Innovative Social Policies for Inclusive and Resilient Labour Markets in Europe

In-depth analysis of Policy Innovations Country Report the Netherlands

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1. Processes of policy innovation in the Netherlands

1.1 Introduction
Policy innovations in the Netherlands in the domain of social policies have seen a remarkable transformation in the last two decades. Until the 1990s, the Netherlands was considered as a slow reformer, resulting in a passivating and expensive welfare state (Bannink, 1999). However, since the 1990s, the country has witnessed a series of reforms and now is considered as one of the reform champions in Europe (OECD, 2008). This national report shows how processes of innovations in the period 2005-2015 have evolved in different areas of the welfare state, what role policy learning has played in these processes.

Based on a systematic review of all policy innovations in social policies in the Netherlands (see Van der Aa and Van Berkel, 2014), the following five policy innovations have been selected that represent different target groups and elements of social policy:

- The Participation Law 2015;
- The Quotum Law 2015;
- The Increase of the Pension Age;
- The regulations on work-to-work transitions;

This report is structured as follows. Chapter 1 in-depth describes the process of innovation for each of these five innovations. It deals with the context of the innovations, the most important stakeholders and the goals and preliminary results. Chapter 2 discusses in-depth the role of policy learning for these innovations. The appendix provides an overview of the respondents that were interviewed in the context of this study.
### 1.2 A short summary of the selected innovations

<table>
<thead>
<tr>
<th>Innovation</th>
<th>Goals</th>
<th>Target groups</th>
<th>Scope</th>
<th>Type of policy</th>
<th>Type of strategies</th>
<th>Expected or estimated impact on resilience</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Participation law</strong></td>
<td>To stimulate benefit independency through labour market participation in regular jobs of vulnerable unemployed through one integrated benefit and activation system based on ‘remaining working capacity’</td>
<td>The participation law targets both ‘healthy’ social assistance claimants as well as unemployed with physical and/or psychic/cognitive disabilities. The innovative part (and our study) focusses on the reforms targeting the disabled.</td>
<td>The participation law is a structural reform and integration of three acts with a national scope. The law has been enacted on January 1st 2015</td>
<td>Benefits (redistributive)</td>
<td>Integration of three existing acts into one act; Introduction of wage subsidies based on working capacity; Abolishment of specific law and collective agreement for sheltered work; Administrative and financial decentralisation to municipalities</td>
<td>It is too early to tell. Policy makers expect that labour market participation of disabled unemployed will increase and use of benefits will decrease. The impact at the short term is likely to be modest. The longer term remains to be seen.</td>
</tr>
<tr>
<td><strong>Quotum law</strong>(^1)</td>
<td>To enforce employers to provide 125,000 jobs for the target group of the participation law.</td>
<td>Unemployed with physical and/or psychic/cognitive disabilities. The exact target group is determined and registered by the Unemployment</td>
<td>National legislation as off January 1(^{st}), 2015.</td>
<td>??</td>
<td>Enforcement of policy goals by threatening with financial sanctions if employers don’t hire sufficient disabled unemployed.</td>
<td>It is early to tell. But it appears that the law does activate certain employers to look more seriously for job opportunities. However, groups outside the formal</td>
</tr>
</tbody>
</table>

\(^1\) The official title for the law is: ‘Law on job agreement and quotum for persons with working disabilities’ (Wet banenafspraken en arbeidsgehandicapten). In this report we refer to this law as Quotum Law.
| **Benefit Agency (UWV).** | | | | target group appear to receive less attention and administrative procedures hinder progress. |
|---|---|---|---|
| **Pension age** | To safeguard a sustainable pension system in the future | All citizens, but it affects employees most | Structural national legislation for the first pension pillar |
| **Work and security Act** | To regulate flexible labour | All employees | Structural legislation |
| **WW transitions** | To stimulate the prevention of unemployment | people (insiders, older age) at risk of dismissal | Not structural, temporary pilots and experiments |
| | | | Not an act; Stimulation subsidized experiments; Giving social partners, trade unions, more influence in the domain of unemployment |
| | | | Not clear yet. Only some experiments have been evaluated, in the coming years more experiments will take place |
1.3 Participation law

1.3.1 A short summary of the innovation

The participation law integrates three previous laws:

- The social assistance act WWB, the means-tested benefit of last resort in the Dutch social security system;
- The sheltered employment act (WSW) for unemployed disabled workers with cognitive and/or physical disabilities;
- The WAJONG benefit for unemployed people who (have) become disabled before they are 18.

With this law, the former WSW and WAJONG target group members who have ‘remaining working capacity’ no longer have access to specific disability benefits, but can only apply for the new participation law benefit. This equals (former) social assistance which provides a means-tested, last-resort benefit regime. The participation law aims to stimulate re-integration back into regular work by means of stricter obligations as well as supportive instruments such as job coaching, a no-risk polis for employers and wage subsidies. Instruments are introduced to measure the ‘productivity’ of workers in specific jobs, which translates in an individualized wage subsidy for employers to compensate for productivity ‘below 100%’ when claimants are hired. Employers are expected to supply job opportunities, for which they are to be stimulated by the Quotum-law (see section 1.4). In the 2013 social agreement employers have agreed to provide 125,000 so-called ‘guarantee jobs’ for recipients of the participation law-benefit who are labelled as having lessened working productivity because of disabilities.

The Sheltered Work Law WSW has been terminated, which means it is no longer possible to enter sheltered work under the special collective labour agreement for sheltered work which paid above the minimum wage and had its own pension scheme. Municipalities are still allowed to create sheltered work places for the supposedly least productive groups, but without a dedicated collective agreement. Existing WSW-workers keep their right to the WSW-income and will in many cases continue working in the WSW-jobs. Policy documents estimate it will take 30-40 years before all of these existing workers will have retired.

The WAJONG-benefit does not disappear, but for new claimants becomes only accessible for young people who are considered to be (almost) fully and permanently handicapped. Existing claimants keep their benefit, but if their productivity is estimated by UWV to exceed 20%, their benefit level is reduced from 75% to 70% of the minimum wage and they are expected to actively keep looking for work and accept activation services.

Besides integration of acts, the participation law includes further administrative decentralisation towards municipalities. Municipalities are considered to have the best insight in regional and local labour markets. They implement the participation law and thus become responsible for benefit delivery to and activation of young disabled jobseekers, who previously were serviced by the Unemployment Agency UWV. WSW had already been decentralised to the municipalities in 2006. The municipalities are responsible for financing the benefits and activation services for this entire target group, but are faced with large cuts in the funds for activation made available by the central government.
1.3.2 Backgrounds and origins of the innovation

According to our data, this innovation does not have one specific initiator or origin, because the participation law in fact concludes a longer, gradual and stepwise reform trajectory since the nineties of the three formerly separate national welfare acts, culminating in the integration of these acts in 2015.

All of these three acts have been reformed in various steps during the nineties and 2000s to reduce benefit dependency and/or to stimulate participation in regular work against the background of rising costs as well as expected labour market shortages. Reforms consisted of the introduction of new activation instruments in all benefits and, for WWB and WAJONG stricter requirements to look for (regular) work. Reform of WWB and WSW also consisted of decentralisation towards municipalities.

The WWB has been changing since the nineties. Gradually more and more obligations concerning job search were introduced, as well as various types of services ranging from ‘work first’ to training and personal guidance. Although social assistance has been administered by municipalities since its enactment in the 60s, in 2004 decentralisation of this act was brought one step further when municipalities became financially responsible for social assistance expenditure and for lowering the numbers of claimants.

The WSW has for a long time focussed on organizing sheltered work companies apart from the regular labour market, with its own collective labour agreement. Since the nineties several reforms were already implemented to stimulate labour participation of WSW-workers in regular companies. In 2008 municipalities became responsible for implementation of the WSW-act. Most sheltered work companies remained private, but started working as contractors for the municipalities. Since then, many of these companies also started to deliver activation services for other groups as well, notably WWB-recipients.

In the same period the WAJONG changed from passive income protection to an activating benefit, with more obligations for recipients and development of activation instruments such as job coaching, personal guidance and a no-risk polis for employers.

According to our respondents, these developments led municipalities to the idea that these three acts served more or less similar groups of vulnerable inhabitants, who needed more or less similar types of activation support. Differences between acts in terms of budgets, entitlements and instruments however meant that the benefit type determined to a large extent the kind of support claimants could receive.

Therefore, in the late 2000s especially the municipalities started developing the idea that it could be desirable to develop one single, decentralized act instead of three. Municipalities and their representatives VNG (the association of Dutch municipalities) and DIVOSA (the association of managers of local welfare agencies) played an important role in putting this idea on the (national) political agenda. This idea was also explored as well as substantiated in various national advisory reports which were commissioned by the government that were concerned about the rising costs of WAJONG and the lagging participation in regular work of both WSW-workers as well as WAJONG-recipients. Moreover, after the introduction of the WWB in 2004 the CPB found that decreasing numbers of WWB-claimants led to increasing numbers of WAJONG-recipients, suggesting a waterbed effect between acts. The most relevant reports mentioned in our data are:
• An advise on the WSW by the commission ‘Houben’ (1994);
• An advise by the council of Work and Income (RWI) on the future of sheltered work (2003);
• A SER advise on young handicapped (WAJONG) (2007), commissioned by minister of Social Affairs and Employment De Geus (CDA) in 2006, cabinet Balkenende III;
• Commission de Vries on Sheltered employment (2008) commissioned by the vice-minister Aboutaleb (PVDA), Balkenende IV;
• Commission Bakker on labour market participation (2008), commissioned in 2007 by minister of Social Affairs and Employment Donner (CDA), Balkenende IV.

Commonalities in all of these reports were:
• Critique of existing arrangements WAJONG and WSW for inadequately stimulating regular labour market participation;
• Fear of rising costs of these acts and sheltered work as well as expected shortages of labour on the labour market;
• positive experience with the social assistance act WWB introduced in 2004 in terms of lowering benefit dependency following decentralization towards municipalities and financial steering;
• Specific advice on how to transform the existing arrangements.

According to respondents as well as documents, the ‘De Vries’-report has to be considered as the most important tangible starting point for the process leading to the participation law, but in recognition of the fact that this report is the outcome of a much longer gradual process during the preceding decade.

This report proposed to integrate the three arrangements into one new act, and to determine activation support based on individual remaining working capacity and tailor-made services. The main motivation was to improve the quality of municipal activation services by making allegedly effective instruments available for all as well as to prevent ‘leakages’ from one act to the other. The overall objective was to increase regular labour market participation of vulnerable groups, mostly the ones with working disabilities. The separate collective social agreement for sheltered work should be terminated, but existing workers under this agreement would keep their rights.

Notably, according to the De Vries report and stressed by several respondents, budget cuts were not an objective of the initially proposed innovation: the main objective was to achieve a better functioning labour market for (partially) disabled vulnerable groups on the labour market in the face of expected shortages of labour. The report stated this should be possible in a ‘budget neutral’ way. However, due to the crisis the objective to realize budget cuts became an additional and very important objective, which substantially influenced the way in which the eventual policy was designed and implemented.

1.3.4 Key stake holders and their positions
In the corporatist Dutch system both political parties as well as social partners are relevant stake holders in the development of new social policies. Although municipalities are part of the government, they represent a specific category of stakeholders as well, given the decentralized implementation. Client and stakeholder organisations influence policy development mostly through lobbying.

Political debate and social dialogue between stake holders have transformed the initial proposal in various ways before it became enacted in 2015. As will become clear, the position of some stake
holders has changed during this process. To understand the development of innovations as well as policy learning, it is important to look a bit further into this process which took almost seven years since the De Vries-report was published.

The initial idea to integrate the three acts received broad support from the Christian democrats and liberals as well as the municipalities. The organizations representing the municipalities (VNG) and managers of local welfare agencies (DIVOSA) lobbied strongly in favour of the ideas proposed by De Vries (which they had suggested to De Vries as well in an earlier stage). However, they have become much more critical given the changes in the original proposal as well as the budget cuts which became much more important during the development stage (see 2.2.4).

Initially, most opposition came from the social-democrats (who later changed their position), the unions and the leftist socialist party. They were mostly concerned about the expected deterioration of social protection of WAJONG and WSW-claimants and did not expect sufficient good quality jobs would become available. ‘Wage dispensation’ was criticised because it allowed for payment below minimum wage and would keep workers partially dependent on benefits. The existing WSW provided a favourable collective labour agreement and the existing WAJONG was more favourable financially than social assistance. Also, especially the unions and the socialist party did not really trust municipal capacities to attend to these new target groups and to realize placements in suitable jobs.

According to respondents, employers did not have a very explicit viewpoint on merging acts, which they considered to be an administrative choice which not really affected employers (this changed after the 2013 job agreement). They didn’t object to integration either.

After the ‘De Vries-report’ the government started a trajectory to develop an integrated law, which at first was called ‘the law on working according to capacity’ (WWNV). Because it was expected to be a complicated legislative trajectory, the first step was to start four nationwide experiments between 2009-2012, commissioned by the minister of social affairs and employment. These experiments focused on the following aspects considered relevant given the advisory report by the ‘De Vries’-commission:

- engaging employers to provide jobs for these vulnerable groups;
- ‘wage dispensation’ as an instrument to re-imburse employers for worker productivity below minimum wage;
- modernizing sheltered employment companies;
- improving services of the PES for disabled job seekers.

Synchronously the ‘Law Working According to Ability’ was prepared, resulting in an initial law proposal to parliament in 2012. This law proposed to integrate the three laws: the WAJONG would continue to exist, but only for people with permanent disabilities who were expected to have a so-called working productivity of less than 20%. The WSW with its own collective agreement would disappear entirely, although a facility for sheltered work would remain for recipients of the new benefit. The instrument of Wage Dispensation would be introduced to compensate employers for lower productivity of workers, allowing them to pay below minimum wage. Workers would be compensated by means of a public benefit in addition to their (below minimum) wage. Instruments like job coaching and a no-risk polis would become available for all claimants with alleged reduced productivity.
The following process between 2012 and 2015 leading to the eventual participation law was influenced heavily by the impact of the economic crisis, a change of government in 2012 leading to a new coalition, and the process of social dialogue between social partners to deal with the crisis. During this process not only the participation law, but also the quorum law, the pension age as well as the flexicurity law WWZ were developed and negotiated (see below). According to several respondents, the characteristics of all of these policies have to be understood in relation to political negotiation concerning the overall reform package during these years.

Several events influenced the outcomes of this process according to our respondents:

- The municipal representatives VNG and DIVOSA, who had strongly influenced the initial proposal, were left out of further negotiations, even though municipalities would become responsible for implementation. According to them, the process became completely politicized. They fear that the resulting law will be hard to implement well, because of budget cuts and because of preferential treatment of groups with formally acknowledged handicaps because of the quorum law, thus undermining the idea of one activation measure for all;
- A change of government (November 2012) brought the social democrats back into power in the Rutte-2-Cabinet. They were very critical about the initial WWNV-proposal, but in their governmental role agreed with the integration of acts. They introduced the Quotum Law as an incentive for employers to realize the jobs. Also, reform of the WSW was given more time and budget. The law was renamed into the participation law;
- The social agreement of 2013 is considered to be an important milestone during this process. In this agreement, social partners agreed on various reform packages. Related to the participation law, they agreed to realize 125,000 jobs for the vulnerable group of disabled workers, the WSW and WAJONG target groups. Also, following the social agreement, the originally proposed instrument of wage dispensation was abolished, in favour of wage subsidies which would give workers a job without the need for additional benefits;
- On the background ‘financial reconsiderations’ (Heroverwegingen), prepared in 2010 by a departmental commission, played an important role in this process. These reports were commissioned by the government to explore possibilities to reduce public expenditure in most social domains, including various benefits. This meant that the need to achieve budget cuts became a dominant goal, as opposed to the ‘quality of service’-related goal that was central to the De Vries-advice;
- The Rutte-2 Cabinet (which didn’t have a majority in senate) had to make deals with various parties from the opposition (the so-called ‘constructive’ three parties: two orthodox Christian parties and the liberal democrats). According to the Department of Social Affairs and Employment (SZW), in this process the vice-minister played an influential role in arriving at an acceptable compromise which could pass parliament. This led for example to special treatment of existing claimants, especially the ones receiving WAJONG. The initial idea was that they would be re-assessed and could lose their benefit when they had remaining working capacity. Negotiations led to the decision that re-assessment would take place, but that they would not have to give up their benefit. Rather than being transferred to means-tested social assistance, their benefit would be reduced with 5 percent points.

Finally, in 2014 the proposal, after many revisions following this political process and social dialogue, passed parliament and senate. Due to these processes, the idea to integrate three acts has not been
achieved entirely: existing recipients of WAJONG and workers under WSW keep most of their rights and benefits. Capacities to work of existing WAJONG-recipients will be ‘re-assessed’: if they are judged to have remaining working capacity, starting from 2018 their benefit will be reduced from 75% to 70% of the minimum wage. New claimants with working disabilities and remaining working capacity over 20% can apply for the new participation law but no longer for WAJONG. The instrument of wage dispensation has been replaced with wage subsidy, which will still be based on an assessment of individual working productivity. Budgets for supportive instruments have been cut substantially.

1.3.5 Current state and implementation
Implementation is very recent and there is no data available yet on how the actual implementation is progressing. According to our informants, the budget cuts have resulted in a situation where municipalities have little possibilities to organize sufficient support for all new claimants. The quotum law determines to a large extent which clients will be attended to in terms of activation services: the ones that ‘count’ for the quotum will be primarily offered services and guarantee jobs. As such the actual law is much less ambitious and comprehensive than the original policy ideas suggested.

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1.4 Thequotum law
1.4.1 A short summary of the innovation

The Quotum-law accompanies the participation law. It is meant to enforce the 2013 social agreement to realize 100,000 private sector jobs and 25,000 public sector jobs for disabled job seekers (guarantee jobs) until 2026 in case social partners do not manage to realize annual job creation targets ‘voluntarily’. It stipulates that employers with more than 25 employees have to hire workers from the group of disabled unemployed receiving benefits through the participation law or the WAJONG. People working under the old WSW also belong to the formal target group. The UWV determines whether people formally belong to this target group and keeps a register of this group and their labour market participation.

Starting from 2014, every year the number of people from this target group who are working in regular jobs has to increase, more or less by 7,500 persons per year at the national level. If this increase is not achieved, starting from 2017 employers can receive sanctions which are related to the number of jobs they were expected to realize and the jobs they have actually created. Each missing job will cost the employer €5000.- This is first judged at the sectoral level, to allow for flexibility in the realisation of jobs. If at the sectoral level insufficient jobs have been realized, individual companies can be judged and sanctioned. However, before this actually happens, social partners have room to discuss and explain why the target may not have been reached. As such, the real chance of sanctions being implemented appears limited.

The realisation of guarantee jobs is organised at the regional level, where municipalities, UWV, unions and employer organisations co-operate in 35 regional, so-called Work Companies to explore and realise job opportunities at the regional level.

1.4.2 Backgrounds and origins of the innovation

It is not the first time the Dutch government introduces a quotum for this target group. Earlier, the so-called WAGW (‘Wet arbeidgehandicapte werknemers’, Law on disabled workers) between 1986 and 1998 obliged employers to employ between 6-7% of their staff from the group of disabled workers. No evaluations of this law have been found however and the documents for the quotum law don’t contain references to this earlier law.

As was mentioned, the origins and development of the new quotum law relate closely to the development of the participation law that was discussed in the former section. The quotum is a part of the government agreement of 2012 between the liberals (VVD) and the social democrats (Pvda). The Pvda demanded the quotum as a way to engage employers more strongly with the objective to realize sufficient jobs for the target group of the participation law. According to our informants, the quotum was one of the reasons why initial opposition by the Pvda to the WWNV changed into support for the participation law.

The Pvda-VVD government invited the social partners to develop proposals to achieve sufficient jobs for this target group. In the social agreement 2013 employers and employees agreed to provide ‘guarantee jobs’ for 125,000 handicapped workers. This was based on the mutual recognition that activating policies for disabled workers won’t work if there are not sufficient accessible jobs for this

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3 This co-operation between municipalities and social partners can be considered a governance innovation in itself, because social partners are used to co-operate within economic sectors rather than at regional levels. Also, co-operation of organized social partners with municipalities is new.
target group. According to the Pvda, this agreement would not have been achieved without the ‘threat’ of a quotum. After the social agreement the legislative process for the quotum law started.

1.4.3 Key stake holders and their positions

Besides the Pvda and the socialist party, our research material shows little faith of stakeholders in the usefulness of this law. A visit of several Dutch stakeholders to Germany has shown that the German quotum that has been promoted as a successful example, in practice is paid-off by employers and, moreover, is directed at workers who become disabled during work which is another target group compared to those who become disabled before starting their work career: the target group of the Dutch quotum law.

The quotum law is mainly considered to be part of a political compromise between PVDA and the liberals and as a way to give the PVDA profiling possibilities. Given the overall package of policy measures, the liberals (VVD) have agreed, although as will be discussed, together with other stakeholders they have lobbied successfully to soften the act and its potential implications.

The organization of municipalities as well as the stake holder organization of municipal social departments DIVOSA state that the quotum may complicate the building of good relations with employers at the regional level.

The employer organization VNO-NCW is against the quotum, but feels that negotiations on the quotum law have resulted in an act which most likely will not result in actual sanctions for employers.

The union FNV expects that a quotum will not work to get more and better jobs for disabled people, because employers in many cases will rather pay the fine than hire workers that they don’t see fit for their work. At the same time, they acknowledge the potentially activating effect towards employers from this stick behind the door.

This hardly enthusiastic support of most stakeholders, has led to a political process through which the original bill proposal has been softened in various ways:

First of all, the target group has been extended to include a broader range of vulnerable groups. Initially, only disabled who were not expected to be able to earn the minimum wage were included. Negotiations led to the inclusion of higher educated disabled – notably suffering from autism - who are able to earn more than the minimum wage with proper support. Also, disabled unemployed who find work through secondment now ‘count’ for the quotum of employers where they are placed.

Secondly, the first yearly measurement of the quotum has been postponed towards 2017 (the first idea was to start measuring from 2016).

Thirdly, the procedure to decide about applying sanctions has become a discursive process instead of mere application of legal procedures. When the quotum target is not met at the first moment of measurement (in 2017), social partners can discuss possible causes for this with the government, such as lagging economic development. If it is decided that the employers cannot be blamed for not achieving the quotum, the sanctions will not be applied. Given this clause, most respondents expected that the sanctions based on the quotum law will never be actually administered.
1.4.4 Current state and implementation

The quotum-law is national legislation. But initiatives to create the ‘guarantee jobs’ for partially disabled unemployed, are organized regionally. Regional networks of municipalities, schooling agencies, UB-agency UWV and employer representatives make agreements about the best ways to find the job opportunities for handicapped job seekers in the region. The participation law provides instruments such as wage subsidies to compensate for lesser productivity as well as job coaching.

As the law was enacted as of January 1st 2015, results are not available yet. As has been explained, respondents do not expect that employers will actually have to pay sanctions, if the target will not be met.

UWV determines who belongs to the target group of this law, by assessing administrative data and/or by speaking to the unemployed. A special register has been made containing people who belong to the target group. Only people from this register who find work count for the quotum. As was mentioned in the section on the participation law, UWV in practice functions as a strong gate keeper, by being very strict on the question whether applicants belong to the target group or not.

Municipalities as well as UWV may propose candidates for a guarantee job. Municipalities however have to pay UWV around 800 euros to check whether candidates belong to the target group. According to some respondents, this may restrain municipalities from proposing candidates, especially when the chance of admission is low.

At the moment of writing, effectively mostly people on the former waiting list for WSW as well as WAJONG-recipients could apply for the guarantee jobs, leaving municipalities with little possibilities for new claimants with disabilities. As a result, the number of people actually entering guarantee jobs was behind expectations as of May 2015.

According to respondents, the threat of the quotum however to a certain extent seems to have an impact, meaning that employers and employers’ organisations are indeed thinking (more) about how to organize job opportunities. It is not sure whether employers would have invested the same amount of energy without the quotum. So as a ‘stick behind the door’ it may actually activate employers, but it is too early to draw a strong conclusion about the effectiveness of this stick.

At the same time, respondents observe that the quotum-law has narrowed down the focus of both municipalities as well as employers to the target group for the quotum law. This means that other vulnerable groups may have less chances to find jobs, because employers are now primarily interested in unemployed who ‘count’ for the quotum. Municipalities on the other hand also focus their energy on finding and referring these unemployed. As such, the quotum law casts a large shadow on the way the participation law is being implemented.
1.5 The increase of the general pension age (AOW)

1.5.1 A short summary of the innovation

As in other European countries, the Dutch pension system has three pillars. The first pillar is the general pension benefit, called the *Algemene Ouderdoms Wet* (AOW; General Ageing Law). This is based on the pay-as-you-go system and is available for all Dutch citizens (with some small exceptions). The second pillar is an additional compulsory employee pension, whereas the third pillar is a voluntary private pillar. Although the first pillar and the second pillar are interrelated, the discussions about increasing the pension age, and the legal changes that followed from this discussion, started from the first pillar. Therefore, in our analysis we focus on the evolution of the increase of the AOW age from 65 to 67 in this section.

The AOW age has not been changed since the legislation got into force in 1956. Due to the ageing society, the economic crisis and the increasing average life expectancy, reforming the AOW came on the political agenda in 2008. Several agreements and law changes have been made since then. Very recently the Senate approved a new law. The goal of the AOW is to ensure a basic income for elderly beyond the statutory pension age. Everyone reaching the AOW entitled age receives 70% of the minimum wage in order to guarantee a certain standard of living. It is rooted deeply into the Dutch society and therefore it was not subject to change because of the iconic status of the AOW. For Dutch people, the AOW is the showcase of the Dutch welfare state, deeply rooted in the common culture.

1.5.2 Backgrounds and origins of the innovation

Since the AOW legislation got into force in 1956, few changes have been made to it. Yet, due to the ageing society and the increasing average life expectancy, an increasing number of reports concluded that the legislation should be changed in order to prevent the AOW expenditures from becoming unaffordable. Politicians however did not feel the need to put a reform of the Dutch Pension System on to the political agenda. Reason for this was the sentiment that had grown deeply into the Dutch society. Over the years, the AOW had become a ‘holy cow’ representing the very fundaments of the Dutch welfare state. A payment for everyone who reaches the age of 65, whatever the circumstances are. The trade unions were very strict on this and they saw the AOW age of 65 almost as a fundamental right.

During the 1980s and 1990s, several politicians had addressed the topic of reforming the AOW and every time they were punished severely in the polls for doing so. However, the actual need to reform became clearer in the 1990s and the following decade. But until well into the 2000s, D66, the Dutch democrats, were the only political party who actually pleaded for raising the AOW entitlement age. Despite the awareness that a change of the entitlement age was eminent, it took until the 2008 financial crisis before the political tide was ready for a change. According to various respondents, the Bakker report about the expected shortages of employees was one of the ‘positive’ drivers behind this: raising the pension age could be one of the solutions for labour shortages in the future. Because of the crisis in 2008 that started with the collapse of Lehmann brothers, the Dutch government was forced to implement major cutbacks. Therefore, it was decided that by reforming the AOW legislation
a cutback of 0.7% of government expenditures must be obtained. The crisis, plus the growing insight that without a reform the AOW would become unaffordable over time, resulted in political acceptance of the fact that after more than 50 years of stability in the AOW legislation, changes needed to be implemented.

At first this led to unrest and a lot of resistance from citizens, trade unions and opposition parties. In response to this, and in good Dutch ‘polder’ tradition, the minister of Social Affairs and Employment at the time Piet-Hein Donner offered the Sociaal-Economische Raad (SER, the Social-Economic Council, a tripartite advisory body) the opportunity to develop alternative plans for the AOW, as long as they contributed to a 0.70% structural reduction. This was decided because of the fierce resistance of in particular the FNV, the largest Dutch trade union. In the SER the negotiations between the employers’ organizations, the trade unions and the Crown members started. A strict deadline for an agreement was set on 30-09-2009. Due to the persistence of the FNV, the negotiations failed. No agreement was reached. The interpretation of why the negotiations failed, vary. But it is clear that the employers’ organization (VNO-NCW), did not oppose the original plans and therefore were not fully committed to finding an alternative solution. Donner then continued with his original agenda but shortly after, the cabinet fell. The plan to reform the AOW was declared controversial and for a while it seemed total failure.

When the new cabinet Rutte 1 was formed, the plan to reform the AOW was back in the coalition agreement. Therefore, the social partners (STAR, FNV, VNO-NCW) and the pension federation kept on discussing how this reform could be implemented best. Remarkably, in a short period of time most political parties changed their position and were now in favor of raising the AOW entitlement age. In the STAR (Stichting van de Arbeid, a bipartite institute for social-economic advice) a pension agreement was created. In this agreement it was stipulated that the AOW entitlement age should be linked to the average life expectancy. The Dutch political playing field was still very unstable and in the spring of 2012 the parties that participated in the previous coalition and some of the opposition parties formed the so-called ‘Kunduz Agreement’ after Rutte I fell. In this agreement the AOW reform was present again. Then in the summer of 2012 the parliament and senate approved the AOW reform, which was about a stepwise uplifting the AOW entitlement age to 67 in 2025. The legislation got into force on the first of January of 2013. Then Rutte II was formed. Another bill to reform the AOW was sent to the parliament and this bill contained a law to link the AOW age to the average life expectancy and furthermore it contained a law to increase the AOW entitlement age faster. In June 2015 this new law was approved by the Senate.

The decision-making process about the AOW entitlement age has some unique characteristics. First of all the political climate has been very unstable which made it very hard for the Ministry of Social Affairs, because the law had to be adapted time and time again to the new situation. The second remarkable aspect is that the opinions of many parties have changed concerning the AOW legislation over a short period; also, the public opinion has changed very rapidly. Considering the construction of the Dutch pension system, consisting of three pillars (AOW, pension funds, individual private products), this reform involved actors that are concerned with the other two pillars as well. In addition, the second pillar, which is a non-governmental affair, had to be adapted to the changes in the AOW legislation. Therefore, the social partners had an important role. The pension federation, the trade unions and the employers’ organizations were influenced by political decisions. Therefore, from 2008 onwards they have had many consults and many agreements on how to arrange this new Dutch
pension system. The crisis has helped on opening a policy window for reforming the pension system. The social partners were desperately trying to reach consensus, because otherwise they would lose all their opportunities to influence the reform. They failed at first but in later stages, they did achieve consensus among the involved stakeholders.

1.5.3 Key stakeholders and their positions

Ministry of Social Affairs and Employment
The ministry has done several explorations about the impact of a possible raise of the AOW entitlement age before Donner presented his first bill. Since then the ministry has made a total of four bills. Next to the bills, the ministry has written plenty reports on this topic. During the interview with civil servants, we learned that the Ministry was already working on the AOW due to several reports of international and European organizations. During the negotiations within the Social-Economic Council, the role of the ministry was minimal. They only took the visions of the social partners in consideration at a few moments. Furthermore our respondents stated that the decision making process of the changes in the AOW legislation has been tough because of the quick changes in the political field.

Piet Hein Donner
Mr. Donner is probably the most important person within this decision making process. He came up with the first bill, after Balkenende IV felt the need to implement drastic cutbacks. He is the first politician who dared to come up with a bill on this topic. Still, if this would have happened if the Lehman Brothers would not have collapsed can be questioned. Despite the fact that the bill that Donner presented did never make it, his role is a major one. At the time Balkenende IV started to govern only D66 was in favor of raising the AOW age. The following cabinets were able to continue working on the legislation without risking major losses in trust from the citizens thanks to Donner.

Knowledge institutions and advisory boards - CPB, CBS, SCP
CBS has been one of the most important suppliers of calculations on the effects of changes in the AOW legislation. They tend to be neutral but seen the knowledge they provide the CBS became openly in favor of raising the AOW entitled age during the negotiations between the social partners. CPB and SCP were also doing research on the effects of changes in the legislation of the AOW. Together the CPB, the CBS and the SCP have been the knowledge suppliers that formally don’t position themselves in the political debate.

Federation of the Dutch Pension Funds
The federation of the Dutch Pension Funds’ interest is to maintain a high quality and reliable system of the second pillar of the Dutch Pension System. Therefore, it did not have a major role within the reform of the legislation on the AOW, since the AOW is the first pillar of the Dutch Pension System. Nevertheless, the pillars are interwoven so in a later stage the federation had to make sure that the tuning was done in a way that it would not harm the second pillar. The commission Goudswaard has made a report in 2010 on the second pillar and changes have been introduced in the second pillar as well to ensure the quality and reliability of the system. Yet, their role was limited seen the non-governmental nature of the second pillar.
**Social Economic Council – SER**

The SER has a special role when it comes to social economic policies. The SER is the home of ‘the Polder’, as the Dutch system of intensive collaboration between social partners is known. The SER consists of trade unions representatives, employers’ organization representatives and Crown members. Considering the criticism on the reform agenda in 2008 and 2009 the government gave the Polder a chance to come up with an alternative plan to achieve the cutbacks needed of 0.7%. Within the SER negotiations started between the FNV and the VNO-NCW, directed by the Crown members of the SER. Scientific and professional knowledge was brought together in order to create acceptable perspectives on this complex issue. This way of dealing with disagreement is used a lot in the history of Dutch policy making but in this case it did not result in a success.

**Trade Unions – FNV**

The trade unions, especially the FNV, have been obstructive for a long time. But in the end they realized that an increase of the AOW entitlement age was inevitable. During the SER negotiations the FNV was strongly against raising the AOW entitlement age. They argued that a raise of the AOW age would have negative effects on the labor market. Furthermore, they found that the people who earn low wages and do the hard jobs would be hit hardest. On top of this, their point of view was that the AOW entitlement age of 65 was something sacred that should never be changed. People have been working for their whole life, assuming they could retire at 65. It wouldn’t be fair to punish them by lifting the age. It was the FNV who was responsible for the failure of the SER negotiations in 2009. Then, a couple of years later, in 2011 a majority of the FNV unions agreed on a new pension agreement. Shortly after this agreement Agnes Jongerius resigned as FNV chairman. Her position became too weak, she was a strong opponent of raising the AOW age.

**Employers’ organizations – VNO-NCW**

The employers’ organizations had the opportunity to come up with an alternative for the agenda that Donner presented in 2008, together with the trade unions. Despite the fact that the employers’ organizations were fairly happy with the Donner agenda they agreed on trying to come up with an alternative that would have more support from other stakeholders as well, like for instance and in particular the FNV. Their major concern was that with the reform of the AOW not all burdens would shift from the government’s plaid to theirs.

**‘Foundation of Work’ – STAR**

The STAR is a cooperation of employers’ organisations and the trade unions. Within the setting of the STAR they negotiated on a pension agreement in 2010. This agreement was about the AOW and the second pillar. As these are interwoven the STAR felt the need to come up with a plan for both of them. After the failure of the SER negotiations in 2009 and with the shadow of unilateral government intervention hanging over the entire debate the social partners found their consensus. Now the FNV in particular had to bow a lot otherwise it would fail again. In this agreement the link of pension age and average life expectancy was born. Also the former breaking point of the heavy professions was solved thanks to the negotiations within the setting of the STAR. In short the STAR has had an important role in finding consensus between the different stakeholders.
1.5.4 Current state and implementation
Since minister Donner presented his bill to raise the AOW entitlement age, a lot of agreements and bills have passed in review. The original plan was to raise the age from 65 to 67. After Balkende IV fell, the cabinet in which Piet Hein Donner was Minister of Social Affairs, the bill was withdrawn. Nevertheless the following cabinet agreed on establishing a new bill to raise the AOW entitlement age. At this time the Minister of Social Affairs was Henk Kamp. The parliament and the Senate actually approved this bill. In the meantime there were agreements made in the Polder to arrange peripheral issues concerning the Dutch pension system and many affairs were subject to negotiations. In particular the Polder was discussing what to do with the second pillar of the pension system. Then Rutte II presented a bill to speed up the raise of the AOW age and on top of this it wanted to link the AOW entitlement age with the average life expectancy. In June of 2015 the Senate approved this bill. Therefore the current state of the AOW legislation is arranged as follows:

From 2016 onwards the AOW entitlement age will gradually go up to 66 in 2018. This is faster than the law of 2012 had planned to do. In the year 2021 the entitlement age will reach the mark of 67. From this point onwards the AOW entitlement age will be linked to the average life expectancy. This will be done on a regular base.

1.6 The Work and Security Act

1.6.1 A short summary of the innovation

The Work and Security Act (WWZ) was passed on 10-6-2014 and is effective since 01-01-2015. This law reforms dismissal law, changes the legal status of flex workers and several regulations related to the Unemployment Insurance Act (WW). Also, the accessibility to the Older Unemployed Income Scheme Act (IOW) is broadened, but the accessibility to the Older and Partially Disabled Unemployed Workers Income Scheme Act (IOAW) is narrowed down.

The major reform of dismissal law concerns the two alternative paths for dismissal. When an employer wanted to fire an employee under former dismissal law the employer had two choices in the paths for dismissal. One path for dismissal was through the Unemployment Benefit Agency (UWV) and the other was through the subdistrict court. Under the WWZ the employer has no choice in the path for dismissal. The WWZ states that in cases of dismissal on grounds of economic reasons or long-term disability, the only possibility is to request permission from the UWV to rescind the employment contract. For dismissal on grounds other than the ones mentioned before, the only possibility is to request permission of the subdistrict court. These paths for dismissal are only to be taken when the employee disagrees with the decision of dismissal. Another reform concerns severance pay. This is changed to a transitional compensation with a maximum of €75,000.- or one year’s salary when this is higher than €75,000.-. Entitlement to the transitional compensation concerns employees whose contract has been in place for a minimum of two years.

Flex law is also reformed under the WWZ. Successive contract rules under the WWZ state that fixed-term contracts are converted into an open-ended contract after two years, whereas under former flex
law a three year period applied, r after four fixed-term contracts. Contracts are considered non-successive when they are separated by at least six months. This used to be a period of three months. Probation is now forbidden when a fixed-term contract lasts no longer than six months or when the contract is renewed and there is no change in work activities. There is also a duty of notification introduced by the WWZ for fixed-term contracts with a duration of six months or more. The employer is obligated to inform the employee no later than one month before the end of contract if the contract will be renewed, and if so, on what terms. Another reform concerns the non-compete clause, the clause that restricts the transfer of employees to a competing firms under certain conditions. This clause has been prohibited in fixed-term contracts, unless the employer can provide substantial evidence the non-compete clause is necessary for business or service interests. Also, the use of zero-hour contract is limited and flexible employees get more dismissal protection.

Under the WWZ, unemployment law is also reformed. The duration of the WW is maximized at 24 months, whereas it used to be 38 months. The maximum duration can, however, be prolonged through private funding as a part of the collective labour agreement. After six months of receiving unemployment benefits, all suitable work should be accepted. This used to be after a year. Income compensation is also introduced thus accepting a job with a lower salary than the unemployment benefits won’t financially harm the unemployed. When the salary is lower than the unemployment benefits, the UWV will compensate for the loss of income by paying the difference between the salary and the unemployment benefits.

1.6.2 Backgrounds and origins of the innovation

All of our respondents acknowledge that the WWZ is a product of political negotiations between the social partners and the national government. But its foremost origin is the social agreement of 2013 between the social partners (trade unions and employer organisations), which are united in the Labour Foundation, and the government.

Both social partners were basically ignored during the cabinet formation in 2012. Hence, they wanted to adjust reforms which were outlined in the coalition agreement of 2012 that they did not agree with. Both social partners had an interest in working together in order to strengthen their position. Due to internal struggles and their diminishing influence during negotiations, the trade unions wanted to improve their position. The employers’ organizations also wanted to increase their influence because due to the instalment of a social democratic minister of social affairs (Asscher, Labour Party), their influence was about to decrease substantially compared to the past, when they had a productive relationship with the former ministers of social affairs (minister Kamp (Liberal Party) and Donner (Christian Democrats’ Party)). Some informants even stated that back then the employers organizations had a ‘direct pathway’ into the ministry of social affairs and employment when those ministers were in office.

As the WWZ has three distinctive components, namely the adjustments of flex law, dismissal law and unemployment law, we will discuss them separately as these components have different backgrounds and origins. The transformation of flex law finds its origins in the flex agreement of 1996. This flex agreement between the social partners ensured that the position of flexible workers was made less flexible and more secure and the opposite for the position of workers with open-ended contracts, but also “legitimised” temporary work which used to have a very negative status. This flex agreement of
1996 was the foundation of the Flexibility and Security Act of 1999. In the coalition agreement of 2012 the Parliament member’s bill of Ulenbelt (Socialist Party) and Hamer (Labour Party) was said to be implemented. This bill also proposed to modernise the Flexibility and Security Act in ways that are more or less the same as it is formulated in the WWZ.

The WWZ is the first major reform in dismissal law since the Second World War. The former system was perceived as overly complex and unjust, but every effort to change the system till now produced no results. The advice of the Rood Commission was mentioned several times during the interviews as a relativity current attempt to reform dismissal law. However, the commission advised negatively over reformation of dismissal law. The failed attempts of Piet Hein Donner, in his period (2007-2010) as minister of social affairs and employment, are also mentioned by most respondents as an important forerunner of the dismissal law reformation of the WWZ. At the time Minister Donner was heavily criticized for trying to reform dismissal law by maximizing severance pay with a maximum of one year’s salary and making it easier to fire employees through the adjustment of the judicial review of dismissal. These ideas are now in an adjusted form part of the WWZ.

The reforms concerning unemployment law can be traced back to a discussion in the Social Economic Council (SER) in 2005 where the decision was made to shorten the duration of benefits receipt of the WW from a maximum of five years to a maximum of three years and two months. In that period also the idea emerged that the social partners should get a part of the coordination over the WW back. The social partners had lost their coordinating responsibilities after the implementation of the Structure Implementation Work and Income Act (SUWI) and the advice of the Buurmeijer Commission, which lead to more government interference and decentralized labour market policy. Hence, reclaiming a part of the coordination of the WW is a central pillar in the social agreement of 2013. But reducing the duration of unemployment benefits was also mentioned in the coalition agreement of 2013. Originally, it was the intention to shorten the duration of the WW to one year. This idea was heavily criticized by the political left and the trade unions, which caused a political environment which made it possible for the social partners to re-enter the political arena and come up with the social agreement of 2013.

On a more general level the Bakker Report and Heroverwegingen 2010 report were also mentioned as important documents where ideas, which are now embodied in the WWZ, were outlined and that were used to (re)start discussions on flexible labour, reforming dismissal law and the shortening of the WW to make it more activating.

1.6.3 Key stake holders and their positions
Both the social partners can be seen as the initiators of the WWZ because it is directly linked to the social agreement of 2013. Because the WWZ is the result of negotiations between the trade unions, the employer organisations and the government, there was no real opposition compared to the pension reforms. This may also explain why this piece of legislation was passed in the House of Representatives and the Senate within seven months after it was proposed.

The trade unions support this law as it is aimed at decreasing the flexibilisation of the labour market. This was one of the major goals the trade unions wanted to accomplish. The trade unions also wanted to reform legislation concerning severance pay. They wanted a more equal system (it is better if all have less, than when a few have a lot and others have nothing, according to one of our informants).
However, they didn’t support the reforms concerning the WW. They support this law nonetheless because they gained grounds in other domains during the negotiations with the employers’ organizations. This is the result of a trade-off with the employers’ organization.

The employers’ organization wanted a cheaper and less complex dismissal law. They also wanted the WW to be more in line with international standards, meaning decreasing the duration of benefit receipt and provide less generous unemployment benefits. They didn’t wanted to change the legislation concerning flexible contracts, but went along with the WWZ due to political trade-offs with the trade unions.

The cabinet needed to cut the social security budget with 1.2 billion euro’s and was searching for viable policy options to combat the crisis effects on the labour market. The budget cut was necessary in order to meet the EU budget standards and this was only possible with widespread support among the social partner and other political parties.

Minor stake holders who were also mentioned were several legal expert organizations which did not support the WWZ. They claimed that the WWZ is impractical and makes dismissal more complex. The CPB (Bureau for Economic Planning) played a minor role during the formative process of the WWZ.

1.6.4 Current state and implementation
The WWZ will be implemented in multiple phases, the first reforms were implemented on 1 January 2015, the second reforms on 1 July 2015 and third reforms will be implemented on 1 January 2016. As the law is not fully implemented yet, it is hard to say what the results will be. But most of our respondents expect more or less the same outcomes or had the same critiques. Due to the hasty process of creating the law (7 months), they agreed that the law is far from perfect and will create unrest during the first period of its implementation. The WWZ was developed under high pressure and according to some of our informants this resulted in a badly written law, not only textually but also in content. They stated that the WWZ is not a perfect law, but it is a first step in the right direction. However, most respondents also agreed that the imperfections will be dealt with in the next two years when the WWZ is practiced and jurisprudence is developed. But they also stated that because of the WWZ, it is now easier to make adjustments, especially in dismissal law. One of our respondents framed the WWZ as a “snapshot” of the current state of affairs in the search of the right balance between flexible and permanent employment, a search which will continue for many years to come.

But in the media there has been a lot of hassle about big companies, but also the government itself, firing their flexible employees in order to avoid the conversion of flexible contracts into open-ended contracts and to avoid having to pay a transitional compensation to flexible employees whose contract will not be renewed. Many advising and several opposition parties had warned for this to happen if the WWZ would be implemented.

1.7 WW Transitions

1.7.1 A short summary of the innovation
In contrast to other innovations discussed in this report, work-to-work transition (WTWT; in Dutch: *Van-werk-naar-werk*) is not a law. This innovation, also referred to as VWNW-beleid and VWNW-activiteiten (WTWT-policy and -activities) describes circumstances in which employees are faced with the risk of dismissal and therefore have to make a transition from one employment situation to another. This innovation is also closely related to the WWZ legislation because WTWT-policies are directed at the prevention of unemployment in case of involuntary collective dismissals when over twenty employees are at the risk of becoming redundant. In that case employers are legally obliged to provide reasoned notice to trade unions. The so-called period of notice in the Netherlands depends on the duration of employees’ employment relations. The measures that can be taken by the employer in this phase include both active (e.g., outplacement activities and (re)training) and passive (e.g. financial compensation) measures (Zekic, 2014). Work-to-work measures often are the outcomes of social plans negotiated by employers and trade unions at the company level (Borghouts, 2012). These transitions usually focus on sectoral transitions of insiders. However, recent experiment-based attempts, the focus of this section, were directed at stimulating not only sectoral transitions, but also developing the methods for intersectoral (regional) work-to-work transitions.

1.7.2 Backgrounds and origins of the innovation

Work-to-work transition do not have one specific initiator or root. Traditionally, sectoral social partners were supporting work-to-work activities in some sectors such as the graphic media by agreeing on curative measures through social plans. However, the labour market reforms of the 1990s and the introduction of the SUWI Act in 2002 diminished the role of social partners in the domain of unemployment to only a consulting role through the Council of Work and Income (RWI4). According to our respondents, the emergence of work-to-work transition on the political agenda, especially in the aftermath of the 2009 economic crisis, in this context has also to do with the fact that the social partners, in particular the trade unions, wanted to regain some of their influence. However, if we only focus on the current debates regarding the stimulation of work-to-work transitions through subsidized experiments and pilots, then the central government, and the ministry of Employment and Social Affairs (SZW) in particular, is seen as the initiator of this innovation. Since the adjustment of the Unemployment Benefit Act in 1999 (see also Evers, et al., 2004) several subsidized experiments have been conducted in order to develop the methods for the stimulation of work-to-work transitions of redundant employees who may face collective dismissal (e.g. EIM, 2008, 2010, ASTRI, 2010; RWI, 2008, 2009, Kok, et al., 2008).

- With the ‘Temporary Decree for using Redundancy Funds’ (in Dutch: tijdelijke besluit inzet wachtfondsgelden) the government redirected the re-integration (activation) resources to finance temporally, between 2000 and 2005, the first work-to-work transition experiment.
- Between 2005 and 2007, the Dutch government initiated several pilots to develop the methods for the stimulation of intersectoral mobility for older workers who may have various reasons to make a transition to another job in other sectors.
- Based on the so-called Gatekeeper Act (Poortwachtercentra, 2002), between 2004 and 2009, 26 regional gatekeeping centers were established which initially aimed to facilitate the work-to-work transitions of sick workers during their first two years of sickness. In the aftermath of the economic crisis, however, these gatekeeping centres extended their activities from

4 The RWI since July 1 2012 does not exist anymore
facilitating the re-integration of sick workers to a broader perspective to enable regional work-to-work transitions.

- In November 2008, UWV was assigned by SZW to establish 30 Public Mobility Centres (in 2009 33 public mobility centres were counted). These public mobility centres are different from ad-hoc mobility centres that can be set up by the employers and trade unions during the processes of redundancy through social plans.

- In the aftermath of the 2008 economic crisis, the following two crisis measures were introduced which contributed to momentum of work-to-work transition as a trend to prevent unemployment: short-time working and the part-time unemployment scheme and the so-called temporary subsidy scheme for retraining of employees at risk of dismissal.

All these temporary measures in 2009 paved the way for the Temporary Decree From-Work-to-Work (in Dutch: Tijdelijk besluit van-werk-naar-werk) that came into effect in September 2010 and introduced work-to-work measures. In doing so, the ministry started to stimulate the transitions of redundant employees through the provision of temporary subsidies in regional settings. The temporary decree resulted in nine experiments that each used its own methods, for instance, by offering (re-)training, personal guidance and job brokering or job carving (Van der Aa and Van Berkel, 2014). These experiments are more or less synonyms to the current debates on the work-to-work transitions. In the coming years, more experiments will take place through the third round of sectoral plans and through the experimental establishment of regional consultation centres. The latter is an initiative of the social partners which has been recommended by the SER. The Arrangement for the Co-financing of Sectoral plans (in Dutch: Regeling cofinanciering sectorplannen) is a government initiative to stimulate both sectoral and intersectoral transitions whereby the government pays 50% of the costs and the other 50% comes from the sectoral social partners. The third round of the sectoral plans entirely focuses on WTWT.

As mentioned, the WTWT-policies are closely related to the WWZ act because of the procedures of collective dismissals. According to our respondents the collective dismissal acts have remained more or less stable since the first dismissal act came into force in 1945. However, the WWZ act did reform the dismissal legislations by transforming severance pay into the transition budget (see for more details on this section 1.6). Although the amount of transition budget is lower than former severance pay, the transition budget also covers flex workers. The transition budget cam into force on the first of July 2015. The transition budget (passive) is ‘supposed to be spent by the dismissed employees on their WTWT-activities (such as outplacement)’. It is unclear whether employees will be enforced to do so as well. WTWT activities such as (re)training during the period of notice may be deducted from the transition budget by employers.

1.7.3 Key stakeholders and their positions

Based on our data we could identify several key stakeholders. At the national level the central government and social partners have played an important role in the development of methods for work-to-work transitions. The social partners (“De Polder”) have played their role mainly from three institutions: the bipartite Labour Foundation, tripartite Social and Economic Council (SER) and the tripartite Council of Work and Income (RWI). The latter was especially important in conducting research to make an overview of the extent to which work-to-work transitions are taking place. Also sectoral, regional and local parties are considered to be important actors. The position of some
stakeholders has changed in the past few years. To understand the development of innovations, it is important to look a bit further into the role of social partners in the provision of unemployment benefits and employment services.

Social partners, in particular the trade unions, were responsible for the provision of unemployment benefits for a long time. Between 1991 and 1999, they also had administrative positions in the provision of employment services. However, the reforms of the 1990s and the introduction of SUWI act in 2002 diminished the role of social partners. What remained was consultation at the national level and sectoral collective labour agreements including conducting social plans at the company level. In recent years, the budget for the re-integration of people receiving unemployment benefits has decreased with 60%. According to our respondents, the UWV does not conduct any activities to prevent unemployment and also in the first three months after the unemployment period the UWV does too little to reemploy people. Moreover, the introduction of the new social assistance act (WWB, 2004) that created financial incentives for the municipalities also meant less re-integration services for people in the WWB. In this context, according to our respondents, the social partners are eager to get some of their influence back.

Therefore, in 2005, the central organisations of social partners recommended employers and employees to support both sectoral and intersectoral transitions of workers at risk of losing their jobs (SER, 2005). With regard to this, social partners have also asked the government to give them more responsibility in the domain of unemployment. In 2009, the government (SZW, 2009) responded by asking the employers’ representatives and trade unions to take up their responsibility in contributing to the process of designing and developing employment security policies including work-to-work transition programmes. Consequently, social partners have embraced the government’s request as they have organised several conferences to discuss the future of Dutch labour market infrastructure, including Work-to-Work transition, whereby representatives of social partners from Sweden, Belgium, France and some other European countries were invited so that the Dutch partners can draw lessons.

In spite of embracing the government’s response, social partners were initially not in favour of work-to-work transitions to be included in their redefined responsibility in the domain of unemployment in a much broader context. This is because social partners were already involved in the work-to-work activities through social plans. Yet social partners have embraced the government’s (SZW, 2009) response because they saw an opportunity to regain some of their lost influence which is translated into the social agreements of 2013 and in the SER’s advisory report of 2015. In the advisory report of 2015, the Social and Economic Council has recommended the establishment of consultation centres (adviescentra), located in the regional Work Squares (Werkpleinen) which will provide work-to-work consultations/support. The aim of consultation centres is to help everyone in need of help and thus not only the insiders.

1.7.4 Current state and implementation

In 2012, the evaluation of the nine experiments was published in which the evaluators state that results are due to successful network co-operation and application of existing infrastructure, often based on interorganisational relationships (Van Gestel). The third tranche of application for the sectoral plans has just started as of January of 2015 that intends to stimulate work-to-work transitions. The evaluation of the sectoral plans will take place in the upcoming years. As far as the implementation
of the consultation centres is concerned, the social partners are currently brainstorming in which regional Werkpleinen to conduct the pilots. According to our respondents WTWT pilots will be publicly outsourced so that not only trade unions, but also other private parties can take part in the implementation of WTWT.

1.8 The influence of different factors and parameters on the performance of the innovations

The innovations that have been discussed in this section all have been introduced only recently. Therefore, it is impossible to present evidence about their effectiveness. However, some general insights can be gained from our analysis.

Reforming or repairing?
The welfare state as it has evolved in the largest part of the 20th century was aimed at solving existing social problems. In the Netherlands, the maturity of the welfare state was reached in the 1960s, with the introduction of universal social assistance benefits and pension benefits. What is interesting about most of the social policy measures that have been introduced since the 1980s is that they have been responses to perceived flaws in the existing policy system, rather than as new solutions to new problems.

This observation holds also true for the innovations that we have analysed in this report. We could argue that these are not ‘innovations’ in a limited sense, as all policy measures deal with optimizing the outcomes of existing policies and discouraging unintended effects against a décor of budget cuts. So concerning the innovations that we have analysed, we could argue that perceived flaws in the performance form an important incentive to adjust the policies. However, political opportunities and policy windows are required to actually implement these adjustments.

The political system: frontrunner or follower of change?
One of the interesting insights during the interview round for this report came from one of the Netherlands leading sociologists. He observed a large gap between the political turmoil with regard to increasing the pension age and the societal acceptance of it. With two years, there are hardly any objection in society anymore. It almost looks like society was ready for it, he concluded.

A similar observation can be made for the Participation Act. On paper, this is a very large reform, specifically with regard to the large group of disabled workers that are now employed by sheltered work companies. But in practice, the number of people that actually work in sheltered circumstances has significantly decreased in the last five years. Sheltered work companies have developed various strategies to have disabled work at regular employers, for instance though group secondments or individual secondments or supported placements at regular employers.

More critical are the opinions on the Work and Security Act. Various stakeholders argue that politicians and trade unions have a problem with accepting the flexibility that has found its way into the Dutch labour market. One of our respondents even asked himself if this was a desperate attempt to regulate something that cannot be regulated.
These seemingly isolated observations across the innovations show that what these policy reforms actually do is codifying emerged practices or ideas rather than triggering new practices. In four of the five innovations we could argue that the innovations are more about riding the waves than about rowing against the tide, with some elements of the Work and Security Act as the only exception.

Increasing labour supply in times of crisis?

For most of the innovations, their implementation took place only very recently. Therefore, it is almost impossible to discuss the outcomes. However, in the Netherlands, there is one factor very much affecting the performance of the innovations in terms of resilience and inclusiveness. This could be considered as a heritage of the 2008 Bakker Committee on the future of the labour market. As a result of the problem definition of that committee – “shortage of labour forces will be the dominant problem for the Dutch labour market” – many of the innovations are related to increasing the availability of the labour force. This took place however in the middle of the 2008-2015 economic crisis. Therefore, almost all innovations seem to have disappointing results in the initial stage, rather contributing to increasing unemployment levels than combatting them.

Puzzling and powering in multiple venues

Closely related to the previous conclusion is that we can observe that all processes in the Netherlands have shifted between the political and the social-economic arena: the polder. When progress is blocked in the political arena, the polder is asked for advice, and in reverse: when social partners cannot reach agreements an issue becomes part of the political agenda. The strong position of the corporatist social partners and their consensual nature, seems to create an extra road for policy learning in the Netherlands. If social partners reach an agreement, this hardly ever is ignored by the governing coalition. And once an item has been politically decided, opposition from the social partners vanishes or social partners jointly work on an acceptable alternative.

So specifically in the cases that have been described above – so where cognitive acceptance of the need for reforms is present – the availability of two tracks that can be used to implement changes seems to have a positive impact on the innovative capacity. Several respondents across the different cases also have indicated that in the period 2002-2010 the governing coalition was less open for the social partners than in the period after 2010. We cannot prove that this has contributed to the innovative capacity, because many innovations also have been developed – or at least have been implemented – in response the to 2008 financial crisis. But it is remarkable that the largest innovations in social policy are dated after 2010.

1.9 Conclusions

One of the most remarkable insights from the analyses in this section is that they all are about optimizing existing policy measures of minimizing the unintended effects of existing policy measures. We have not observed the emergence of new ideas or approaches. Ideas that have been around for a
rather long time seem to be waiting for a policy window and/or a political opportunity to seize the moment. In the Dutch case, the close and consensual relations between the government, trade unions and employers’ associations create an opportunity structure that is relatively open for these social partners, and create multiple venues in which ideas may be tested or implemented.

Concerning the performance of the innovations, there is very little evidence about the extent to which they contribute to the inclusion and resilience of labour markets. There have not yet been systematic evaluations, and the implementation structure does not allow for systematic experimental research. Even the evidence when pilots have been implemented (in Participation Law and WW-transitions) is more anecdotic and procedural than substantive. This implies that perceived failures of policies give rise to the implementation of reforms about which there is no evidence that they will perform either. And there is a lack of systematic evaluations that may prove that the new policies indeed are performing better. So what this provides for is a vicious cycle of policy adjustments based on perceptions rather than on evidence.

Considering the different vulnerable groups that have been distinguished in the INSPIRES project, the most remarkable conclusion is that a trend towards general policies is clearly visible in the Netherlands. The perceived flaws of specific policies were that they created dependency, fragmentation and injustices in the labour market. Therefore, the youth population and the disabled population together with the regular workforce have been brought together in the Participation Law. And to some extent, this is also visible in the Work and Security Law, where one single dismissal route has been designed for tenured workers as well as for flexible workers (most often youth and migrants).
2. Processes of policy learning in the Netherlands

2.1 Introduction

In the former chapter processes of policy development for five Dutch policies have been analysed. In this chapter we elaborate on the role that policy learning has played in these processes, focusing on three of these policies: the Participation Law, the Law on Work and Security (WWZ) and the increase of the statutory pension age.

Following Hall (1993), in the INSPIRES-project we understand policy learning as a ‘deliberate attempt to adjust the goals and techniques of policy in response to past experience and new information’. Learning can take an internal route, through the existing learning infrastructure or knowledge regime. Or it can take an external route, through the EU or other international channels. Both routes will be explored. The role of the EU however will be more thoroughly explored in WP6 of the Inspires project.

This chapter is based on interviews with key informants representing policy makers, policy advisors, stakeholder organizations and organizations representing the knowledge infrastructure (see appendix for an overview of respondents). Also, the documents that were used to reconstruct the development and implementation in the former chapter, have been analysed specifically to assess the use of various sources of learning such as statistics, evaluation reports other types of research.

This chapter continues as follows. First, we discuss the policy learning infrastructure in the Netherlands as it has been available for the development of the three policies. Based on our interviews we will also give a global assessment of the role that the various organizations that constitute this structure play in processes of policy learning.

Then we will discuss the role of internal and external routes of policy learning in the three selected policies.

The chapter concludes with a short, general discussion on the role of policy learning in the development of Dutch policy innovations.

2.2 The policy learning infrastructure in the Netherlands

In this section we describe the Dutch learning infrastructure concerning the development of social security and labour market policies. In the subsequent sections we explore to what extent this infrastructure has played a role in actual processes of policy learning.

For this report, we understand ‘learning infrastructure’ in terms of organisations as well as in terms of more or less institutionalized learning processes which may produce and/or disseminate information which may or may not inform the process of policy development.

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Organisations

Table 2.1 provides a summary of the organisations/institutions which according to our data have to be considered the most important producers and/or disseminators of knowledge and information relevant for learning in the field of labour market policies and social security\(^6\).

Table 2.1 The policy learning infrastructure for social security and labour market policies in the Netherlands: knowledge producers and disseminators

<table>
<thead>
<tr>
<th>Category</th>
<th>Examples of organisations and companies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic institutions</td>
<td>14 public universities</td>
</tr>
<tr>
<td>Scientific advisory council</td>
<td>Dutch Scientific Council (WRR)</td>
</tr>
<tr>
<td>Scientific bureaus political parties</td>
<td>Social democrats (PVDA -Wiarda Beckman Stichting)</td>
</tr>
<tr>
<td></td>
<td>Liberals (VVD - Telders Stichting)</td>
</tr>
<tr>
<td>Planning bureaus</td>
<td>Netherlands Bureau for Economic Policy Analysis (CPB)</td>
</tr>
<tr>
<td></td>
<td>Netherlands Institute for Social Research (SCP)</td>
</tr>
<tr>
<td>Statistical bureaus</td>
<td>Central Bureau for Statistics (CBS)</td>
</tr>
<tr>
<td>Social partners</td>
<td>Council for Work and Income (RWI, until 2012)</td>
</tr>
<tr>
<td></td>
<td>Social Economic Council (SER)</td>
</tr>
<tr>
<td>Private research agencies</td>
<td>Panteia</td>
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<td></td>
<td>Regioplan</td>
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<td>TNO</td>
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<td>SEO</td>
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<td></td>
<td>APE</td>
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<tr>
<td>Ad-hoc political advisory commissions</td>
<td>Commission ‘De Vries’</td>
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<tr>
<td></td>
<td>Commission ‘Bakker’</td>
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<tr>
<td></td>
<td>Commission ‘Donner’</td>
</tr>
<tr>
<td>Ministries</td>
<td>Inspection on Social Affairs (Inspectie SZW)</td>
</tr>
<tr>
<td>Funding bodies</td>
<td>GAK-Foundation(^7)</td>
</tr>
</tbody>
</table>

Source: interviews with key-informants and policy documents

We briefly discuss the role of each of these organisations as well as the general impact they have on policy learning in the Netherlands according to our data.

Even though academic institutions are mentioned first in this table, most respondents felt that the role of Dutch universities in policy learning concerning labour market policies is rather limited and indirect, certainly compared to countries like Germany or France. Although some individual scholars (such as Wilthagen on flexicurity) have played a role in agenda setting of some of the policies discussed, the overall impression is that academic scholars have limited direct influence compared to the other organisations. This is partially explained by the (conceived of) abstract nature of academic discourse which is presumably hard to translate into actual policy making decisions. Also, respondents felt that many academic scholars are not interested in policy related issues. This observation has to be nuanced however given the fact that various reports by knowledge producers used in policy learning do contain references to Dutch academic publications. Also, various scholars

\(^6\) This table is not meant to be comprehensive, but lists the organisations mentioned and found in our data.

\(^7\) ZONMW and NWO other major Dutch funds for academic and applied research. However, their focus on labour market issues is limited, even though ZONMW does focus on the health-related issues of work and unemployment.
are related to the other organisations mentioned in the table. This kind of influence is more indirect however.

The Dutch Scientific Council WRR is appointed by the government and consists of 5-11 professors representing various disciplines. They are appointed by the government for five years. The WRR determines its research agenda based upon consultation of the government and various stakeholders. The agenda results in publications and advices to the government. WRR publishes periodically but irregularly on labour market development and welfare state policy. Especially in the nineties various influential reports advocating the activating welfare state were published. In the 2000s much less reports in this field were published, which also means that direct WRR influence on the policies central to this report is rather limited.

Scientific bureaus of political parties constitute a category of intermediaries who use existing research to inform their parties and provide a foundation for political viewpoints. They publish their own magazines and thematic reports. Only the larger parties have resources to fund these bureaus at a scale that allows for substantial output. As the director of one of these bureaus commented, these bureaus mostly play a role in agenda setting but less in the ‘instrumentation’ of policies. Politically inspired as these bureaus are, their ideological foundations inform the interpretation and translation of existing research into advices for policy making and the substantiation of political viewpoints. Members of parliament of the socialist party mentioned that their bureau implements a lot of (survey) studies on consequences of new policies for target groups as well as for professionals, because they feel that is the best way to get a picture of the impact of policies.

The Netherlands have two national planning bureaus relevant for development of social security and labour market policies: the Netherlands Institute for Social Research (SCP) and the Netherlands Bureau for Economic Policy Analysis (CPB). The SCP reports on social trends and, to a lesser extent on policies and their outcomes. According to respondents, these studies inform agenda setting ‘in the background’, but seldom in a very direct way. The CPB on the other hand is considered to be very influential, mostly because of the econometric calculations it makes on request of the government and political parties about expected financial outcomes of policy proposals. Most of the time, forecasts by CPB determine the financial margins for policy development and negotiation. These calculations are hardly contested, partially because the models used are complex and only understandable for a relatively small group of econometrists. Some respondents (notably including the CPB-respondent himself) would welcome more competition in this area as well as debate on the assumptions used in these models, which according to them are not ‘political neutral’.

The Central Statistical Office (CBS) is the national keeper and provider of all kinds of statistics. It periodically reports on labour market and economic indicators. It follows robust procedures for data acquisition and preparation, meaning that its data are hardly contested and form a relevant backbone for policy learning and development. CBS publishes figures ‘as is’ and usually does not actively contribute to policy debates.

The social economic council (SER) is a tripartite body (social partners and independent members appointed by the Crown) which prepares advises for the government on various issues related to social security, industrial relations and the labour market. These advisory reports generally consist of

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8 The most influential report is probably ‘Een werkend perspectief. Arbeidsparticipatie in de jaren negentig’ (A work perspective. Labour participation in the nineties) from 1990.

9 In 2013 a report called ‘A learning economy’ was published which has received much attention and which stresses the role of learning and innovation. This may inform the debates on work-work policies.
two sections. An analytical/exploratory section reviewing national and international debates and statistics concerning the topic, informed by both academic publications as well as input from various national stake holders. And an advisory section, which is the result of negotiation on the topic between the SER-members and usually represents a compromise. All advices receive a formal reaction by the government and are taken into consideration during the policy making process. Respondents indicate that the actual role of these SER-reports in processes of policy learning varies a lot and depends on the nature of the compromise achieved as well as on the importance governments attach to involving the SER (and, especially, social partners) in policy decision making. Besides the SER, between 2002 and 2012 the so-called council on Work and Income (RWI) commissioned research on behalf of the social partners, addressing various issues related to labour market policies and their outcomes. As such they provided insights in the outcomes of various policies since the SUWI-reform of the overall implementation structure of social security of 2002 and formulated advices for further reform.

A limited number of private research agencies is routinely contracted by the government to carry out evaluative as well as explorative studies concerning (new) policies. Usually, these studies are to be carried out within a short span of time and mostly evaluate according to ‘the letter of the original law’. Some critical respondents felt that many of these studies don’t qualify as independent and methodologically rigorous evaluations and as such contribute little to actual policy learning. They nevertheless inform the policy making process by providing baseline data on processes and outcomes.

Temporary political advisory commissions constitute another branch of the knowledge infrastructure. They usually consist of members of parliament as well as various kinds of policy experts. They are mostly commissioned by ministers to explore issues or problems rising in certain policy areas, based on consultation of stake holders as well as the reviewing of existing research concerning the topic. These commissions report to the minister and parliament. As was mentioned in the former chapter, especially the participation law reform has been informed by reports of various advisory commissions (‘The Bakker report’ as well as ‘De Vries’-report). Respondents felt that these commissions do not necessarily identify new problems or solutions, but rather provide a vehicle to bring together various perspectives on problems and possible solutions. Because of their direct relation to the political process they are considered influential.

The ministry of social affairs and employment has its own agency to evaluate whether policy implementation follows the rule as well as the spirit of the law, the Inspection on Social Affairs (Inspectie SZW). This agency publishes reports which require formal reactions by the minister and the implementing agencies. However, the agency cannot directly comment on policies itself because it works on behalf of the minister. Agency reports may however be used in the process of policy development and learning by various stake holders.

Finally, in 2001 an independent funding foundation, the GAK-Foundation, was founded to fund various types of research and projects to understand and to improve the functioning of social security and labour market policies. This is an important foundation for funding academic research dedicated to social security and labour market policy issues. It funds research based on a research agenda determined by a (partially academic) advisory committee. Several Dutch academic chairs are financed by the fund as well. Results are distributed through publications and conferences. Despite these activities, this foundation was hardly mentioned during interviews as a relevant part of the knowledge infrastructure.
To summarize, there are several Dutch ‘producers’ of knowledge on social security and labour market issues as well as intermediaries who digest and filter all kinds of knowledge before it enters the policy process. Most respondents felt that when it comes to social security and labour market policies these organisations in general contribute modestly to actual policy development through learning because political debate and negotiations prevail. Several possible explanations were given for this:

- As one of our respondents commented, this may be related to the politicized nature of social security and labour market policies themselves, compared to for example ‘politically more neutral’ policy domains like spatial planning or fields with a strong academic-professional foundation like health: in such fields the conditions for learning may be more favourable;
- Compared to a country like the US, in the Dutch setting there is little stimulation of competition of ideas during policy development, concerning analytical frameworks, agenda setting and evaluations. Most research is directly or indirectly funded by the state. This means that mainstream explanations for labour market issues are readily excepted which may prevent more critical perspectives from entering policy debates;
- Two respondents commented that authoritative knowledge institutes are lacking which operate independently of policy development and political urgency and can specialize in more fundamental and long-term strategic research on labour market issues and policies, which could provide more substantial input for policy debates. The GAK-foundation comes the closest to this kind of institute. One respondent referred to the health sector, where grounding of policies in scientific state of the art appears much more common than in the field of social security and labour market policies.

This state of affairs is important for understanding the role of policy learning for the policies central to this chapter.

**Institutionalized learning processes**

Based on our data, a number of more or less institutionalized forms of learning can be identified, by which we mean deliberate and more or less structurally organized processes and events which facilitate learning from information and past experience. Obviously, policy learning is not confined to these kind of institutionalized processes, but to a certain extent they do reflect formal ‘investments’ in learning.

First of all, institutionalized learning is facilitated when studies are brought into parliament, either by the government itself (evaluations, advices, commissioned studies) or by members of parliament who may put studies on the agenda for debate. Mandated by law, new policies and major reforms contain an evaluation paragraph which usually means that within 4-5 years an evaluation has to be discussed in parliament. Sometimes progress reports on implementation processes are presented. Usually these evaluations are commissioned to the private research agencies which were introduced in the former section.

Secondly, sometimes reforms are first tried-out using small-scale pilots and experiments. This is certainly not standard practice however for national policies. At local levels this is likely to be more prevalent, but we don’t have specific data on this. Local level experiments may inform national policies, especially where it concerns mostly decentralized policies like social assistance.

Thirdly, various respondents – and especially members of parliament - mentioned that they consider visits to actual policy practice and exchanges with practitioners, stake holder groups as well as policy target groups as relevant moments at which learning takes place. Both policy makers as well as
stakeholder groups indicated that this ‘real world’ experience might be more influential than more abstract, analytical reports when it comes to changing of ideas.

Fourthly, ad hoc political advisory commissions provide an institutionalized and rather influential mechanism for learning by bringing together all kinds of inputs for the policy debate. These commissions are not a standard part of the policy making process however. Even more scarce are parliamentary research commissions which, on behalf of parliament, may investigate policies that have caused large problems and/or unwanted outcomes. In the field of labour market policies the so-called Buurmeier commission on the organization of social security policies in the nineties, is the most recent of this type.

In the fifth place, parliament may convoke so-called hearing sessions and roundtables concerning new policies. For these events both policy experts, implementing organisations and interest groups may be invited to present their ideas on reforms to members of parliament.

Finally, concerning international learning, processes appear to be less institutionalized and may differ from one policy to another. Most respondents considered labour market policies and social security as national policies where possibilities for learning from other countries are limited. In so far as direct international learning from other countries takes places, it appears to take place mostly at the level of inspiration and generation of ideas, rather than by exactly mirroring solutions developed elsewhere. Also, the Netherlands - rightfully or not - were considered to be fore-runner in labour market policies. This doesn't mean that international learning is absent. Various respondents mentioned that their organisations participated in European networks of similar organisations in which experiences are exchanged, collective lobbying agendas are prepared and visits between countries may be made. The various advisory commissions which were mentioned usually pay attention to international insights, notably from organisations like OECD or ILO. Several respondents mention Scandinavian countries and Germany as countries which are relevant to study for the Netherlands, but at the same time stress that policy solutions chosen by other countries cannot be readily transferred. One respondent specifically mentioned that exchanges between high-level public servants at the EU-level fulfil the same function of generation of new ideas.

2.3 The role of policy learning in the adoption of innovations

In this section, we focus on the role of processes of policy learning in three innovations in the Dutch social security system: the Participation Act (2.3.1), the revision of the retirement age (2.3.2) and the Work and Security Act (2.3.3).

2.3.1 The role of policy learning in the adoption of the Participation Law

Given the general Dutch policy learning landscape that was described in the former section as well as the analysis of the process of policy development in general in the former chapter, we now turn to an assessment of the role of policy learning in the development and adoption of the three specific policies, starting with the participation law.

To assess the role of learning, we have looked at references to sources of learning in official documents and we have asked our informants how they judge the impact of these sources on the development of the participation law. Of course it is impossible to directly relate individual sources of learning to specific choices concerning policy development. Also, as various respondent
commented, there is a thin line between the use of sources to substantiate existing viewpoints and the use of sources to change viewpoints.

Overall, most respondents felt that policy learning for the participation law cannot be neatly separated from the political process and negotiations described in the former chapter. Therefore, it is hard to identify which pieces of the policy reform are a result of learning processes and which parts are more based on political convenience and timing. Most respondents thought that political process as well as the need to achieve budget cuts were overall much more important than learning from past experience or information. Also, several informants mentioned that experiences from (municipal) practice may have been more influential than learning from research reports and international advise. Especially during the implementation phase learning at the local level may become important, but this falls outside the scope of this report. Critics of the Participation Law such as the Socialist Party and the unions, were most critical about whether actual learning has taken place. However, a more detailed look does reveal the influence of knowledge on past experience, so the assessment of some respondents that learning has hardly taken place can be nuanced.

More specifically we have looked into the role of:

- Regular and one-off statistics;
- Academic reports and evaluation studies;
- Social experimentation;
- Communication by policy experts;
- International learning, including learning through EU-channels.

**Retrospective and prospective statistics** on claimants and expenditure on the original three acts WAJONG, WSW and WWB can be found in both the law proposal as well as the advisory reports underlying this innovation. CPB made calculations concerning the expected budgetary consequences in relation to the intended budget cuts. As such, statistics can be considered to be an important ingredient in the learning process for this policy.

Concerning social assistance, statistics on the decrease of the number of WWB-claimants have been interpreted as proof of the positive impact of decentralisation in 2004. However, a CPB-study\(^\text{10}\) has also shown that this decrease has to be largely attributed to the outflow of WWB-claimants towards the WAJONG benefit, thus providing arguments for combining the acts. Concerning the WAJONG, statistics have been used to show the expected exponential rise of both claimants and costs without reform and to show that reforms in the 2000s had not been sufficient to stop this development: too little WAJONG-recipients left the benefit to start working.

With respect to the WSW-law research bureau PANTEIA has been responsible for a dedicated set of statistics on WSW-workers, the waiting lists for sheltered work as well as the outflow of WSW-workers to regular work. These figures have grounded the argument that the WSW-system despite reforms has not sufficiently stimulated outflow of these workers to regular companies.

These statistics as such have not been controversial during the development of this innovation. Neither interviews nor parliamentary debates express doubts about the reliability of these figures. In other words, the well-developed Dutch infrastructure delivering statistics apparently is sufficiently trusted across stakeholders and may support achieving political compromise. However, these kind of statistics cannot be considered to have been a sufficient condition to arrive at one integrated act.

This requires political judgement of these figures and the choice of policy options based on ideological preferences, as was discussed in the former chapter.

Concerning (academic research) reports and evaluations, reports from the parliamentary commissions as well as various SER-reports in the 2000s are mentioned in the policy documents. These reports are based on both interviews with stake holders as well as reviews of existing research. These reports generally contain references to national and international academic publications. As such academic studies have fed into policy development. They have mostly influenced agenda setting by pointing to expected labour market trends and alleged shortcomings of existing arrangements. As was mentioned, the De Vries-report suggested the integration of the three acts. The ‘Bakker’-report from 2008 made various calculations about the expected labour market shortages that would occur as early as 2015 and would damage the economy. As such this report provided an important substantiation for increased effort to increase labour market participation. The crisis led to an enormous drop in labour demand, but interestingly this has not led to a change in the policy agenda concerning labour market participation. Some respondents commented that given this drop in labour demand, the reforms of both participation law as well as WWZ and pension age have come too early.

Some of the scientific party bureaus contributed to agenda setting as well by publishing policy views for their parties which are based partially in analysis of existing research. The Christian-democrats for example published a report on the labour market in 2010, which informed their political view on both the participation law as well as the WWZ.

Evaluations of WAJONG, WSW and WWB figure in the parliamentary documents to motivate the proposal. Some respondents commented that the value of policy evaluations is often limited, given the fast pace of change of policies in practice which means it is often difficult to interpret outcomes of evaluations. Some respondents also doubted the objectivity of official evaluations commissioned by the government. Representatives of research institutions furthermore commented on the alleged limited methodological quality of most official evaluations, which in their opinion give them less weight than for example available statistics.

The development of the participation law included social experimentation, through four so-called ‘Pilots working according to ability’, aimed at:

- engaging employers to provide jobs for these vulnerable groups
- development of ‘wage dispensation’ as an instrument to re-imburse employers for worker productivity below minimum wage
- modernizing sheltered employment companies
- improving services of the PES-‘work squares’ for disabled job seekers.

These pilots have been evaluated and reports were presented to parliament. Respondents vary in their judgement of the impact of these pilots on learning. Most think their impact has been modest, which may also be explained by the fact that recommendations made in the reports on the pilots are not very specific. This is confirmed by the departmental letter accompanying the reports, which is not very specific on how the outcomes of the pilots would be used in the policy making process. As was elaborated, this can also be understood by the fact that policy development became a mostly politically inspired process, even before these pilots were evaluated. Some respondents felt that the pilots actually show how hard it is to engage employers to hire the vulnerable group of disabled. This

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11 One respondent commented that the expected shortage of labour is not supported by economic theory, because of labour market dynamics. The argument has figured in many policy documents nevertheless.
did not lead to reconsider the law proposal however. Because of this, the pilots may have influenced
the decision to implement the Quotum Law but we have not found direct evidence for this. The
union respondent commented more strongly that the first pilot showed the incapacity of
municipalities to make deals with employers, a fear already expressed by some of the unions. The
instrument of Wage Dispensation had been removed from the policy proposal before the pilot had
been evaluated. However, according to some respondents, this pilot has contributed to learning
about techniques to measure worker productivity, which are also used for determining the level of
wage subsidy in the participation law. Also, some respondents mentioned that the pilots did result in
recommendations which may be useful during the implementation phase because they are oriented
at actual practice rather than at policy formulation. We don’t know however whether these
recommendations actually do inform implementation which as we saw takes place at the regional
and local level.

During the development of this law parliamentary hearing sessions on the WWNV were organised
including both policy experts as well as social partners and interest groups (March 2012). Most
respondents thought these events have contributed little to policy learning however. Rather, they
saw it as a parliamentary ritual offering high public exposure to members of parliament. According
to them, exchange of ideas and input of knowledge took place at other moments, for example
during the parliamentary advisory commissions and events related to social dialogue. Several
respondents made one exception however: they observed that rather than organisational
representatives of stakeholders and research organisations, individual citizens could influence policy
by presenting their individual case during the hearing sessions. Specifically, WAJONG-claimants were
present and elaborated on the deterioration the bill proposal at that moment would mean for their
personal situation. Allegedly this contributed to softening the law for existing claimants, because it
made potential consequences of the innovation very visible, in front of the cameras.

Finally, international learning is mentioned in our sources, but mostly concerns the activation turn
since the nineties and not the specifics of the participation law. On the one hand, the EU is
mentioned as having promoted social investment and social inclusion through participation in the
labour market, especially in the nineties and beginning of the 2000s. The Dutch organisation of
sheltered work companies CEDRIS participated in the so-called Helios programme during the
nineties. On the other hand the enforcing aspects of Dutch activation policy have been partially
copied from work first approaches in the US.

Concerning the participation law the consensus among respondents was that the role of learning
through EU-channels has been very modest or even absent. Policy documents that were studied for
this report do not refer to EU-sources for learning. This may be explained by several reasons:

1. social security is considered to be nationally determined and context specific. This informs
   the opinion that little can be learned regarding this domain through EU-channels, for
   example concerning integration of acts or reforming of sheltered work;
2. respondents consider the Netherlands to be a fore runner in the field of social security
   reform for disabled unemployed. As such, they expect that other countries are more likely to
   learn from the Netherlands than vice versa;
3. concerning sheltered employment, the collective social agreement that existed before the
   participation law is unique in the world. Therefore, even though the challenge to stimulate
   participation of disabled job seekers in regular work is more or less universal, the context in
   which this has to be achieved is quite idiosyncratic.

The same goes for international learning in a broader sense. The policy proposal does point to
differences between the Netherlands and other countries in terms of the number of workers in
sheltered employment and the costs of sheltered employment: this is used as an argument for reform. But most respondents judged international learning to be limited for the participation law, even though as was mentioned most stakeholder organisations do participate in European networks of similar organisations to exchange experience and to lobby collectively. As far as international learning concerning the participation law goes, Scandinavia, Germany and sometimes Belgium are mentioned most often as sources of inspiration. Scandinavia was mostly mentioned because of its experience with decentralisation, not so much in relation to activation of disabled job seekers. One respondent mentioned the US as an interesting example for integration of disabled workers, given the absence of a financial safety net in combination with strict regulations on equal treatment at the workplace. However, most interviews stressed that national contexts differ too much to completely copy policies. The way the Netherlands deal with sheltered employment as well as the integration of acts was broadly considered to be a ‘Dutch invention’.

2.3.2 The role of policy learning in the adoption of the Pension Age reform
In the case of pension age reform, most respondents state that there was an obvious need to increase the pension age at the start our analysis in 2008, and even before that. Several knowledge producers also actively communicated this need. Increasing the pension age was one of the recurring recommendations in the periodic assessments of the Dutch economy by the OECD and the European Commission. The Central Planning Office and the Social and Cultural Planning Office - the most important advisory boards of the government – repeatedly had urged for an increase of the pension age. In the scientific debate, there were very few opponents against the need for reforming the pension age. Finally, the ad-hoc commission on the future of the labour market (Bakker Commission) warned for future labour shortages, with postponing the moment of retirement as one of the measures to increase the availability of work forces. Innovative in the Bakker report was that it also included a proposal for a process: a gradual increase of one month each year. This implied that it would take until 2040 to reach the proposed retirement age of 67.

We can conclude that on the cognitive level the tide in 2008 was ready for a reform of the pension age. According to our interviews, also most politicians and even the largest trade union was willing to accept the need for increasing the retirement age under specific conditions. These conditions involved a distinction between people in demanding professions and other people. However, on the political level, politicians were well aware of the political risks involved in reforming the pension age; some parties even experienced these risks in real life. The Christen-Democrats had a twenty seats electoral loss in 1994 when their leader at the time – Eelco Brinkman – proposed not to correct the pension benefits for inflation. When social-democratic leader Wouter Bos proposed to increase taxes on the pension benefits in 2006, the social-democratic immediately dropped in the polls. Bos was forced to withdraw the plan, upon which his political opponents called him a coward who did not stand for his principals (see NOS, 2009).

The 2008 financial and economic crisis – in combination with the Eurozone’s strict budgetary regime – created an urgency for significant budget cuts in the Netherlands. As the cultural mindset of most stakeholders already had accepted the inevitability of reforming the pension age, this was a rather obvious candidate for reform. Moreover, the proposal of the Bakker committee with a gradual increase of the age offered possibilities to limit the political risks and – perhaps even more important – there would have been other alternatives for potential budget cuts that were even more contested and risky. Reforming tax deduction for mortgages for instance, or increases in VAT or income taxes
would be even riskier candidates for reform because they affected people directly and at the same time, in economic uncertain times.

Moreover, the policy narrative that was repeated by various stakeholders like the Minister for Social Affairs, the Central Planning Office and the Social and Cultural Planning Office, was a simple and convincing one: “In 2008 10 employees carry the cost of 2 retirees, in 2040 this will be reduced to 5 employees for every 2 retirees” (Bakker Committee, 2008). We have not been able to analyse to what extent this narrative has contributed to the relatively easy process of policy change, but various respondents claim that also the general public quite easily seemed to accept that increasing the pension age was inevitable. To illustrate this, one of our respondents pointed out that within three years (between 2009 and 2012) all political parties, including the most conservative ones, seemed to have accepted the increase. For instance, in the 2012 general elections, none of the political parties proposed to undo the increase in their election programs. And even the proposals to speed up the increase in the Rutte-2 Coalition Agreement only triggered very limited levels of debate.

In this case, we can see a clear division between cognitive learning and political learning. On the cognitive level, most stakeholders had accepted the inevitability of reform. The combination of the economic crisis and the gradual implementation of the Bakker Committee offered the opportunity to act upon these cognitive insights. In addition, as we have seen in the previous chapter, the role of social partners has been important in creating opportunities for reform as well. By formulating the demands for budget cuts in the retirement domain but creating the opportunity for social partners to develop alternatives, Minister Donner silenced the opportunities of trade unions to oppose later in the process. If the social partners succeeded in creating an alternative they would be committed to it, if they failed they would have had lost their right to speak up because that had had their opportunity.

So in terms of policy learning we can state that for this case the process of cognitive learning was initiated well before our analysis started. The ideas were carried by a wide coalition of scientists, advisory boards and ad-hoc committees and – according to most of our respondents – landed in the minds, but not yet in the deeds, of the key stakeholders. In the time span on which our analysis focused, 2008-2015, policy learning primarily involves political learning: how to circumvent the veto points that create a gap between a socio-economic reality and an institutional lock in (see Fenger et al., 2014).

2.3.3 The role of policy learning in the Work and Security Act
All respondents agreed that the WWZ is foremost the result of political negotiations and that policy learning hardly played a role. If we take the traditional distinction between ‘powering’ and ‘puzzling’ as a starting point, the process of the WWZ clearly involves more ‘powering’ than ‘puzzling’. Some respondents claimed this was also caused due the small time frame the WWZ had be formulated in and was passed by parliament in 7 months. Because of this narrow time frame, it was very hard to request extensive and systematic research and advice on the topics discussed during the negotiations and development of the WWZ. Hence, informal networks of the people involved played a huge role in acquiring knowledge about potential policy consequences of the policy options discussed. The main reason was that acquiring knowledge through one’s own network it is quick and easy, according to one of the respondents. Scientific experts were also consulted during the process of developing the WWZ, but this had to happen in a limited time frame, which diminished the influence scientific experts
could have on the total process as extensive research and evaluation programs on the proposed changes could not be set up in time. Most of the (scientific) experts who were consulted were most of the time approached via informal manners and could not directly control how their advices were incorporated into the proposal.

In the law proposal several types of statistical data were used. To provide arguments for the reform of flex law, statistics of the Central Bureau of Statistics (CBS) were used to illustrate the trend and composition of the flexible layer of the labour market in Netherlands in order to show that flexible employment has risen over the years. The employment protection indicator of the OECD was used to compare the level of protection of flexible employment and provided prove for the argument that employment protection of flexible contracts is relatively low in the Netherlands compared to other European countries, and therefore the level of protection needed to be increased. Statistics on the labour market position of people who recently became WW recipients were used to illustrate that reducing the duration of unemployment benefits receipt is beneficial. And statistics of the Mutual Information System on Social Protection (missoc) were used to illustrate that the duration of benefit receipt in the Netherlands is relatively long compared to other European countries. These statistics were to provide a foundation for legitimation of the reforms of the Unemployment Benefit Act (WW). One respondent was very critical on the role these type of statistics played during the development of the WWZ. This respondent stated that they were only used to rationalise the outcomes of the negotiations. In this sense, knowledge was only used afterwards for political reasons and was did not function as a foundation for policy choices to be made upon.

Our data also showed that several reports and evaluations were used during the development of the WWZ or provided the occasion the initiate discussion about reforming the labour market. The report of the commission Bakker was mentioned several times during the interview. The commission recommended several measures to restructure the labour market, such as decreasing the level of employment protection and transforming severance pay into a personal budget for vocational training. Heroverwegingen 2010 (Reconsiderations 2010) is also mentioned as an important document during the interviews. This report portrays several scenarios of policy reforms across different policy domains which have to lead to budget cuts. This report also contain ideas which are similar to the reforms in the WWZ concerning the outflow from unemployment benefits, the labour market position of the elderly, highly complex dismissal law and the difference in the legal position of insiders and outsiders. This shows that the statements of the respondents, who stated that the formation of the WWZ was purely political and knowledge did not play any substantial role, need to be nuanced as pasted experiences and ideas did play a role during the development of the WWZ.

Concerning international policy learning, all respondents agreed that the development of the WWZ was most of all nationally dictated. However, the European Union and other countries did play a minor role. Some countries were mentioned where delegations were sent to in order to learn from their experience. For example, Sweden was mentioned by trade union respondents because of their experience with transition funds. The EU is also mentioned a few times in the context of the promotion of the flexicurity concept. Most respondents, however, stated that there was not a direct influence or pressure from the EU to implement this kind of policy. The pressure from the EU to conform to budget standards was mentioned a few times as an influential factor during the negotiations concerning the social agreement of 2013.
2.3.4 General conclusions

As has become apparent in this chapter, policy learning is a complicated concept as well as process which, when studying these specific policies, has proven hard to separate analytically from the political process of which it is a part. That is, ‘information and past experience’ have informed these three Dutch policies, but only through processes of political debate and negotiation in which the crisis and the apparent consensus on the need for budget cuts have been important catalysts. The actual use of information and knowledge therefore appears to be contingent on favourable political, institutional and social conditions and it may therefore take (many) years before insights from sources of knowledge actually translate into policy. The raising of the pension age in the Netherlands is the most vivid example of this, given the fact that already for decades advices were circulating providing arguments to raise the pension age. The analyses from this section lead us to the following conclusions.

The contingency of policy learning

As we have shown in each of the cases, elements of policy learning seems to have played a role at one moment or another, but it hardly ever has been decisive in the development or decision-making of these innovations. In a comparative perspective, the pension age reform seems to be the most straightforward case of policy learning: based on future projections various knowledge institutes have shown that the retirement age of 65 was not sustainable in the long run. According to most respondents, there was consensus by political parties and social partners that therefore adjustments were necessary, but all parties waited for the right political and economic tide. Projected labour shortages and the financial crisis together seem to have provided this right political tide. So even though at the cognitive level, all parties seem to have accepted the need for reform, political risks prevented them to act upon these insights.

The other two cases are much more complicated, as both of them are Acts in which several factors that are not necessarily related, have been brought together for political purposes. Even though it is hard to trace back to what extent policy learning has played a role in these processes, what we can observe is that this strategy has created progress in policy domains that were characterized by veto points and lock-in until then. The case of sheltered work as part of the Participation Act and the case of dismissal law in the Work and Security Act are the most prominent examples of this.

We could state that in these examples, the process of policy learning follows a similar pattern: there are dawning insights that policy reforms are needed, and these insights are accepted at a cognitive level by most stakeholders. However, the parties are waiting for the right political moment to implement these changes. For an outsider, some of the radical changes introduced in the Participation Act and the Work and Security Act may come as a surprise and might be labelled as ‘displacement’ in terms of Streeck and Thelen. But in the background, a process of gradual evolution of ideas has taken place that is waiting for the right timing to become manifest.

Pilots before evidence

In our cases we have observed that there is very limited use of evidence. The only example –which we have touched upon in chapter 1 – was a radical cut in reintegration funds following a large
evaluation of reintegration that proved that it was hardly effective – although according to some respondents the evidence was used more as legitimation for budget cuts that were intended already. But in all other cases that we have discussed, the use of evidence hardly played a role in the political debate. Statistical data and trial-and-error learning through pilots have been more important than rigorous testing if a program worked or copying programs from other countries that proved effective.

Especially the use of pilots has been important in the Work and Security Act as well as in the Participation Act. The emerging decentralized nature of the Dutch welfare state allows for significant differences between municipalities and therefore also offers good opportunities for experimentation through pilots.

Ideas disappear, but they don’t die

A final conclusion, which builds upon the earlier conclusions, is that there seems to be a sharp distinction between policy-making and implementation. The interesting insight from this research is that in four out of the five cases (with the exception of WW transitions) many respondents considered the reforms long overdue. Moreover, in the cases of pension age reforms, Participation Law, and some elements of the Work and Security Law, there is a large history of partial or failed reforms that have remained on the agenda. Each new policy proposal seems to bear traces of its predecessors. So the reforms of dismissal law in the context of the Work and Security Act shows remarkable similarities to an earlier proposal for reforming dismissal law. And the Participation Act shows a lot of similarities to the Work to Capacities Act that never was accepted. We could consider this as a second order learning process: once the policy ideas have changed, stakeholders also learn how to raise support for their new or adjusted policy views.
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