



Swedish trade unions and in-work poverty: A critical approach to industrial relations using Luhmann's systems theory as framework of analysis

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Abstract

This article aims to exemplify how Swedish social partners, especially trade unions, have addressed the issue of in-work poverty in relation to recent and influential changes of the Swedish Employment Protection Act. Applying a methodology where Luhmann's systems theory is used as a framework of analysis, whereby social partners and trade unions are viewed as organisations that contribute to the production of communication within the autopoietic system of industrial relations. The empirical material analysed for the article, therefore, consists of written communications from Swedish social partners and trade unions, produced during the process of changing and adapting the new the legislation. The analysis shows that Swedish trade unions could be more ambitious and direct in addressing the issue of in-work poverty and that further research on this topic would be useful to assist the trade unions in formulating relevant strategies for the future.

Key words

In-work poverty; Swedish trade unions; industrial relations; Luhmann's systems theory; normative research

Resumen

Este artículo pretende ejemplificar cómo los interlocutores sociales suecos, especialmente los sindicatos, han abordado la cuestión de la pobreza en el trabajo en relación con los recientes e influyentes cambios de la ley sueca de Protección del Empleo. Aplicando una metodología en la que se utiliza la teoría de sistemas de Luhmann como marco de análisis, se considera a los interlocutores sociales y a los sindicatos como

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organizaciones que contribuyen a la producción de comunicación dentro del sistema autopoietico de relaciones laborales. El material empírico analizado para el artículo, por tanto, consiste en comunicaciones escritas de los interlocutores sociales y los sindicatos suecos, producidas durante el proceso de cambio y adaptación de la nueva legislación. El análisis muestra que los sindicatos suecos podrían ser más ambiciosos y directos a la hora de abordar la cuestión de la pobreza en el trabajo y que sería útil seguir investigando sobre este tema para ayudar a los sindicatos a formular estrategias pertinentes para el futuro.

Palabras clave

Pobreza en el trabajo; sindicatos suecos; relaciones laborales; teoría de sistemas de Luhmann; investigación normativa

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1. Introduction

This article addresses the issue of how Swedish social partners, especially trade unions, address the issue of in-work poverty, specifically in relation to the recent and influential changes of the Swedish employment protection act. The reason for exploring this issue is two-fold. On the one hand, with growing shares of in-work poverty also in a country as Sweden with generally high wage levels (Therborn 2020, Jansson and Broström 2021, Eurostat 2021, Hartzén 2022), the topic is, or at least ought to be, of increasing concern for social partners, especially trade unions. On the other hand, in-work poverty in the Swedish context is strongly connected to the number of hours a person works. Employment forms are important aspects of the Swedish employment protection act, which was recently reformed in a process where the social partners held an influential role. The concept 'social partners' is well-known to most labour lawyers but may serve to be explained. It refers to both trade unions and employers' organisations at the same time. In this paper it is therefore used when both parties are involved, but not when the discussion concerns specifically trade unions or employers' organisations.

In order to construct the analysis for this article, Niklas Luhmann's systems theory has been used as a framework of analysis. To align the normative research aim with Luhmann's theory, a specific methodological model has been applied due to the normative assumptions held by the research question regarding the ideal structure of society. To ensure the reader comprehension, the article first presents a brief explication of the Swedish model for industrial relations. Subsequently, it introduces the issue of in-work poverty within the Swedish context, with a focus on the role of trade unions as a central theme. Thereafter the article accounts for the methodological aspects of the research, introducing the methodology applied and how it is used in this specific study. Following up on this, the article continues with the analysis of the empirical material and a discussion seeking to answer the research question. The final part of the article contains concluding remarks and questions for future research. Since the analysis of this article requires basic knowledge of the Swedish model of industrial relations, especially in relation to the recent changes of the Swedish employment protection act, the next section provides such an introductory explication.

2. The Swedish model of industrial relations and recent changes to the employment protection

Historically, the Swedish model has developed on the basis of negotiations between trade unions and employers' organisations with strong collective autonomy and low degree of interference from the legislator (Adlercreutz and Nyström 2024). Early on, collective agreements were the main source for regulating labour market relations, employment and working conditions and the legislator intervened only in case of crises that could not be solved through negotiations between the parties. During the crises of the late 1960s and early 1970s economic turbulence, stranded negotiations and high number of working days lost to industrial action led the legislator to intervene (e.g. Nycander 2017). However, to assure continued relevance and importance of collective bargaining the legislation adopted was made semi-discretionary, meaning that it is possible to derogate from the legislation through collective agreements. Such derogations can be made both to the better and the worse for the workers, in order to

leave the social partners a vast scope for negotiations. The idea is that by granting the social partners such a high degree of autonomy, they will be able to find the best solutions with adaptations suitable for different sectors (Glavå and Hansson 2016, Adlercreutz and Nyström 2024). Through this form of legislative design, social partners and collective bargaining structures have retained a high degree of importance for the Swedish labour market. Albeit showing a slight tendency of decline, trade union membership levels remain close to 70 percent and collective bargaining coverage slightly under 90 percent. However, collective bargaining coverage and trade union density varies between sectors and some sectors, such as the hospitality and the retail sectors, where part-time work and fixed-term employments are more frequent are subject to significantly lower degrees of organisation and collective bargaining coverage rates (e.g. Kjellberg 2020, 2023 or 2024).

Over the course of years, the social partners have had an important role in influencing legislation, in various manners. The legislator has for example used contents in existing collective agreements as inspiration for designing legislation. The social partners' express opinions during consultation phases for legislative proposals have been given considerable consideration in the final preparation of legislative bills (Herzfeld Olsson 2022). In relation to the recent changes of the Employment Protection Act (EPA) the social partners have taken on an even more influential role as actual designers of the legislation (Herzfeld Olsson 2022, Ulander-Wänman 2022). Political instability in Sweden generated a political agreement between a broad set of political parties. In this agreement there was a clearly stated ambition to make employment protection more flexible. This ambition should be achieved either through legislative changes or by means of agreement between the social partners (Nyström 2023). A legislative inquiry (Government White Paper 2020, 30) leading to a first proposal was presented, but the social partners were not happy with this proposed intervention from the legislator and intensified negotiations (Ministry publication series Ds 2021:17). In the end the main social partners within the private sector came to an agreement and asked the legislator to implement the agreement through legislation (Government Bill 2021/22:176, Herzfeld Olsson 2022, Ulander-Wänman 2022, Nyström 2023). The requirement from the social partners was that the contents of the agreement should be adopted as legislation in its entirety, without changes (Herzfeld Olsson 2022, Ulander-Wänman 2022, Nyström 2023) and therefore the actual contents of legislation is a clear result produced within the system of industrial relations. As such these legislative changes are to be considered as communication produced within this system. To assure understanding of the relevance of assessing and discussing this form of social partners' communication in relation to in-work poverty the next section will introduce the reader to the situation concerning in-work poverty in Sweden.

3. In-work poverty in Sweden, an aspect of inequality

The concept in-work poverty concerns individuals in employment, but who nevertheless fall within the category of individuals subject to poverty. The formal definition, used by Eurostat, is a person who has worked during 6 of the 12 months within the period measured, but lives in a household with a disposable income of 60 % or less of the median disposable income for households in the country in question (Eurostat 2021). In-work poverty is in other words a relative measurement and the income threshold for

being in-work poor depends on both which country and what type of household the person lives in (Ratti 2022). The concept has been criticized for being too complex, too broad (Jansson and Broström 2021) and even subject to a form of definitional chaos (Crettaz and Bonoli 2010). In order to fully grasp the situation of in-work poor people it is thus of relevance to also consider other indicators concerning material standard and socioeconomic exclusion (D'Ambrosio and Vergnant 2020). This text does not intend to engage in the debate on the definition of in-work poverty as such, since the purpose takes a different direction. The paper therefore merely acknowledges that in-work poverty is a complex concept. What can be stated clearly about the situation in Sweden is that income inequality in Sweden has for the past decades grown steadily, with a rising GINI-coefficient caused by tax reforms favouring capital owners who are also generally higher income earners (Therborn 2020, Jansson and Broström 2021). In addition, in-work poverty is also subject to a rising trend in Swedish society (Hartzén 2022). The statistical existence of in-work poverty on the Swedish labour market can thus be considered as an indication of inequality. To better understand the relevance of this assumption a brief account of the situation as concerns in-work poverty in Sweden is justified

Since the early 2000s the share of persons subject to in-work poverty in Sweden, has risen from around 6 percent to near 8 percent and during the years 2019 and 2020 the share was 7,7 percent in Sweden (Eurostat 2021). At EU level this problem has been addressed in debate, not least in relation to the newly adopted minimum wage directive (Directive (EU) 2022/2041, European Commission 2020). However, in Sweden, the wage setting model is efficient in assuring wages above the poverty threshold (Nelson and Fritzell 2019, Hällberg and Kjellström 2020) and it is instead the number of hours worked that are decisive for the risk of in-work poverty (Hartzén 2022). This means that unstable employment forms, such as fixed-term contracts, part-time work and short-term interim employments, increase the risk of in-work poverty. In addition, various forms of leaves of absence from work may also have an impact on the in-work poverty risk, not least since several social security benefits are modelled on the basis of full-time and permanent employment. In this sense, access to social security benefits pose several challenges for persons with temporary and/or part-time employments. The issue of in-work poverty is not isolated to blue-collar work, because different forms of temporary employments and leaves of absence occur across the labour market in Sweden. Thus, white-collar workers and academically trained professionals may also be affected, even though lower educational level and a low occupational skill level will increase the risk (Hartzén 2022). In this sense, we see that in-work poverty is not a problem solely connected to occupations holding lower wages and lower skill levels in Sweden, rather it is a problem indicating the existence of inequalities within occupations of various sorts. Even though there are sectors where this may not be the most pressing problem, the existence of in-work poverty and how it is spread across sectors indicate that there are existing inequalities within occupations and not only between occupations. The use of temporary employments and varying work intensity is a phenomenon that is spreading across the labour market (Alfonsson 2020). Therefore, these problems and issues of inequality within occupations are also likely to spread. In-work poverty is as such an issue essential for social partners, especially trade unions, to address, not least in relation to issues of employment forms and insecurities concerning fixed-term and part-time work.

Nevertheless, the issue of in-work poverty has not rendered much attention in Sweden. In fact, the problem has been more or less invisible in political and public debate and social partners have not stood out from this (Hartzén 2021). Some exceptions do exist, for example a report on income from the retail sector blue-collar union Handels, discussing the need to measure income based on actual hours worked instead of simplifying statistics by reference to the collectively agreed minimum wage (Carlén 2019). Does this mean that social partners in Sweden are ignoring the problem or are they simply tackling the issue without clearly using the concept of in-work poverty in their communications? In order to be able to reply to this question it is of relevance to analyse how the problem of in-work poverty is addressed by social partners, especially trade unions, in relation to regulations of employment forms and employment protection. Therefore, the recently introduced reform of the Swedish Employment Protection Act (EPA) is a well-suited event to use for a study of this issue. Since Swedish social partners designed the legislation, the legislative intervention can be considered a form of communication from the Swedish system of industrial relations. Luhmann's system theory, where communications are the very element of analysis, could therefore be a useful analytical tool. However, in-work poverty is an indication of inequality, meaning that trade unions' strategies seeking to prevent this can be understood as a promoting equality, a form of normative value in society (Hartzén 2017, 2019). Since, Luhmann's systems theory is a non-normative theory the next section will briefly justify the methodological considerations.

4. Critical analysis of trade union communication

As we can see from the discussion above, addressing the issue of in-work poverty is a strategy well placed in the strive to improve equality and as such a strategy framed in terms of the promotion of a normative value. The idea of normative values reflects ideals of how society ought to be or function (Francot-Timmermans 2008, Deflem 2013, Hartzén 2017, 2019). Such values can be understood as part of the programs applied by autopoietic systems in the recursive production of communication of the system (Luhmann 2013). In this sense the system produces communication, which through the system's programme is aimed at the promotion of specific societal values (Luhmann 1995, Francot-Timmermans 2008), or in my words normative values. Such values are possible to study through a careful examination and analysis of language used in texts that can be viewed as communication produced within a system (Hartzén 2017, 2019). The specific methodological approach requires a two-step analysis, of empirical material, i.e. the texts, containing communication produced by the specific system, in accordance with Luhmann's distinction between observation and interpretation (King and Thornhill 2003, Hartzén 2019).

The two-step method starts with the first step, whereby the empirical material is analysed on the basis of an observation of what can be found in the empirical material in terms of positivistic values. This first step enables the researcher to identify what the binary code of the system categorises as part of the system. In the second step, the analysis focuses on interpretation of the contents of the empirical material in order to identify the normative values that frame the programming of the communication and thus provide ground for understanding the meaning of that communication. Such an analysis requires a careful examination of both the wording and the structure of the

communication in terms of what normative values are expressed, in what order and to what extent different normative values are recurrent or even absent (Hartzén 2019, 2023).

The ambition in this text focuses on part of the system of industrial relations, since the aim is to understand how Swedish social partners, especially trade unions, address the issue of in-work poverty within the context of the reformed EPA. Focus of the analysis is on communication produced by specific organisations, i.e. Swedish social partners and trade unions. Luhmann's theory allow us to identify organisations which contribute to the production of communication within the autopoietic system of industrial relations (Drepper 2005). In this sense organisations can be understood as the location for specific communication within the system and thus make the communicative structures of the system observable (Nassehi 2005). Within the autopoietic system of industrial relations social partners and trade unions can be viewed as such organisations (Hartzén 2017, 2019, 2023). Therefore, their communications are relevant empirical material for an analysis of this kind.

The empirical material, for this study of communications produced by social partners and trade unions, has been selected on the basis of the specific legislative process in this case. The recently implemented changes to the EPA are the result of negotiations between the social partners. This makes it possible to assess how their communications give meaning to the issue of in-work poverty based on the contents of the legal changes, since the changes reflect the social partners' principal agreement, i.e. communication produced by these organisations. In addition, it is possible to identify communications from these forms of organisations on the basis of trade union responses during the referral period for the legislative process through which the legal changes were adopted. Legislative processes in Sweden involve the possibility for authorities, organisations and individuals to contribute with opinions on a legislative proposal during a referral period. Such opinions may have an impact on the final legislation and are often referred to in the discussions in the government bill. All reported opinions are listed in the government bill (e.g. Government Bill 2021/22:176, p. 573) and the opinions are possible to access through the government webpage and thus available regardless of whether their contents are discussed in the Government Bill or not.

The agreement between the social partners is included in the preparatory works (Ministry publications series Ds 2021:17, p. 213ff) and therefore allows for conducting a text analysis of the contents of legislation shaped by this agreement. It is worth noting that the legislation and the social partners' agreement do not express which parts of the changes were supported and pushed for by trade unions and which parts were compromises from the trade unions to get something else in return from the employers. Therefore, the contents of the changes and the preparatory acts, including the principal agreement between the social partners are considered as texts providing information on the social partners' views and stance in relation to problems and issues that these legal changes may address. This material is in other words interpreted as communication produced by the specific organisations that made the decision to adopt this agreement (Nassehi 2005, Hartzén 2017). The decision as such was based on the goal-oriented decision premise (Nassehi 2005) to retain the social partners' regulatory power, i.e. their autonomy and scope of manoeuvre for regulating the labour market. The element of balancing employers' needs of flexibility with workers' needs of protection was also part

of the programming of this communication since such a balance was needed in order to retain the social partners regulatory autonomy. The influence of these values will be analysed further below. To identify the specific position of trade unions, express opinions, registered during the referral process for this legislative intervention, have been used. To conduct this analysis all registered expressed opinions have been scrutinised and the analysis has included all opinions authored by trade unions, trade union confederations and trade union negotiating bodies, either as sole author or co-author. In total there were eight relevant such express opinions related to the recent changes of the EPA.¹ What can be derived from the analysis of these documents is discussed in the next section.

5. Swedish social partners, especially trade unions, the employment protection reform and in-work poverty

In accordance with the discussion above, one of the most important factors related to in-work poverty in Sweden consists of the number of hours worked. The number of hours a person works may in turn be affected both by the length of employment and the work intensity in employment. In the recently introduced changes to the Swedish Employment Protection Act (Government Bill 2021/22:176) there are at least four issues with potential impact for in-work poverty in Sweden: the new framework for turn order in case of decreased work intensity levels; changes as concerns specific temporary employment and transformation to permanent employment; the new inserted rule that full-time work is to be the main rule on the labour market; and the procedural changes whereby the employment as the main rule will cease at the end of the notice period even when there is a dispute concerning the legality of the dismissal.

Considering these changes and their potential impact for in-work poverty some comments are of interest. Firstly, introducing a framework for turn order in case of restructuring of the work organisation through decreased work intensity for employments in the organisation, is mainly of importance within lower paid service sectors such as retail where such changes have been an issue. Art. 7 a EPA requires that in cases of re-organisations with the only effect of decreasing work intensity for employments in the organisation, the workers with the longest time in employment shall be offered the positions with the highest degree of work intensity. Offers of employment shall be structured based on the principle that longer time in employment gives prevalence for higher degree of work intensity. In addition, all affected workers are entitled a notice period during which they shall keep the employment conditions, including pay, as adherent to their previous higher work intensity. The new rules are intended to assure improved foreseeability for workers and a strengthened protection for workers with longer time in employment. Introducing a requirement of notice period before the employment conditions for the decreased work intensity may be applied

¹ The full list of express opinions is available from the Government web page (<https://www.regeringen.se/remisser/2021/06/remiss-av-departementspromemior-om-genomforande-av-principoverenskommelse-om-trygghet-omstallning-och-anstallningsskydd-ds-202116-ds-202117-ds-202118/>), and contains more documents than those mentioned. However, the legislative proposal consisted of a package with three parts, where one part contained the changes to the Employment Protection Act. Since the other two parts deal with issues that are not addressed in this article the express opinions related to the other two parts of the proposal have not been treated in this analysis.

assure a certain protection for workers and allow them time to find solutions or alternatives for dealing with the lower income (Government Bill 2021/22:176, Ministry publication series Ds 2021:17). This means that the new rules may have some impact in relation to in-work poverty even though the workers first in line for getting their employment cut down in terms of work intensity may also be those facing higher risks for finding themselves in a situation of in-work poverty (Hartzén 2021). Even though this part of the communication to some extent may be shaped by a program based on the normative value of securing workers' needs of protection, it does not assure equal protection for workers. Instead, the protection will vary between workers depending on their specific situation due to the inequalities between workers on the Swedish labour market. In this case, workers at risk of in-work poverty may not be those benefiting from the protection that this communication is programmed to offer workers in a more general sense.

The changes concerning specific temporary employment and rules on transformation to permanent employment are likely to be of higher importance for in-work poverty in Sweden. The new form of temporary employment, specific temporary employment, does not differ in relation to the previous 'general temporary employment'. Specific temporary employment gives employers the opportunity to make use of temporary employment contracts without any requirements of objective reasons. Workers' protection is instead improved by decreased qualification time as concerns workers' preferential rights in case of new employments at the workplace and for having the employment transformed into a permanent employment (Government Bill 2021/22:176, Ministry publication series Ds 2021:17). Specifically of interest is the new rule in Art. 3 paragraph 2 EPA, whereby time in between employments shall be counted as time in employment in case a person holds three or more specific temporary employments with the same employer during one calendar month. This may increase the possibility for workers with intermittent employments to gain access to more secure employments and as such a more secure income. Since workers with intermittent employments are amongst those with higher in-work poverty risk (Hartzén 2021) this may be an important change providing access to more secure income for these workers. In light of this, the prohibition, in Art. 5 paragraph 2 EPA of making use of temporary substitution employment in order to circumvent the rules on calculation of time in employment for specific temporary employment, will also be of importance. Even though limitations for the use of the previous general temporary employment were introduced through collective agreements, the practice of circumventing such limitations simply by making use of temporary substitution employments as basis for intermittent employment contracts has spread on the Swedish labour market (Swedish Government Official Reports 2019). Here we can see that the communication to a high degree is shaped by a program based on workers' needs of protection. However, the outcome of this change is difficult to assess before empirical data on the degree of intermittent employments being transformed to permanent employments. The change could also generate an increased rate of interchangeability with intermittently employed workers simply having to find new employers more often.

An important aspect is missing, however, in relation to in-work poverty as concerns the issue of intermittent employments and transformation to permanent employment. This is the issue of work intensity in a permanent employment which is the result of a

transformation from specific temporary employment. It is not unlikely that an intermittent worker may have differing work intensity for different specific temporary employments, working full-time for some periods and part-time during other periods. In a situation when a person who has held differing work-intensity, in some periods full-time and for other periods merely a few hours per week, also has earned the right to have the employment transformed into a permanent employment, then the question of work-intensity for the permanent employment contract ought to become evident. There is, however, nothing addressing this question in the new rules on specific temporary employment (Government Bill 2021/22:176), instead the issue remains unregulated. The uncertainties have in preparatory acts been addressed merely by highlighting the need for the parties on the labour market to find solutions through negotiations (SOU 2019:5). Considering the importance that the number of hours worked have in relation to problem of in-work poverty, this is an issue worth noting. Nevertheless, the next point of interest concerning the changes to the Swedish Employment Protection Act might provide some form of guidance or normative input also concerning work-intensity after transformation from specific temporary employment to permanent employment.

This next part of the changes concerns the new Art. 4 a EPA, stating that full-time work shall be considered the main rule on the labour market and that employers are obliged to provide the reasons for part-time employment if the worker so requests. In case of a dispute concerning the work intensity, the burden of proof falls on the party claiming that it is not a full-time employment (Government Bill 2021/22:176, Ministry publication series Ds 2021:17). It remains to be seen what effects this will have in relation to the use of part-time work on the labour market, but in the case of legal transformation of a temporary employment to a permanent employment this provides a legal argument for full-time work as the work intensity of the permanent employment. The legal provision on full-time work as the main rule on the labour market may as such have an impact in relation to in-work poverty as concerns the issue of low number of worked hours (Hartzén 2021). Even though it does not prescribe a clear right to full-time work, but rather a presumption, the rule may provide a moral support for temporary workers wishing that the transformation of their temporary employment shall result in a full-time permanent employment. The extent of this impact is difficult to foresee though, since there is no prohibition or limitation on the use of part-time employments. The introduction of this presumption of full-time employment is an example of how the programming of the communication is taking into account the normative value of workers' needs of protection in a manner where that protection also targets workers at risk of in-work poverty. Future practice in court and on the labour market through collective agreements will provide further possibilities for analysis.

Finally, the change relating to procedural aspects of dismissal disputes is also relevant to discuss. This change is implemented in Art. 34 paragraph 2 EPA stating that in case of dispute over the legality of a dismissal the employment contract will cease at the end of the notice period. Previously, the main rule was that the employment contract would continue throughout the court proceedings. These changes will thus decrease costs for employers in cases of dismissals (Government Bill 2021/22:176) and here the programming for the communication is thus shaped by the normative value of securing employers' needs' for flexibility, rather than workers' needs of protection. Even though workers in these situations will have the possibility to gain access to unemployment

benefits (Government Bill 2021/22:176, Ministry publication series Ds 2021:17), this still means that the financial security for workers in dismissal disputes has decreased. Persons that combine periods of unemployment with periods of work will also see clear effects on the total number of hours worked and are facing higher in-work poverty risks (Hartzén 2021). The concrete effects of this change are difficult to assess because this change will most likely also affect the possibility for workers to pursue such legal disputes. Depending on the person's capacity for finding other work on the labour market during the period of dispute settlements the effects on the in-work poverty risk for the person will also differ. In spite of the difficulty in foreseeing concrete effects in relation to in-work poverty it cannot be excluded that this change will have some significance.

Worth noting, concerning the changes of the EPA, is that the social partners have not explicitly expressed an intention nor an ambition to address the issue of in-work poverty (Government Bill 2021/22:176, Ministry publication series Ds 2021:17). Nevertheless, there are, as discussed, possibilities for indirect effects because of the changes. In that sense the social partners have an indirect role in addressing in-work poverty through their direct influence over labour market regulation. The recent developments where the social partners have taken on a role similar to that of the legislator (cf. Herzfeld-Olsson 2022), further increase their potential direct role in addressing this issue. In this sense, the material discussed so far, focusing on the legislative proposal with the principal agreement between the social partners, may be considered to reflect the stance taken also by the trade unions that were parties to the principal agreement. However, not all trade unions were parties to that agreement and their view is therefore better reflected through an analysis of their express opinions during the referral procedure during the legislative process. I will therefore continue to explain to what extent a clear ambition, of directly addressing the question of in-work poverty as a priority amongst trade unions, can be found in these express opinions.

As mentioned above, there were eight express opinions related to the changes of the EPA of which one express opinion was co-authored by the trade union negotiating body PTK and the LO affiliates IF Metall and Svenska Kommunalarbetareförbundet on the one hand and on the other hand the employers' organization Svenskt Näringsliv (SN). This specific express opinion was as such authored by the parties to the principal agreement, i.e. the organisations that had designed the legislative proposal. It is therefore no surprise that this express opinion does not contain anything more than an expressed support for the proposed changes (Svenskt Näringsliv *et al.* 2021). This communication is clearly shaped by the program through which the normative value of retaining social partners regulatory autonomy.

The remaining seven express opinions contain more elaborated discussions and have as such been examined more closely from the perspective of what direct or indirect expression of addressing in-work poverty may be found in these texts. The seven express opinions authored by trade union organisations who were not parties to the principal agreement at the time of the legislative proposal were sent from the blue-collar workers' confederation LO (2021), the alliance for academics (AkademikerAlliansen 2021), the public sector blue-collar workers' negotiating body (OFR 2021), the state and police sector blue-collar workers' negotiating body (OFR/S,P,O 2021), the academically trained

professionals confederation for the public sector (SACO-S 20121), the confederation for academically trained professionals (SACO 2021) and the trade union for services and communication (Seko 2021). Even though these seven express opinions contain more elaborated discussion and critique of the legislative proposal, only one of them contains comments that somehow link the critique expressed to the issue of in-work poverty, albeit indirectly. Seko (2021) relate some of their comments to the potential effects that the proposed legislation might bear for the more precarious workers on the Swedish labour market. This is specifically the case in relation to the proposed regulation of specific temporary employment and turn order in case of reorganization through decreased work intensity for employees. In relation to these proposals Seko (2021) identifies risks in that the proposed changes (i.e. the now implemented changes) may actually increase the precarity for the workers that are the most vulnerable or exchangeable on the labour market, in spite of the intention that the changes shall improve the protection for these workers. This express opinion may in other words be interpreted as containing communication that reflects an objective of achieving results that benefit the more vulnerable workers on the Swedish labour market, i.e. workers amongst whom some are also more likely to be affected by in-work poverty. It is thus shaped by a programming based on a more specific normative value than workers' needs of protection in general. The program of this communication is more likely influenced by the normative value of improving the conditions for the workers worst off, which is a value more likely to shape communication in a manner that will promote equality (Hartzén 2017).

The other six express opinions do contain comments and critique in relation to the legislative proposal, but pertaining to other issues than such that could be of relevance for in-work poverty, either directly or indirectly. Some comments relate to unclarities and inconsistencies of the legislative proposal (AkademikerAlliansen 2021, SACO 2021). Others highlight deficiencies in the legislative preparation (LO 2021) and there is also a strong emphasis on the lack of analysis as concerns the proposed legislations' consequences for the public sector (OFR 2021, OFR/S,P,O 2021, SACO-S 2021). These kinds of opinions concerning the legislative proposal are not surprising since the organisations involved in the negotiations on the contents and design of the legislation consisted of some of the organisations representing the private sector. However, considering the potential impact that the legislation may have for vulnerable workers, including workers subject to in-work poverty, it is noteworthy that such issues are absent, to such an extent, in both the preparatory acts for the legislation and the majority of express opinions from social partners, especially trade unions. This may be interpreted that the interest to retain status quo to assure that the organisation's regulatory influence is not reduced or negatively affected has been a normative value for the programming shaping the communication from these organisations. In relation to these recent changes to the Swedish employment protection act this does indicate that the issue of in-work poverty is not something that the Swedish social partners identify as relevant to address in a clear and direct manner.

6. Concluding remarks

To conclude this article, it is important to point out that the way Swedish social partners, especially trade unions, have addressed the issue of in-work poverty in relation to the

changes of the EPA may not provide the full picture. This analysis is indeed focusing on one piece of a rather large jigsaw, even though it might be one of the more important pieces for visualising the whole picture. However, considering that the issue of in-work poverty is, in the general debate, hardly given any attention by Swedish social partners, it may still be possible to draw some preliminary conclusions and identify issues for further research.

Firstly, it is clear that the contents of the recently introduced legislative changes to the EPA are clearly addressing some of the factors driving in-work poverty in Sweden. Changes intended to improve the protection for on-demand workers, by making it easier for these workers to reach the length of employment required for having the employment contract transformed to a permanent contract, are clearly addressing the problem of intermittent employments. Since this form of employment, based on short fixed-term contracts, is probably one of the highest risk factors for in-work poverty this change is undoubtedly addressing the problem. The legislative changes can as such also be considered communication shaped by a program based on the normative value workers' needs of protection as part of balancing employers' and workers' needs in order to retain the social partners regulatory autonomy. Nevertheless, the problem of in-work poverty is not mentioned at all as a target for the changes, neither in the legislative proposal including the principal agreement between the social partners (Ministry publication series Ds 2021:17), nor in the express opinions from trade unions (Svenskt Näringsliv *et al.* 2021, LO 2021, AkademikerAlliansen 2021, OFR 2021, OFR/S,P,O 2021, SACO-S 2021, SACO 2021, Seko 2021). The communication most closely linked to the problem of in-work poverty is the express opinion from Seko (2021), where it is pointed out that the change may potentially lead to increasing problems and insecurity for intermittently employed workers. As such the way that Swedish social partners, especially trade unions, are addressing the issue of in-work poverty is in this aspect more indirect than direct and it is difficult to assess whether they have an ambition to address the problem. Combatting in-work poverty cannot be considered a normative value that shapes the programming of the communication included in this study.

Similarly, the rules intended to provide protection and time for transition in case the employer restructures the work organisation by decreasing the work intensity, may be interpreted as an indirect manner of addressing in-work poverty. However, the change as such will not prohibit a decrease of work intensity in employments, rather it provides a regulated manner of how employers are to handle such restructurings. In that way, this change may actually be interpreted as a legitimisation of such practices. This part of the communication is as such subject to a program shaped by employers' needs of flexibility as the normative value. Even though it is intended to assure a form of protection through assuring the workers time for adjustment through the required notice period, it cannot be interpreted as directly addressing the problem of in-work poverty. Instead, this change opens for increased part-time work by enabling employers to restructure and decrease costs by cutting working hours in the organisation. More part-time work will most likely also generate increased in-work poverty. As such, this change seems to indicate the contrary rather than a clear ambition to address the issue of in-work poverty amongst the social partners that are parties to the principal agreement.

The legislative changes are ambiguous though, which may not be surprising considering that they are the result of compromises between several parties with differing interests. The overarching programming of the communication is as stated shaped by the normative value of retaining the social partners' regulatory autonomy, which has been achieved by supporting programs of seeking to balance employers' needs of flexibility and workers' needs of protection. This of course generates the result that the communication in some parts is characterised by the normative value of employers' needs and in other parts, such as this one, is influenced by the normative value of assuring workers' needs of protection. The new Art. 4 a EPA, introducing full-time work as the norm on the labour market and requiring employers to provide a written statement of the reasons for part-time work if requested by the employee, could instead serve as a means to reconsider the use of part-time contracts. In the long run this might decrease the share of part-time work. In this sense, this part of the legislative change is an example of addressing the problem of in-work poverty, albeit indirectly without any clear references to the issue in the communications studied.

To sum up, Swedish social partners, maybe not least trade unions, target different issues that are part of the factors driving in-work poverty in Sweden. As such, they are indirectly addressing the problem, but it remains unclear to what extent they have an interest in directly addressing in-work poverty. What is clear is that the normative value of assuring workers' needs of protection is not efficient in combatting in-work poverty. In some cases this normative value shaping the programming of communication will actually produce communication with negative effects for workers at risk of in-work poverty and in others the results will be positive. The reason for this is likely the inequalities that exist between workers on the Swedish labour market and the normative value shaping the programming of the communication would therefore need to be adapted and directed more towards the normative value of improving the situation for the workers worst off. However., answering the question of whether Swedish trade unions have an interest in addressing in-work poverty in an in-depth manner requires further studies, involving the analysis of a much broader set of documents containing communications from social partners, preferably focusing on communications from trade unions. As such, the study carried out for the writing of this article can be seen as pilot study providing an indication of a potential absence of clearly formulated ambitions to address in-work poverty amongst Swedish social partners. Nevertheless, some specific trade unions might target the problem more directly.

The reasons for this indirect, vague, or potentially even absent, ambition to address in-work poverty amongst Swedish trade unions are not possible to discern from the empirical material studied. Instead, that is also a question that would require further research. It is not impossible though that the complexity of the concept of in-work poverty could discourage trade unions from formulating strategies aimed at decreasing the share of workers facing this risk. It is also not unlikely that trade unions prefer to target specific working conditions in their negotiations with employers, rather than arguing for reducing poverty problems. This is because focus on poverty reduction might give connotations to charity rather than workers as those producing the wealth of the business. However, in the public debate and the strive to increase membership, trade unions could possibly gain increasing support if they would address the problem of in-work poverty directly. The link between insecure forms of employment, both as

concerns length of contract and work intensity, and in-work poverty affects workers in a broader spectrum of occupations than what may be generally perceived. If trade unions would dare to clearly address this and highlight that the issue of in-work poverty is not an isolated problem within a narrow set of occupations at the lower end of the wage level it is not unlikely that they could gain increased support. Since trade union membership is also generally lower amongst persons with insecure forms of employment, such a strategy could possibly also render trade unions to be perceived as more relevant amongst these workers. As such, strategically addressing the issue of in-work poverty could thus potentially lead to increased trade union membership. This, however, is also an issue that requires further research. With that said I would like to conclude by stating that the problem of in-work poverty and how social partners, especially trade unions, address this is clearly an area where a lot of research can be done. The results of such research could likely be of interest for trade unions in their work with formulating relevant strategies for assuring relevance amongst their members and increasing their membership base.

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