Framework for Policy Analysis. Research Brief, no. 85, Department for Education and Employment

HM Treasy (1998a) Financial Statement and Budget Report, London: Stationary Office

HM Treasury (1998b) The Working Families Tax Credit and work incentives, The Modernisation of Britain's Tax and Benefit System (Budget 98), no. 3, London: Stationary Office

Hodson, Dermot and Imelda Maher (2001) The Open Method of Governance: The Case of Soft Economic Policy Co-ordination. Journal of Common Market Studies, 39 (4), 719-46

Hoskyns, Catherine (1996) Integrating Gender: Women, Law and Politics in the European Union, London/New York: Verso

Huber, Evelyn. and Stephens, John D. (2001) Development and Crisis of the Welfare State. Parties and Policies in Global Markets. Chicago: University of Chicago Press

Jacobsson, Kerstin (2001) Innovations in EU Governance: The Case of Employment Policy Co-ordination. SCORE Working Paper, No. 2001: 12, Stockholm: Stockholm University (<http://www.score.su.se/pdfs/2001-12.pdf>)

Jacobsoon, Kerstin and Herman Schmid (2002) Real Integration or just Formal Adaptation On the Implementation of the National Action Plan on Employment. In de la Porte, Caroline and Philip Pochet (eds.), Building Social Europe through the Open Method of Co-ordination, 69-96

Jobelius, Sebastian (2003) Who formulates the European Employment Guidelines? The OMC between deliberation and power games. Paper presented at the Annual Conference of the ESPAnet Conference, Copenhagen, 13-15. November 2003

Käppner, Joachim (2004) Der Weg nach Karlsruhe. *Süddeutsche Zeitung*, 12.2.2004

Kasten and Soskice (2000) Möglichkeiten und Grenzen europäischer Beschäftigungspolitik. Aus Politik und Zeitgeschichte. B14-15/2000, 23-31

Keck, Margaret E. and Kathryn Sikking (1998) Activists beyond borders. Ithaca: Cornell University Press

Keller, Bernd (1999) Möglichkeiten und Grenzen supranationaler Arbeitsmarkt- und Beschäftigungspolitik. Aus Politik und Zeitgeschichte. B 49/99, 11-18

Kiernan, Kathleen and Hilary Land, Jane Lewis (1998) Lone Motherhood in Twentieth-Century Britain: From Footnote to Front Page. Oxford: Oxford University Press

Kirchner, Ellen and Erika Schulz (1992) Das "Drei-Phasen-Modell" der Erwerbsbeteiligung von Frauen – Begründung, Norm und empirische Relevanz. In: Ott, Notburga and Gerda Wagner (Hrsg) Familie und Erwerbstätigkeit im Umbruch. Berlin, 17-55

Knill, Christoph and Andrea Lenschow (eds.) (2000). Implementing EU Environmental Policy. New Directions and Old Problems. Manchester: Manchester University Press

Kock, Wim (2003) Jobs, Jobs, Jobs. Creating more employment in Europe. Report of the Employment Taskforce chaired by Wim Kok.

Kodré, Petra and Henrike Müller (2003) Shifting Policy Frames: EU Equal Treatment Norms Domestic Discourse in Germany, in: Liebert, Ulrike. Gendering Europeanisation. Buxelles, P.I.E.-Peter Lang

Korpi, Walter (2000) Faces of Inequality: Gender, Class and Patterns of Inequalities in Different Types of Welfare States. Social Politics 7: 127-91

Kreyenfeld, Michael (2002) Crisis or adaptation reconsidered: a comparison of East and West German fertility patterns in the first six years after the 'Wende', MPIDR Working Paper, WP-2002-032

Leibfried, Stephan and Paul Pierson (eds.) (1995) European Social Policy. Between Fragmentation and Integration, Washington, D.C.: Brookings

Leibfried, Stephan and Paul Pierson (2000) Social Policy. Left to Courts and Markets? In Wallace, Helen and William Wallace (eds.) Policy-Making in the European Union, 4th ed, Oxford: Oxford University Press

Lewis, Jane (1992) Gender and the Development of Welfare Regimes. Journal of European Social Policy 2, 159-173

Lewis, Jane (1997) Gender and welfare regimes: further thoughts. Social Politics 4 (2), 160-177

Mahon, Rianne (2002) Child Care: Toward What Kind of „Social Europe“? Social Politics, 343-379

Mazey, Sonia (1995) The Development of EU Equality Politics: Bureaucratic Expansion on Behalf of Women? Public Administration, 73 (Winter), 591-609

Mazey, Sonia (2001) Gender Mainstreaming Strategies in the EU: Principles and Practice. London: Sage

Meyer, Traute (1996). Ausgerechnet jetzt. Ueber die Einfuehrung des Rechtsanspruchs auf einen Kindergartenplatz in der Krise des Sozialstaates, Diskurs, no. 2, pp. 62-67

Meyers, Marcia K., Janet C. Gornick, and Katherin E. Ross (1999) Public Childcare, Parental Leave and Employment. In: Sainsbury, Diana. Gender and Welfare State Regimes, Oxford UP, 117-147

Michel, Sonya and Rianne Mahon (2002) Child Care Policy at the Crossroads. Gender and Welfare State Restructuring. New York, London: Routledge

Mosher, David M. and Louise G. Trubek (2003) Hard and Soft Law in the Construction of Social Europe. Paper prepared for presentation at the SALTSA, OSE, UW Workshop on "Opening the Open Method of Coordination", European University Institute, Florence, Italy

Moss, Peter. (1992) Perspectives form Europe. In G. Pugh (ed.), Contemporary Issues in the Early Years, London: Paul Chapman

Moss, Peter. (2001) The UK at the crossroads. Daycare Trust Policy Paper 2/September 2001

Neumann, Ingela K. (2003) Childcare Politics and Feminism in Germany and Sweden. Paper presented at the ESPAnet Conference "Changing European Societies – the role for Social Policy," Copenhagen, November 13-15, 2003

OECD (1994a) The OECD Jobs Study. Paris: OECD

OECD (1994b) Women and Structural Change: New Perspectives. Paris: OECD

OECD (2001) Balancing Work and Family Life: Helping Parents into paid employment. Paris: OECD

OECD (2002) Employment Outlook. Paris: OECD

Opielka, Michael (2003) Carework Saleries. The German Case and Beyond. Paper presented at the ESPAnet Conference "Changing European Societies – the role for Social Policy," Copenhagen, November 13-15, 2003

Orloff, Ann Shola (1993) Gender and the Social Rights of Citizenship. State Policies and Gender Relations in Comparative Research. American Sociological Review 58, 303-28

Orloff, Ann Shola (2002) Women's Employment and Welfare Regimes: Globalization, Export Orientation and Social Policy in Europe and North America. Unpublished paper.

Ostner, Ilona and Jane Lewis (1995) Gender and the Evolution of Social Policy, in: Leibfried, Stephan and Paul Pierson (eds.) European Social Policy, 159-194

Ostner, Ilona (2000) From Equal Pay to Equal Employability: Four Decades of European Gender Policies, in: Rosilli, Mariagrazia and Louise A. Tilly. Gender Policies in the European Union. New York: Peter Lang, 25-42

Pfau-Effinger, Birgit (2000) Kultur und Frauenerwerbstaetigkeit in Europa. Theorien und Empirie des internationalen Vergleichs. Opladen: Leske + Budrich

Pollack, Mark A. and Emilie Hafner-Burton (2000) Mainstreaming Gender in the European Union, Journal of European Public Policy, 7, 406-431

Powell, Martin (eds.) (1999) New Labour, New Welfare State. The 'third way' in British social policy. The Polity Press

Rake, Katherine (2000a) Gender and New Labour's Social Policies. Journal of Social Policy. 30 (2), 209-231

Rake, Katerine (2000b) Men first. Women are missing out on the New Deal programme for the unemployed. Most spending is going to predominantly male groups. The Guardian, 20 June, 2000

Randall, Vicky (2002) Child Care Policy in Britain, or, How Do You Restructure Nothing? In: Michel, Sonya and Rianne Mahon. Child Care Policy at the Crossroads. Gender and Welfare State Restructuring, 219-239

Randall, Vicky (2000) Childcare policy in the European states: limits to convergence. Journal of European Public Policy 7(3), 346-68

Risse, Thomas and Kathryn Sikking (1999) The socialization of international human rights norms into domestic practices: introduction, in: Risse, Thomas, Stephen C. Ropp and Kathryn Sikking. The Power of Human Rights. Cambridge: Cambridge University Press

Rubery, Jill and Friederike Maier (1995) Equal opportunities for women and men and the employment policy of the EU: a critical review of the European Union's approach Transfer. European Review of Labour and Research. 1 (4): 520-532

Rubery, Jill and Colette Fagan (1998) Equal Opportunities and Employment in the European Union. Vienna: Federal Ministry of Labour, Health and Social Affairs

Rubery, Jill (2003) More (and better?) jobs for women?: the Employment Task-force report and gender mainstreaming. Paper by the Coordinator of the European Commission's Expert Group on Gender and Employment (EGGE), November 2003

Ruggie, Mary (1984) The State and Working Women, Princeton, Princeton University Press

Sabel, Charles F. (1993) Studied Trust: Building New Forms of Co-operation in a Volatile Economy. Human Relations, 46 (9), 1133-1170.

Scharpf, Fritz W. (1999) Governing in Europe. Effective and Democratic? Oxford: Oxford University Press

Scharpf, Fritz W. (2001) Economic Governance: Common Concerns Vs the Challenges of Diversity. Jean Monnet Working Papers, No. 6/01

Scharpf, Fritz W. (2002) The European Social Model: Coping with the Challenge of Diversity. Journal of Common Market Studies, 40 (4), 645-70

Schatzenstaller, Margit (2002) Familienpolitik – wozu und fuer wen? Die aktuelle familienpolitische Reformdebatte. WSI Mitteilung 3/2002, 127-132

Sleeboos, Joëlle E. (2003) Low Fertility Rates in OECD Countries. Facts and Policy Responses. OECD, DELSA/WD/SEM (2003) 15

Sifft, Stefanie (2003) Pushing for Europeanisation: How British Feminists Link with the EU to Promote Parental Rights, in: Liebert, Ulrike. Gendering Europeanisation, 149-186

Stratigaki, Maria (2000) The European Union and the Equal Opportunities Process. In: Hantrais, Linda, Gendered Policies in Europe, 27-48

Steinle, Christian C. (2001) Europäische Beschäftigungspolitik, Berlin: Duncker & Humblot

Thelen, Kathleen (1999), Historical Institutionalism in Comparative Politics, Annual Review of Political Science, 2, 369-404.

Thelen, Kathleen (2003) How Institutions Evolve: Insights from Historical Institutional Analysis, in: Mahony, John, Dieter Rueschmeyer, Comparative Historical Analysis In the Social Sciences. Cambridge: Cambridge University Press

Tesoka, Sabrina (1999) Judicial Politics in the European Union: Its Impact on National Opportunity Structures for Gender Equality. Max-Planck-Institut für Gesellschaftsforschung, Discussion Paper 99/2

Trieb, Oliver (2003) Die Umsetzung von EU-Richtlinien im Zeichen der Parteipolitik: Eine akteurszentrierte Antwort auf die Misfit-These. Max-Planck-Institut für Gesellschaftsforschung, Discussion Paper 03/03

Trubek, David M. and Louise G. Trubek (2003) Hard and Soft Law in the Construction of Social Europe. Paper prepared for presentation at the SALTSA, OSE, UW Workshop on “Opening the Open Method of Coordination”, Florence, European University Institute, July 2003

Walby, Sylvia (1999) The new regulatory state: the social powers of the European Union. British Journal of Sociology 50 (1), 118-137

Walby, Sylvia (2000) The case of the United Kingdom, in: Behning, Ute and Amparo Serrano Pascual. Gender mainstreaming in the European employment strategy, 221-249

Walby, Sylvia (2003) Policy Developments for Workplace Gender Equity in a Global Era: The Importance of the EU in the UK. Review of Policy Research, 20 (1), 45-64

Women’s Budget Group (2003) Response to the 2003 Pre Budget Report. London

Zeitlin, Jonathan (2003). What are the Implications of OMC for the EU’s Evolving Political Structure. Presentation for the Harvard Center for European Studies Workshop The Open Method of Coordination and Economic Governance in the European Union, April 28, 2003

Zeitlin, Jonathan (2003) Social Europe and Experimental Governance: Towards a New Constitutional Compromise? Paper presented to the International Conference of the Hellenic Presidency of the European Union, “The Modernisation of the European Social Model & EU Policies and Instruments”, Ionnina, Greece, 21-22 May 2003

Zeitlin, Jonathan, Philippe Pochet and Lars Magnusson (eds.) (2004) Opening the Open Method of Coordination: The European Employment and Social Inclusion Strategies, Brussels: PIE-Lang, forthcoming