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This is the author's manuscript

Original Citation:

Availability:

This version is available <http://hdl.handle.net/2318/1928321> since 2023-08-30T10:37:26Z

Published version:

DOI:10.1447/102655

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DOI

10.1447/102655

Publication date

2021

Document Version

Final pre-print version

Published in

Autonomie Locali e Servizi Sociali

Citation (APA)

Bolzoni, M., & Granaglia, E. (2021). Work-Related Conditionality and Minimum Income Schemes: Where Is the Eu Going?. *Autonomie locali e servizi sociali*, 3(2021), 593-619. doi: 10.1447/102655

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WORK-RELATED CONDITIONALITY AND MINIMUM INCOME SCHEMES: WHERE IS THE EU GOING?

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Abstract

Minimum income schemes (Mis) increasingly share a common trait: reliance on work-related conditionality. Work-related conditionality, then, can develop along different dimensions and take different forms, and, depending on the choices made, the fairness implications may differ widely. Given this background, the paper offers an updated comparative analysis of the main provisions on work-related conditionality currently existing in the Mis of Eu countries. The Italian case is discussed with special attention, given that this country has been the latest introducing a national minimum income scheme and it can be considered reflecting the current Eu trends in terms of work-related conditionality. Such analysis represents a prerequisite to devise fair minimum income schemes.

Keywords

Eu Minimum Income Schemes, European Pillar of Social Rights, Italian Minimum Income Schemes, Work-related Conditionality, Comparative Perspective

1. Introduction

Despite temporary suspensions connected to the Covid-19 pandemic, since the end of the nineties, work-related conditionality, namely, linking eligibility for a benefit to the willingness to work, has increasingly characterised minimum income schemes (Mis) in the European Union (Eu) countries, regardless of the overall welfare model these countries have adopted (Clegg 2014; Crepaldi *et al.* 2017; Marchal and Van Mechelen 2017; Van Lancker and Farrell 2018). Conditionality has, thus, come to regard a desired behaviour - i.e. working or activating in order to get a job - rather than the mere condition of poverty. Not everyone agrees with the well-known words by Duncan Smith at the 2010 Uk Conservative Congress, according to which «most people ... don't wake up early in the dark and cold, and head to their job in order for the state to take their money and waste it. They don't slump, exhausted in their chair after work, just to see their taxes spent on people who can work but won't...» (Smith 2010). Nonetheless, this development has been accompanied by a wide consensus and the idea that the benefits of minimum income should depend on the willingness to work is broadly shared, even among the poor (Watts and Fitzpatrick 2018; Welfare Conditionality Project 2018).

Work-related conditionality can take different configurations. It could directly require work, which could range from workfare (minimum income is the remuneration for the job done) to paying jobs. Workfare and paying jobs can, in turn, take different configurations and be of different quality. If no jobs are available, it could also entail job search and activation measures, where the latter include measures such as training, counselling, re-integration projects and any other activity fostering employability and/or human capital accumulation. Also, sanctions for benefit recipients who break the rules could be differently designed, exhibiting different levels of harshness. In brief, paraphrasing Marchal and Van Mechelen

(2013; 2017), work-related conditionality could involve different mixes of demanding and enabling elements. Demanding elements concern obligations, while enabling elements concern the means offered to support work.

Considering this variety of options, how are the different European countries behaving? Answering this question is essential because not only the fairness implications could be very different, but the tenet itself of the European Social Pillar that «everyone lacking sufficient resources has the right to adequate minimum income benefits ensuring a life in dignity at all stages of life, and effective access to enabling goods and services» (European Commission 2017, 8) could be endangered. Also, it appears for us particularly timing to address this question now: as the Covid-19 pandemic and the related containment policies have disruptive implications for Eu countries' economies and labour markets – that will most likely last long after the herd immunity will be achieved – the configurations of work-related conditionality in a scheme that should first and foremost fight poverty acquire even more relevance. Can the abovementioned European Social Pillar tenet be met if European countries go back to or maintain the Mis as they were designed?

In the face of these considerations, the goal of this paper is to provide an updated overview of the existing legal provisions (i.e. policy design) on work-related conditionality currently existing across the Eu, as of January 2020¹. Also building on previous works (cfr. for example Emin 2015; Frazer and Marlier 2016; Marchal and van Mechelen 2017; Natili 2020; Van Lancker and Farrell 2018), the article aims at contributing to the creation of comprehensive information on the theme.

¹ Temporary suspensions and relaxations of work-related conditionality connected to the on-going Covid-19 pandemic are not here taken into account.

Before going further, it is useful to underline that we are aware of the pivotal role played by street level administrators in shaping actual work-related conditionality (Diop-Christensen 2015; Künzel 2012; Lipsky 2010; Van Berkel *et al.* 2017) and, with respect to the enabling dimension, by the amount of public money put into the employment services: the actual form that work-related conditionality takes on the ground is a pivotal aspect, which analysis, however, goes beyond the scope of the current work. The attention, indeed, is here focused on the scheme design, that we consider crucial in expressing the prevailing collective *desiderata*, as well as key in shaping the frame in which public service workers operate.

The first part of the paper introduce the issue of work-related conditionality to then focus on a comparative analysis of the configuration of work-related conditionality in the Mis of all Eu countries; the second offers an in-depth analysis of the Italian case. The reason for this choice, as we will see, is that Italy was the last country in the Eu to adopt a minimum income scheme, with the introduction of the Inclusion Income (*Reddito di inclusione* - Rei) in 2018. On top of that, at the end of March 2019, Italy introduced a much-expanded minimum income scheme, the so-called *Reddito di cittadinanza* (Rc)². Emerging so recently, after periods of debate, local measures and national trials, we consider the Italian schemes as particularly telling of the current approach to work-related conditionality in the Eu. The last part of the paper, then, brings attention to a set of possible unfairness and, with them, to the risk of incoherence with the European Social Pillar; finally, the conclusions recapitulate the main findings of the analysis.

² Despite the name, the Rc, as we will see, remains selective and conditional upon work.

2. Minimum income schemes and work-related conditionality: a review of the current situation

The adoption of conditional forms of welfare is generally understood as a relatively recent and radical shift in the nature of social policies that, from the nineties onwards, has increasingly interested European and Western welfare systems (Watts and Fitzpatrick 2018), establishing benefits system as leverage and tool to affect and change recipients' behavior (Rodger 2008). Work-related conditionality, namely, linking eligibility for a benefit to the willingness to work, is one of the possible configurations of this trend, and it has initially developed in the frame of the so-called activation policies directed to the unemployed (Serrano Pascual and Magnusson 2007).

At the end of the nineties, then, work-related conditionality started to spread in the Mis, also following a growing consensus at the Eu level. The 2008 *Recommendation on the active inclusion of people excluded from the labour market* (European Commission 2008) recognized the «individual's basic right to resources and social assistance sufficient to lead a life that is compatible with human dignity» (European Commission 2008, 12), stimulating countries to design adequate benefit schemes. At the same time, however, the Recommendation encouraged countries to equip those schemes with availability criteria and job search obligations, therefore connecting this right to the willingness to work, employability and the prospective inclusion into labour market. The working-age, able-bodied (which definition, as elaborated further in par. 2.1, is often vague) poor increasingly equals the unemployed and the main goal of the Mis becomes the re-integration of the recipient in the labour market, which should guarantee to exit poverty (Clegg 2013; Heidenreich *et al.* 2014; Moreira 2008). The connection between fight to poverty and labour market inclusion was underlined by the Europe 2020 Agenda too, following

the Lisbon Strategy, while the most recent European initiative in this regard appears to be the European Pillar of Social Rights, launched by the European Commission in 2017 and covering three categories of rights: equal opportunities and access to the labour market, fair working conditions, social protection and inclusion. In elaborating the right to a minimum income, the document highlights that «everyone lacking sufficient resources has the right to adequate minimum income benefits ensuring a life in dignity at all stages of life, and effective access to enabling goods and services. For those who can work, minimum income benefits should be combined with incentives to (re)integrate into the labour market» (European Commission 2017, 8).

As such, work-related conditionality appears to have become a largely accepted and shared element of minimum income schemes throughout Eu: it has become so pervasive that is present in every country, no matter the overall welfare model or the historical frame. Yet, we question whether its translation into national schemes may end up going to the detriment of the first part of the European Social Pillar statement: to ensure a life in dignity at all stages of life. The next paragraphs will be devoted to a review of the current state of work-related conditionality across Europe and, on such basis, the final section will discuss the fairness implications of the current configurations.

2.1. Work-related conditionality across European countries: a descriptive matrix

Work-related conditionality is often analysed as one of the many dimensions characterizing Eu Mis, an element to take into account when giving an overview of the national schemes, creating a typology of Mis or of the more general welfare model (cfr. for example Emin 2015; Frazer and Marlier 2016; Natili 2020; Van Lancker and Farrell 2018). Marchal and van Mechelen (2017) provide a valuable analysis entirely focused on Mis work-related

conditionality, but their investigation is confined to 19 Eu member states and it is limited to 2012. Natili (2020) offers another relevant contribution: he takes into account the work of Marchal and Van Mechelen (2017), which elaborated an indicator to distinguish between the orientation of different active inclusion instruments (work-oriented, empowerment, mixed), and that of Frazer and Marlier (2016), which distinguished between different levels of conditionality in Mis access (very strict, limited, no conditionality), to provide a typology of active inclusion regimes in European Mis (cfr. table 1). What emerges is a complex picture, in which all the 15 countries examined show the presence of conditionality, even if in different forms.

TAB. 1. *Typology of Mis Inclusion Regimes proposed by Natili (2020)*

	Activation	Conditionality	Inclusion Regime
Bulgaria	Work-oriented	Limited	Passive
Czech Republic	Work-oriented	Limited	Passive
Estonia	Work-oriented	Very strict	Workfare
Portugal	Work-oriented	Very strict	Workfare
Uk	Work-oriented	Very strict	Workfare
Netherlands	Mixed	Very strict	Paternalistic
Italy	Mixed	Very strict	Paternalistic
Germany	Empowerment	Very strict	Paternalistic
Luxembourg	Empowerment	Very strict	Paternalistic
France	Mixed	Limited	Enabling
Austria	Empowerment	Limited	Enabling
Finland	Empowerment	Limited	Enabling
Belgium	Empowerment	Limited	Enabling
Denmark	Empowerment	Limited	Enabling
Sweden	Empowerment	Limited	Enabling

Source: Natili (2020, 68).

Rather than a overall typology or a synthetic index, we would like to contribute to the debate by offering a descriptive matrix so to better pinpoint the manifold dimensions characterizing work-related conditionality in minimum income schemes in Eu countries. We indeed argue that

to systematize the many aspects that work-related conditionality has taken, as we do, would allow for the debate to progress on more shared and common grounds. The proposed matrix considers *who* is required to comply with work-related conditionality, *what* is required both of the beneficiaries and the social administrators and the *sanctions* in the event of misconduct. We fill this matrix considering all the Eu countries and relying on data from the Mutual Information System on Social Protection (Missoc – January 2020 update). We also draw support from the country reports on minimum income schemes (the latest available) elaborated by the European Minimum Income Network (Emin) and the European Social Policy Network (Espn).

Who. In most countries, all working-age members of the household able to work and out of employment must comply with work-related requests. In a few countries, this request is extended to those in employment, as long as they are under the poverty threshold, i.e. the working poor. In the Uk, for example, recipients who earn less than the equivalent of 35 hours/week at the minimum salary are asked to sign a claimant commitment and take steps to increase their working hours, to obtain a rise, or to find another, better paid, job. Similarly, in Ireland those working less than 30 hours/week are considered not in employment and therefore must comply with work-related conditionality.

Among those able to work, exemptions are usually granted to young people in full-time education and those caring for a disabled family member or for a child. The details of the exemptions vary from country to country, *in primis*, with respect to the age of the child and the status of the parent (whether or not he/she is single). In Croatia, for example, the exemption applies to those taking care of children up to 1 year of age, while it reaches 7 years in Ireland for single parents. Some variety also applies to young people who are not in education. For

example, Denmark and Finland rely on education and training conditionality for undereducated persons below 25 years of age; in many other countries, however, the duties are the same as those applying to the other beneficiaries.

The hardest question concerns the definition of ability to work. Disabled and (temporarily) ill people are everywhere listed within the population not able to work (together with those outside of working age), but the boundaries of the definition often are unclear (at least, within the information offered by the consulted documents) and reference to a case-by-case assessment by local officers frequently emerges. Only for some Mis (Belgium, Bulgaria, Croatia, Cyprus, Latvia, Luxemburg, Slovenia, and the Netherlands) the consulted documents explicitly mention not only the medical but also the broader personal/psychological impediments to work that could be associated with poverty³. In these instances, however, the assessment is still left to the local officers.

What. All the Eu countries require those considered able to work to accept a job offer. In the great majority of cases, this requirement also entails enrolment with an employment centre (or similar) as jobseekers (the only exceptions are Belgium, Slovakia and some regions of Spain⁴). A small group of countries (the Czech Republic, Croatia and Slovenia⁵) requires accepting *any* offer, regardless of the claimant's qualifications, experience or the salary level, including temporary, part-time or seasonal work. Romania and Bulgaria could be included in this group too, as the enjoyment of the benefit is connected to one's registration as a job seeker with the

³ On the effects of the circumstances of poverty on the capacity to act, see Curchin (2017).

⁴ In Belgium, recipients refer to the Public Centre for Social Assistance and must comply with their activation offers, without enrolling in the employment centre; in Slovakia, there is a basic benefit based on workfare and no requirement to enrol as a jobseeker, although such enrolment allows access to an additional allowance (activation allowance); in Spain, Mis regulations differ by region, and, registration with the employment centre is compulsory only in some areas.

⁵ In Slovenia, the rule is limited to those asking assistance more than nine times in twelve months.

employment centre, which requires not having rejected any job offer. ‘Any job is better than no job’, notwithstanding the level of payment, stability and qualification, is the prevailing assumption in all these cases. The bulk of the countries, however, refer to *suitable* and *appropriate* job offers, even if a detailed description of what is considered suitable is not always available (Austria, Estonia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Netherland, Slovakia and Sweden). A remaining group of countries generically requires to accept job offers, but the consulted documents do not clearly specify the characteristics of such a job (Belgium, Cyprus, Denmark, Finland, Lithuania, Malta, Poland, Portugal, Spain and the Uk).

Workfare is present in Bulgaria, Croatia, Cyprus, Italy, Latvia, Lithuania, the Netherlands, Romania, Slovakia and, recently, some provinces in Austria. In Slovakia, for example, all adults not in employment must be available to perform at least 32 hours/month of community work, whereas in Bulgaria the requirement is of 4 hours a day for 14 days/month. Other countries show a mixed picture: in the Czech Republic, Estonia, and Hungary, it is mandatory to perform public works, if offered, but, in such cases, an additional cash amount is provided. In Denmark, recipients between 25 and 30 years old who cannot find a job within 3 months must perform public service activities in return for the benefit.

The great majority of countries also obliges individuals both to actively search for a job and to follow a set of activation measures. Searching for a job is mandatory in Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Malta, the Netherlands, Slovenia, Sweden and the Uk. The obligation to comply with activation measures may take different forms, but training is a common provision (as is counselling and overall support of the job search). Only Croatia, the Czech Republic, Estonia, Latvia and Spain

do not explicitly mention training; however, they subordinate the benefit to the fulfilment of re-integration activities – therefore, training may be envisioned by these Mis too.

Some countries outline the actions recipients are expected to perform through a written and signed agreement, reporting duties and sanctions in the case of misconduct as well as providing detailed schedules for the various arrangements. The agreement may take the form of contracts between Mis recipients and those supplying the services, such as in Belgium, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Luxemburg, Portugal, Slovenia, Spain and the UK. In these cases, the agreement should define not only the different provisions that characterize work-related conditionality for recipients but also the services that public offices may offer.

Even when it is mandatory for recipients to accept all offers, public offices may lack a formal obligation to find and provide training or jobs. The most common situation, indeed, is that of appointed offices working as intermediaries between recipients and third parties offering employment services. The exceptions are rare: in Belgium, for example, the Public Centre for Social Assistance may offer a job for up to 18 months, thereby becoming the recipient's employer with the goal of offering professional experience and/or allowing entitlement to unemployment benefits. Nowhere can one find an indication that participation in the various activation measures is subordinated to a concrete probability of finding a job or, at least, to a concrete improvement in employability.

Sanctions. Finally, every Eu country imposes sanctions. The harshest cases entail the withdrawal of benefits and expulsion from the system. This type of sanction may be the only form foreseen (as in Cyprus, Poland and Slovenia). In most countries, however, expulsion from

the system occurs after a number of violations or in presence of a violation that is considered particularly relevant (as in Austria, Belgium, Bulgaria, Czech Republic, Estonia, France, Greece, Hungary, Italy, Latvia, Lithuania, Portugal, Romania, Slovakia and Sweden).

The most common forms of sanctions are temporary cuts of a certain percentage of the benefit and temporary suspensions of the whole benefit. Both options are present in Austria, Denmark, Estonia, France, Germany, Ireland, Latvia, Luxemburg, Netherlands, Portugal, Slovakia and Sweden; temporary cuts only are envisioned in Finland, while temporary suspension of the whole benefit is possible in Bulgaria, Croatia, Greece, Italy, Hungary, Lithuania, Malta, Romania and Uk. The length of the suspension may vary from 1 month (in the Netherlands) to up to 2 years (in Bulgaria and Portugal).

Sanctions are often gradual, beginning with a temporary cut, which may then increase up to a temporary suspension of the whole benefit and, in some cases, expulsion from the program. For example, Germany punishes the first violation with a cut of 30%, the second one with a cut of 60%, and the third one with the suspension of the benefit (each sanction lasts three months). Gradualness, it should be stressed, does not necessarily imply leniency or softer sanctions: in Romania, for example, the benefit is suspended until the required conditions are fulfilled but is then terminated if non-compliance still persists after 3 months; in Bulgaria, if recipients refuse to participate in training courses or employment programs, the benefit is suspended for a period of 1 year, and the suspension lasts 2 years if the same person refuses to participate in such courses or programs again.

Since work-related conditionality generally concerns all household members able to work (with the exceptions seen before), another relevant issue is whether the misbehaviour of even one household member leads to a sanction for the whole family. For example, in Denmark,

payment of social assistance is suspended in cases of misbehaviour of the beneficiary or his/her partner. Clear references to this aspect are, however, rare in the consulted documents.

In conclusion, with respect to the *who*, in most countries, work-related conditionality applies to all the working-age members of the households who are able to work and out of employment. Exemptions exist for full-time students, parents caring for children and those caring for disabled/ill persons. Disabled people are listed within the population not able to work, but what is meant by disability is often not specified. Only a few countries consider the personal/psychological experience of poverty as a possible impediment to work, but, in all cases, details are lacking, wide discretion is left to social administration, and the risk is present that the obligation to work is imposed on individuals who are not in the condition to pursue it. A demanding approach, thus, seems to be commonly shared.

With respect to the *what*, demanding and enabling elements are present and combined in different ways, but the demanding ones emerge, again, as central. All Eu Mis impose an obligation to work and to accept the job offered, which, in the great majority of situations, also entails enrolment with the employment centre and often even translates into workfare. Beneficiaries are also obliged to actively search for a job and to participate in a variety of activities aiming at (re)employment. However, even when the obligation to activate is supported by the provision of services by the relevant offices, the enabling dimension appears to be overpowered by the demanding one: the focus on activation, in other words, seems to be more on it being part of what the beneficiaries should give in return rather than on offering a concrete opportunity of employment⁶. In any case, no connection is stated between the duty to activate and the availability of job opportunities. With respect to *sanctions*, the practice of

⁶ On the many limits of Mis in supporting an effective activation, see Crepaldi *et al.* (2017), Emin (2015), Frazer and Marlier (2016) and Van Lancker and Farrell (2018).

punishing work-related misbehaviours by suspending or removing part of the benefit is used everywhere, regardless of whether Mis should, first and foremost, fight poverty. While gradualness is often present, it does not always entail leniency, and a high number of countries envisages expulsion from the scheme as final sanction, regardless of the recipients' state of poverty.

TAB. 2. *Selected elements of work-related conditionality in Eu Mis*

	Broad understanding of inability to work (Who)	Workfare (What)	Acceptance of (Any/Suitable) Job offer (What)	Gradualness (Sanctions)	Possible expulsion (Sanctions)
Austria		(x)	S	x	x
Belgium	x		x	x	
Bulgaria	x	x	A	x	x
Croatia	x	x	A		
Cyprus	x	x	x		x
Czech Republic		(x)	A	x	x
Denmark		(x)	x	x	
Estonia		(x)	S	x	x
Finland			x	x	
France				x	x
Germany			S	x	
Greece			S	x	x
Hungary		(x)	S	x	x
Ireland			S	x	
Italy		x	S	x	x
Latvia	x	x	S	x	x
Lithuania		x	x	x	x
Luxemburg	x			x	
Malta			x		
Netherlands	x	x	S	x	
Poland			x		x
Portugal			x	x	x
Romania		x	A	x	x
Slovakia		x	S	x	x
Slovenia	x		S/A	x	x
Spain			x		
Sweden			S	x	x
(UK)			x	x	

Source: Authors' elaboration on Missoc tables (as of January 2020).

2.2. The latest, the harshest? Italian Mis as eloquent case

Italy has been for long lacking a Mis accessible to all poor throughout the whole country: some Mis existed, but only at the local level and not everywhere. The situation recently changed with the introduction, in January 2018, of the Inclusion Income (*Reddito di Inclusione* – Rei) and, in March 2019, of the *Reddito di Cittadinanza* (Rc – Citizenship Income), a measure that has gradually replaced the former. The Rc is a minimum income scheme, irrespective of its name, that greatly expands the amount of resources transferred to the poor (the Rei for a single person was up to 187 euro/month, while the Rc is 500 euro, plus 280 euro if one pays rent), even though the benefit comes at the cost of utilizing equivalence scales that penalize large families. The Rc also requires 10 years of residence in Italy, while the Rei required only two, and becomes the *Pensione di cittadinanza* for people over 67 years of age.

Emerging from a number of national policy trials and a period of intense political debate (Granaglia and Bolzoni 2016; Martelli 2015), the Italian Mis, and its further transformations, appears particularly exemplificative of the pervasiveness of the rhetoric on activation, work-related conditionality and deservingness in policies against poverty (Busso *et al.* 2018; Gallo and Scicchitano 2019; Mandrone and Marocco 2019). In the face of its peculiar development and for its being the last Mis introduced in Eu, we have considered the Italian Mis as ‘eloquent’ case (Bruschi 2005) to investigate in order to give account of the mentioned trend towards a general strengthen of work-related conditionality. Also, it offers the chance to observe the variety and transformations of work-related conditionality in a specific case. Our focus, once again, is on how work-related conditionality is framed and developed in the Mis design: it would be of course relevant to analyse how work-related conditionality is actually

implemented – and social workers are key in this process (Burgalassi and Tilli 2021) -, but this analysis is beyond the scope of this paper (on this, cfr. for example Gallo and Scicchitano 2019; Iannone 2019).

Adopting the descriptive matrix outlined above, we can see that, regarding the *who*, the Rc entails work-related conditionality for all able-bodied individuals older than 18, with exemptions applying to those studying and to those caring for a child under the age of 3 or for a family member who is not self-sufficient. Also those who work already but earn less than a certain amount (8145 euro if employed, 4800 euro if self-employed) have to comply with work-related conditionality. The Rc recognizes the influence of the personal/psychological situation on ability to work and the multidimensionality of social exclusion, introducing for these cases a different form of agreement: the ‘pact for social inclusion’. Unlike the Rei, however, the pact for social inclusion does not necessarily relieve the individual from work-related conditionality, being a mere addition aiming at supporting work, which formally remains a requisite for all⁷. Though leaving the decisions to local teams of social workers, instead, the Rei explicitly acknowledged that inability to work could derive from personal or psychological causes connected to the circumstances of poverty. In this case, the *what* concerned a social inclusion project rather than work-related conditionality.

With respect to the *what*, the Rc requires everyone to register on an online job platform, being immediately available for work, enrolling with the employment service centres and subscribing to an employment re-integration programme, called ‘work pact’. The activities to be pursued include searching daily for a job on the platform, following a weekly schedule of job searching

⁷ Even if the analysis of the implementation of the measure goes beyond the goal of this paper, it has to be noted that in actual fact these requirements have often been softened (cfr. Burgalassi and Tilli 2021, but also Ministero del Lavoro 2020).

and, if offered, undertaking various activities such as training, individual projects and tests. The beneficiaries may access the re-employment cheque (*Assegno di Ricollocazione*), a voucher intended to finance a 6-months support plan for an intensive job search supplied by the employment service centre or by accredited private centres – a possibility already present in the Rei. The treatment of the poor, then, becomes very similar to that of the unemployed.

Unlike the Rei, the Rc introduces also workfare: a minimum of 8 hours, up to a maximum of 16 hours per week, of (unpaid) community work is mandatory (the increase to 16 hours is subject to the consent of both parties, and in all cases the competence and the overall characteristics of the poor must be taken into consideration).

Recipients must also accept one out of three suitable job offers (but if the Rc has been renewed⁸, the first offer must be accepted). The definition of a suitable job varies depending on the time spent within the scheme. Within the first 12 months, a job is suitable if it is within 100 km from the recipient's home or reachable within 100 minutes by public transport. If the beneficiary refuses the first offer, the second offered job could be considered suitable if within 250 km, while no territorial limit is envisioned for the third offer. After 12 months, the first and second offers could be considered suitable within 250 km and the absence of territorial limits is still foreseen for the third offer. In households with a disabled member, the limit is always 100 km, while it is 250 km for the first 24 months if children are present. Beneficiaries who take a job more than 250 km far from home continue to receive the same amount of Rc for 3 months after having started to work, while those with children or living with a disabled person receive the Rc for one year if they accept such an offer (but they are not compelled to). A job is suitable if it offers a monthly salary at least 10% higher than the Rc (considering the amount

⁸ The Rc lasts for 18 months and can be renewed, after a suspension of 1 month (it was 6 for Rei), if the conditions of poverty remain present.

for a single person) and is consistent with the skills and competencies of the recipient. No indication is offered about the type or length of the contract. Rei, instead, defined a job as suitable if offering a monthly salary at least 20% higher than the unemployment benefit, was located within 50 km of the recipients' home (or reachable in less than 80 minutes on public transports) and was consistent with the recipients' working experience.

With respect to *sanctions*, the suspension of the benefit and the expulsion from the scheme continue to be foreseen even in the case of misbehaviour of only one member of the household. Not complying with the requests connected to work-related conditionality terminates the benefit (i.e., immediate availability for work, signing the work pact, taking part in training or other formative projects, taking part in community service, accepting at least one out of three suitable job offers). Gradualness is envisioned only if the misbehaviour regards missing the initial convocation at the employment centre (1 month suspension the first time, 2 months the second and expulsion from the scheme the third one) or the counselling meetings supporting employability (2 months suspension the first time, expulsion from the scheme the second time). The 1 month stop that is required before re-applying to the measure after its expiration date (as the benefit last for 18 months) can be also interpreted as a form of implicit sanction. Penal sanctions up to 6 and 3 years apply, respectively, to making false statements to access the scheme and to omissions in notifying officials of changes in terms of economic conditions while enjoying the benefit. In both cases, sanctions are retroactive and those who are guilty are obliged to return funds already received. They are also forbidden to re-apply to the scheme for 10 years.

To summarize, while more generous in the benefit ensured, the Rc shows a harsher, more demanding approach to work-related conditionality than the Rei. Even though it acknowledges

the possibility that poverty hampers the ability to work, it still imposes work-related conditionality on all the poor. At most, it provides some extra social support. The Rc also strictly details the obligations of the poor and introduces workfare, which was not present in the Rei. The Rc allows the individual to reject up to two job offers before incurring sanctions, while the Rei did not have such an option, but the definition of suitable employment is much more stringent in terms of distance from home. Finally, the Rc inflicts penal sanctions in cases of false statements and/or omission in updating the changes in the household's economic situation. The Rei punished the same misbehaviours with a monetary penalty.

Compared with the other Eu Mis, we have a mixed picture. With respect to the *who*, the Rc formally request to comply with work-related conditionality to all the able-bodied individual older than 18, with few exceptions (i.e.: those caring for a child below 3 years old or a disabled family member, studying or having a work income above a certain threshold). With respect to *what*, beneficiaries, at first, are not obliged to take whatever job is proposed, unlike what happens in the most stringent regimes, but the subsequent offers are quite stringent also for those having caring responsibilities. Workfare is also present. Finally with respect to the *sanctions*, on the one side we find some gradualness, yet on the other the whole family is penalized for noncompliance by one component. Moreover, a 1 month suspension (plus possible delays) is foreseen before having the possibility to re-apply.

3. A hard time for fairness?

The current configuration of work-related conditionality of Mis in Eu countries could raise several doubts from the point of view of fairness, jeopardizing also the value of «the right to

adequate minimum income benefits ensuring a life in dignity at all stages of life» (European Commission 2017, 8) that is enshrined in the European Social Pillar. More specifically, we would like to draw attention to three sets of risks of unfairness that we see present, irrespective of the differences between countries.

The first set concerns procedural unfairness. The culprits are here the risks of horizontal inequities and domination, the former entailing treating differently people in similar conditions while the latter entailing power relations that violate the moral equality of the beneficiaries⁹. These risks are unavoidable, stemming from the discretion that is inherent in work-related conditionality. Some antidotes are, certainly, available. Uniform guidelines could limit heterogeneity in treatment, while giving voice to the poor, through advocacy groups and appeal mechanisms for those who feel unjustly treated, could, for example, limit domination. The provisions that we have seen currently regulating the Eu Mis, however, appear quite lacking under this regard. They even utilize terms such as ‘contract’ or ‘pact’ that obscure the risks of domination. A contract/pact alludes to a relationship between equals, as in the state of nature, but this cannot be the case when one party has an unavoidable power over the other as in work-related conditionality.

The second set of risks concerns the underestimation of societal responsibilities in the creation of the socio-economic obstacles leading to poverty. To this regard, the empirical evidence is rather strong. Poverty has to do with lack of opportunities to develop one’s ability and to use

⁹ On this notion of domination, see Pettit (1997) who underlines the element of arbitrariness. While interference is unavoidable in human interaction, arbitrary interference occurs in the presence of unfair asymmetries in the distribution of power. On procedural unfairness, see Rothstein and Ulsaner (2005) and Sen (1992). Bringing attention to domination does not ignore that there are many benevolent social workers (see, for example, Diop-Christiansen 2015 and Künzel 2012), who are also often entrapped in precarious work-relations (Arts and Van den Berg 2019) and are increasingly object of harassment by the poor themselves. The final word, however, remains theirs to ascertain whether the poor have done all they should do, and only they have the power to impose sanctions.

them, if developed, due to the lack of labour demand and/or caring responsibilities. To the extent that these obstacles derive from failures in public policy, burdening the poor with endless demands to work or to be anyhow engaged in some activities, as it is currently happening in the Eu Mis, risks reflecting an unfair division of responsibilities between society and the poor. Paraphrasing Dwyer (2018), the responsibilities for poverty appear to be overly put “at the door of recipients of social welfare”, while society’s (ir)responsibilities in preventing poverty through equal opportunities and decent jobs are strongly undervalued¹⁰. Or, as forcefully argued by Scanlon (1998), shouldn’t social institutions that have failed to ensure the appropriate conditions to develop and use one’s own abilities at least pay for their omission¹¹?

Incidentally, the ethical concerns would persist even if brute luck, rather than societal responsibility, hampered work. The remedy against brute luck is insurance: within an insurance, it is unfair to ask people to give something back in return if the risk occurs, the *raison d’être* of insurance being, precisely, compensation if the risk occurs. In this perspective, the only justification for work-related conditionality would be combating moral hazard – i.e. preventing people who are not at risk of poverty from being unduly compensated¹². Workfare would even risk furthering collective irresponsibility by decreasing labour demand (e.g. free community work could substitute for paying jobs) and increasing the supply of low-paid workers, thus diminishing wages for the most disadvantaged (Phelps 1997)¹³.

¹⁰ Following Goodin (1998) we could add that unemployment produces overall benefits for all those who are employed, leaving to the latter the opportunity to be employed.

¹¹ On the importance of fair initial conditions, see also Anderson (1999), Moreira (2008) and White (2003).

¹² On the relation between inability to work (and receive a decent income) and insurance, see, among others, Dworkin (1981).

¹³ This criticism remains true also if we take into account the opportunity element in the enabling dimension of work-related conditionality: enabling services operate only *ex post*, once poverty has occurred. If so, the charge of undeservingness typically levied against the poor should be reversed: the employers would be undeserving ones,

With these observations, we do not claim that people should get the benefit if they could work. If a person can find a decent job that allows him/her to escape poverty, he/she is not at risk of poverty. Here individual responsibilities come into play: the person has to work with no entitlement to minimum income¹⁴. Yet, one thing is to offer the opportunity to work - a crucial goal for fairness – as well as to require work when one could work, and another is to impose work/activation, irrespective of whether people are in the conditions to work and work is available.

Finally, the last set of risks concerns the nature of work. Focusing on jobs, work-related conditionality risks marginalising all forms of contributions that are not work on the market, unfairly discriminating against life-plans. And, in any case, no matter the psycho-physical and social conditions, almost anyone can offer a contribution to the community and this represents a fundamental added value to the dignity of the person.

4. Conclusions

Since the end of the nineties, work-related conditionality, namely, linking eligibility for a benefit to the willingness to work, has increasingly characterised European minimum income schemes, regardless of the overall welfare model (Clegg 2014; Crepaldi *et al.* 2017; Frazer and Marlier 2016; Marchal and Van Mechelen 2017; Van Lancker and Farrell 2018). The pervasiveness of this logic has contributed in shaping national Mis' designs: work-related conditionality takes a variety of forms and the dimensions through which it is expressed are

benefitting as parasites from the existence of poverty. On the parasitism of the employers, see National Committee to Break up the Poor Laws (1909).

¹⁴ Similarly, one should both accept decent part-time jobs, receiving compensation only if and to the extent he/she remains poor, and access activation services if these latter concretely increase the chance of finding a job.

plentiful. To make sense of this variety, we have proposed a descriptive matrix that takes into account *who* has to comply to work-related conditionality, *what* conditionality involves and the *sanctions* in case of misconducts. Together with typologies and synthetic indexes previously developed (cfr. in particular Frazer and Marlier 2016; Marchal and van Mechelen 2017; Natili 2020), the aim is to offer an overview of the current state of work-related conditionality across Mis in Eu. The Italian Mis has then been adopted as eloquent case for a more careful analysis of the configurations that these dimensions may take.

In spite of this variety, and on the basis of the dispositions examined, we argue that the work-related conditionality that has come to characterize the Eu Mis' designs implies a situation of overall harshness. Irrespective of the heterogeneity between countries, all able-bodied individuals of working age must comply with job acceptance, job search and a set of activation measures. There are exemptions for those studying and those caring for children and the disabled, but the exemptions are limited. For example, the impediments on the ability to work posed by poverty are overall neglected. Moreover, while, in many cases, job proposals should initially satisfy given requirements, the longer one remains in poverty, the higher the probability of being forced to accept any job in order to maintain the benefit. Workfare is also often present and, also when enabling services are provided, the availability of a concrete opportunity to exit poverty through a paying job is not required, which means that also the activation services risk fulfilling a mere demanding function. Sanctions are ubiquitous, in some cases they penalize the whole family even when only one member does not comply and, in most cases, they eventually lead to exclusion from the Mis.

We have concluded by highlighting three sets of risks of unfairness that these configurations of work-related conditionality may involve and that, we argue, are particularly relevant

considering «the right to adequate minimum income benefits ensuring a life in dignity at all stages of life» (European Commission 2017, 8) that is enshrined in the European Social Pillar. These are only cursory observations: providing an ethical assessment is outside the goals of this work. They show, however, the usefulness of the analysis carried out: the configurations that work-related conditionality have come to assume within the Mis of the European Union, and that this analysis has documented, risk being much more controversial than their generalized adoption would suggest.

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