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A chronology of employment protection legislation in some selected European countries

Mariya Aleksynska

Alexandra Schmidt

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Inclusive Labour Markets, Labour Relations
and Working Conditions Branch

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INTERNATIONAL LABOUR OFFICE – GENEVA

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Abstract

In this paper, we document the appearance of the very first laws, as well as their evolution, in the area of employment protection in France, the UK, Greece, Italy, Spain, and Portugal. By doing so, we reconstruct the series of legal data on employment protection legislation up to the points when information on these provisions becomes systematically available in other studies or data collections. These first laws are compared and contrasted with current regulations. Developments in the employment protection legislation are also put into a broader picture of worker protection issues, particularly articulating them with the developments on unemployment benefit schemes.

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1. Introduction

Labour market institutions play a key role in the functioning of modern labour markets, and have substantial welfare implications. To date, the nature, role and effects of such regulations have been studied in depth in different contexts and according to different methodologies, but there is certainly not any settled view about the questions they raise, in either the empirical or the theoretical literature. One of the challenges that arise is that a large part of the research to date has focused on a limited period of time covering most recent years. As labour laws do not change very often, time-series data covering recent decades also usually have limited variation. This implies that current empirical literature on the impact of labour market regulations is limited to most recent developments, examines mainly their contemporaneous short-term impact, and provides a relatively limited possibility to analyse the impact of historical reforms on labour market outcomes.

These limitations have been widely recognized, and the quest for obtaining more historical data on labour institutions has been pursued by numerous researchers and institutions. Inspired by pioneering work by Lazear (1990) who used months of notice and severance pay to measure the strength of employment protection, Grubb and Wells (1993) developed an employment regulation indicator that became the basis for the OECD employment protection legislation (EPL) index, which is now available for the period 1985-2013 (OECD, 2013a). Allard (2005) used this methodology to go back as far as 1950 and to construct yearly OECD EPL series for selected OECD countries. Extending work to developing countries, Aleksynska and Schindler (2011) go back to 1980 to reconstruct historical information on some EPL aspects, minimum wages, and unemployment insurance schemes. Deakin et al. (2007) produce a synthetic indicator of labour regulations for a selection of countries going back to the 1970s. Recently, Campos and Nugent (2012) also extended Botero et al. (2004) index back to the 1960s. Much of this effort was motivated by the need to have time-series data of labour market regulations.

The aim of this project is different in at least two respects. First, for six selected European countries - France, the UK, Greece, Italy, Portugal, and Spain - instead of going backward in time as much as possible, we identify the very first labour market regulations in the area of terminating employment relationship. From these first regulations, we go forward in time and consider all possible changes and amendments that took place, thus reconstructing the time-series on labour market regulations up to present times – or rather, up to the times when information becomes available from the above-mentioned sources. The period under consideration is thus broadly between the beginning of the twentieth century and the 1970s.

Second, we consider mainly employment protection legislation (EPL), but also document parallel changes in unemployment insurance systems, thus placing employment protection in the more general context of worker protection issues. For the EPL, to be rigorous and consistent, we followed the structure of the ILO EPLex database on employment protection legislation. This database contains information on laws and procedures for over 90 countries, organized over 60 sub-topics, or variables. To the extent possible, we collected the data on all these variables for the selected countries, thus covering almost exhaustively possible EPL aspects. As a result, one of the key outcomes of this research is also a possibility to compare historical regulations with the current ones in a comprehensive manner.

This project resulted in a production of a data file which contains detailed information, by country and year, on these covered topics. This paper accompanies that data file. It describes legal changes, but also the data collection exercise, assumptions made in the course of the project, and some of the results of comparative analysis. Rather than being a historical study of the labour and labour law in Europe, it can be seen as a chronology of the EPL, with only limited information on political and historical context of why certain laws were passed.[1]

Our main focus on employment protection legislation is propelled by several reasons. Firstly, it is considered by many as one of the most controversial labour market regulations. Oftentimes viewed as the ones reflecting the costs of dismissals, or flexibility of firing decision for employers, they may also determine hiring decisions on the part of the firms (for the latest reviews, see Cazes et al., 2012; Betcherman, 2012; and OECD, 2013b). Secondly, other key forms of labour market regulations have been relatively well researched as compared to the EPL. For example, unemployment insurance systems have also been a focus of numerous studies (see Berg and Salerno, 2008 for a review). In contrast, to the best of our knowledge, there is a relative gap in the literature systematically tracking historical changes in EPL.

Our research lends several main results. To start with, we document that employment protection systems have been very different across countries from the outset, and that these differences persist over time (a fact also documented by Skedinger, 2010, and theoretically explained by Brugemann, 2007).

France pioneered in several areas of regulations: it was the first country to regulate unemployment insurance (together with the UK), fixed-term contracts, and some of the EPL aspects, such as prohibited grounds for dismissals. Greece and Italy pioneered with generous notice periods and severance pay, and were also the first to regulate trial period. In contrast, Portugal's evolution in employment protection law and in insurance schemes started much later. This is hardly surprising given the political and economic struggles until 1974, although early laws give evidence that employment relationships were regulated through various sectorial collective agreements.

Several countries experimented in various ways with the levels of employment protection. This is especially evidenced by rather dramatic changes in notice periods and severance pay, with ups and downs within a span of just a few years for some countries, especially in the first two decades of the 20-th century and in the 60s. Outside these two periods, the regulatory framework remained relatively stable. UK and France also enjoyed the "softest" changes in their regulatory framework over the century, as compared to several abrupt changes in other countries. At the same time, in all selected countries and over the studied period, there is a clear tendency towards the rise in the level of legal protection, and this is despite the ups and downs of the economic cycles. This construction of higher and more sophisticated protection eventually became one of the prominent features of the European Social Model (Vaughan-Whitehead, forthcoming).

Unlike during the current Great Recession, employment protection legislation was seen neither as an important remedy nor as a cause for unemployment during the Great Depression. Rather, the main issues on the political agenda in the early 20-th century were management of working hours, unemployment insurance support, and

[1] For the history of labour and labour law, see, for example, Van der Linden, 2008.

wage-setting. Indeed, we document that in the beginning of the 20-th century, employment protection legislation was rather rudimentary; however, it gained its complexity in an evolutionary manner towards the second half of the century. Labour market institutions such as unemployment insurance schemes also developed before EPL schemes were fully in place, with the importance of the trade-off in the generosity of unemployment benefits and severance pay evolving over time. It can thus be argued that issues such as working hours or protection for the unemployed took precedence over employment protection, in the sense that only once these provisions are properly in place that employment protection can gain in scope and role. Conversely, it may also be argued that the development of employment protection institutions can also be sign of more developed labour market institutions in general.

Of course, any historical analysis is always framed by data availability. It is possible that we overlooked some of the key laws or regulations that were in place; and further research may help identifying them. Also, we focused on national laws, regulations, and national collective agreements, but not on sectorial or other types of collective agreements. This, however, is a major limitation of most of the existing literature, to the best of our knowledge. Clearly, further research would need to take such collective agreements into account, and also study closer the evolving role of collective bargaining in different countries. Lastly, the interpretation of historical laws and their amendments is not oftentimes straightforward, and one has to keep in mind the important historical context in which these legislations have been established.

The rest of the paper is organized as follows. Section 2 outlines the methodology for data collection. Section 3 sets the historical scene for the emergence of labour market regulations. Sections 4 and 5 contain comparative analysis of labour regulations in selected countries. The last section concludes. The paper also contains country-by-country detailed appendices.

2. Data sources and methodological aspects of data collection

Our historical data collection exercise concerns mainly the emergence of employment protection legislation. It also takes into account other related types of regulations, such as unemployment insurance, thus placing EPL into a broader setting of regulations. A complete list of variables on which comparative data are collected can be found in the accompanying data file and in Appendix 1.

We examine regulations within the period between the beginning of the twentieth century and the 1970s. Our starting point is the identification of the first legal text governing each area, and tracking changes brought about by consecutive reforms. By reform, we broadly mean explicit changes in the wording of the legal texts; however, it is possible that, over the period studied, reforms took other forms that we overlooked. This step is reflected in country tables (Appendices 2.1. -2.6.), which indicate the first appearance of legislation in each subject field, and further track changes towards strictness or towards flexibility of the regulation. As a second step, we use the collected data to compare the evolution of the legislation across countries and over time. In order to draw a more precise picture of the prevailing legal framework, we also indicate the presence of collective agreements wherever there is available information on their existence.

To collect this legal information, we primarily used the ILO Legislative Series and the ILO Library Archives as the main source of data. Wherever further historical legal texts were available online, we gathered them directly from the national legislation databases. For a first identification and verification of the legal sources we furthermore referred to the International Encyclopaedia for Labour Law and Industrial Relations and to various monographs, articles and press news on the history of labour law of the individual countries. To track more recent law reforms we used the information from the ILO NATLEX, the ILO NORMLEX and the ILO EPLex databases. Lastly, once these historical texts were collected, and timelines of changes based on them built, we verified the correctness of identified first laws and their changes by reviewing related academic literature (in addition to all articles and books explicitly referred to in this paper, note also Mamudi, 2009; and Hatton and Thomas, 2010).

One of the major issues that we were confronted with when collecting the data was the heterogeneity of the scopes of several regulations. While in some countries the main labour laws were applicable to all workers (e.g. Spain), there were different rules for each sector (e.g. commerce and industry vs. manual labour), type of workers (e.g. wage-earners vs. salary earners) or geographical locations (e.g. cities vs. villages) in other countries (e.g. France, Italy and Greece), with covered groups also changing over time. Even though these early diversifications are very insightful and might also be interesting with view to todays' regulations, they could of course have negative implications for the comparability of the collected data. Therefore, wherever possible we provide information on the regulations applicable to male workers in industrial establishments and manufacturing. Where the collected data is only applicable to certain other categories of workers, we note this fact explicitly.

In addition to this, whenever relevant, we also used various issues of the Statistical Supplements of the ILO International Labour Review and the ILO Year Book of Labour Statistics to collect historical data on average wages. To compare these with modern data, we use data from the ILO LABORSTA database as well as from national statistics offices. We report the monthly average wage in industrial enterprises or in manufacturing in national currency. Wherever there are different earnings for different groups of workers or geographical regions, we indicate the simple average of such earnings for male workers. Average wages set on other than a monthly basis where converted taking into account the prevailing hours of work at that time and assuming that one month consists of thirty days or four weeks respectively. Wherever, due to high inflation, the average earnings were reset during one year, we display the simple average of the given amounts.

3. Setting the historical scene

Documenting historical developments of legal frameworks is impossible without taking into account historical events during which they took place. This is especially true when the period under review – about seventy years of the twentieth century – is extremely rich in events that have profoundly marked the world of work.

In the wake of the First World War, work had increasingly become a concern beyond the sphere of the family or the firm (Rodgers et al., 2009). The industrialization and its transformation of economies and societies, the changing ownership and organization of the means of production, the acceleration of urbanization, mass movement from agriculture to industry led to workers' organization and demands for dialogue, decent incomes, and dignity (ibid). As a

result, a key political issue was how to deal with the social consequences of industrialization, the issues of equity and equality, dignity and decent incomes, setting the scene for emerging national frameworks of regulating work and work relationships. The First World War, with its mass mobilization and consequent critical labour unrest, further lead to increasing preoccupations by labour matters and to radicalisation of trade union movements throughout Europe (Phelan, 1949).

One of the first key achievements of workers movements concerned the organization of work and the conditions of work, and notably the working hours.[2] France pioneered this area of labour regulation, by starting to put limits on working time as early as 1848 (Bourdieu and Reynaud, 2006). Demands on regulation of working hours and the international movement for the Eight-Hour Day culminated in the adoption of the very first ILO Convention at the time of its creation in 1919 – the Hours of Work (Industry) Convention (No 1.) on the 8-hour working day and the 48-hour working week. Further ILO work in the 20s resulted in a series of Conventions and Recommendations further regulating this area. However, there was a certain reticence in ratifying the Convention, including in France, as governments were reluctant to tie themselves to international obligations. Greece was the first countries among those considered in this paper to ratify the Convention. By 1929, five out of the six countries considered in this paper ratified the Convention, while Great Britain still has not done so.

In parallel to these developments, trade unions, labour federations, and other non-governmental collective groups led their work towards establishment of unemployment insurance systems beginning in the mid-19th century. At first voluntary, and oftentimes based on trade-union membership, they became compulsory first in England in 1911, and then also in Spain, Italy, and France towards the 1930s (Berg and Salerno, 2008). The adoption of the very first ILO recommendation - the Unemployment Recommendation in 1919 - was further conducive to the countries' decisions to set up unemployment insurance programmes. Even the dictatorships in Spain and Italy showed certain support to the ILO work, not in the least part "to prove to the outside world that they were not reactionary" (Albert Thomas, quoted in Guerin, 1996, and reproduced in Rodgers et al., 2009). It was however the Great Depression and the mass unemployment that followed in the 1930s that clearly shifted the policy focus away from quality to quantity of jobs, and also put further pressure on governments to create diverse schemes of social insurance.

The Reconstruction that followed the Second World War returned social institutions and the respect of basic human rights at work as priorities for governments. As progress towards full employment in industrialized market economies was observed, conditions of work were also improving (Rodgers et al., 2009). Shifts towards regulating other aspects of work, including EPL, and creating overall more complex and rich labour market institutions started being more pronounced.

Continuing globalization and technological change further increased both international competition and the need for the adaptability to changes in demand on the part of the firms and of the employees (Skedinger, 2010). These needs for frequent and swift adjustments, balanced against a legitimated need of the employees to be protected against adverse effects of such changes became the heart of the employment protection legislation, which imposes limitations on the employer's ability to fire employees at will. While some of the regulations, such as notice requirements, can be

[2] Another area of improving the quality of work at the time was concerned with eliminating risks and hazards.

found in some national legislations relatively early, it is only towards the second half of the century that the full complexity of EPL emerged. What nowadays constitutes the "heart" of EPL – the definition of unfair dismissal, is mainly a paradigm of post-war times. The ILO work reflected these developments in Termination of Employment Recommendation No 119 in 1963. With some exceptions, national legislations start reflecting these ideas in a systematic explicit manner after this date.

4. Overview of the developments in employment protection legislation

When speaking about employment protection, it is important to first precise which types of contractual relationships are concerned. In what follows, we will mainly refer to the contractual relationships of permanent or open-ended character. Other types of contracts, such as temporary ones, may have different forms of protection, and their use is oftentimes limited to a specific maximum consecutive number, maximum duration, or specific tasks. We are not presenting the EPL rules for these contracts explicitly in the paper, although some of the information on their regulations is contained in the accompanying data file. Based on this information, it is important to highlight, albeit in passage, that the legal recognition (if not regulation) of the use of temporary contracts goes back to as early as 1890 in France, or the 1920s in Italy, Greece, and Spain. Legal texts of those times acknowledge the existence of such contracts and attempt to put them on equal footing with permanent contracts in terms of termination rules. Spain was the first country explicitly regulating the use and the termination of fixed-term contracts with respective provisions put in place in 1926. In contrast, regulations setting more explicit rules on the use of these contracts, notably with respect to limits for the maximum number of successive contracts and their maximum duration only appeared later in the sixties and seventies. In fact, recent debates about the role and the use of temporary contracts in Europe usually refer to the 1980s, when the use of temporary contract was eased in many European countries with the aim of improving the functioning of labour markets and reducing unemployment (Boeri, 2010).

To describe historical evolution of EPL governing permanent contracts, we closely follow the ILO EPLex database structure. This structure reflects the main aspects of employment protection regulations as outlined in the International Labour Standards, such as the ILO Termination of Employment Convention (No. 158) and the ILO Termination of Employment Recommendation (No. 166) adopted in 1982. They suggest that such legislation include substantive grounds for dismissal, procedures before and at the time of dismissal, and procedures for appeal. They also suggest that countries may choose other forms of worker protection, such as unemployment insurance schemes. Based on this, the EPLex database breaks down employment protection legislation into the following areas:

- Maximum trial period for permanent contracts
- Substantive requirements for dismissals (including definition of unfair dismissal and workers enjoying special protection)
- Procedural requirements for dismissal (including, among others, notice period)
- Severance pay (including redundancy pay)
- Avenues for redress (including compensation for unfair dismissal, reinstatement, and court procedures)
- Additional procedural requirements for collective dismissals

Table 1 provides the first year of legislations' appearance in France, the UK, Italy, Spain, Greece, and Portugal, in these key areas of EPL. It also shows appearance of regulations governing working hours, and unemployment benefits. Figure 1 also presents this information in a historical timeline. As can be seen, the legislations of these six countries have been extremely diverse in the timing of these first laws. France has been playing a rather pioneering role in setting numerous standards, notably on working hours and unemployment benefits. Portugal somewhat lagged behind, and saw two key periods in setting its labour market regulations: the early thirties and the late sixties, when it enacted its first national legislation on employment termination. While working hours and unemployment insurance systems have appeared early enough throughout the sampled countries, the emergence of employment protection legislation has varied tremendously, with its numerous aspects appearing in a rather evolutionary manner.

Table 1. Emergence of labour regulations: First year, selected topics and countries

Area of regulation / Country	FRA	GBR	ITA	ESP	GRC	PRT
Employment protection legislation						
Maximum trial period	-	-	1919	1976	1920	1969
Regulation of fixed-term contracts	1890[a]	1963	1919[b]	1926	1920[a]	1969
Obligation to provide reasons to the employee	1973	1975	1966	1956	-	-
Valid grounds (justified dismissal)	1973	≈1963[c]	1966	1926	-	-
Prohibited grounds (unfair dismissal)	1910	1971	1966	1931	1920	1933
Workers enjoying special protection	1910	-	1919	1931	1928	1933
Notification requirements	1958	-	-	1956	1930	1969
Notice period	1928	1963	1919	1931	1920	1969
Severance/Redundancy pay	1967	1965	1919	1972	1930	1969
Compensation for unfair dismissal	1890	1975	1950	1926	-	1969
Procedure of reinstatement	1973	1975	1950	1931	-	-
Court procedure (Preliminary mandatory conciliation, competent court(s), existing arbitration, time limits)	1941	1918	1919	1926	1920	1933
Regulation of collective dismissals	1975	-	-	1972	1934[d]	1974
Unemployment Insurance	1905[e]	1911	1919[f]	1919	1945	1979

Notes:
a - Recognition of the use of temporary contracts as the laws on contracts of employment are only applicable to indefinite contracts;

b - The law acknowledges the existence of such contracts and provides an attempt to regulate them;

c - Case law;

d - Only applicable to public utility undertakings with more than 50 employees;

e - This very first unemployment insurance systems was founded by Decree of September 9, 1905 and consisted of state support to provincial syndicates that established sectorial unemployment benefits schemes for their members;

f - The Legislative Decree as of 1919 contains information on a Decree No. 670 as of April 29, 1917 introducing a general compulsory unemployment insurance;

Missing values suggest that this area was not regulated during the studied period; it possibly became regulated at a later stage.

Compared to these national developments, the first international instrument specifically dealing with termination of employment was adopted at a somewhat intermediary stage (Termination of Employment Recommendation No 119 adopted in

1963). In contrast, the issue of protection from income loss as a result of unemployment through payment of unemployment benefits goes back to the first ILO General Conference in 1919. The very first ILO Recommendation - Unemployment Recommendation, 1919 (No. 1), recommends that "each Member of the International Labour Organisation establish an effective system of unemployment insurance, either through a Government system or through a system of Government subventions to associations whose rules provide for the payment of benefits to their unemployed members," reflecting national discussions of those times. This was further reflected in the international instrument adopted in 1952, the Social Security (Minimum Standards) Convention (No. 102).

In what follows, we provide a comparative analysis of these developments. Where possible, we compare these developments with the legislation in place in 2010, using the ILO EPLex data.[3] For more country-specific details, see Appendices 2.1. – 2.6.

4.1 Probationary period

In modern times, permanent employment contracts often feature a trial period, before which the usual employment protection rules are not fully in effect. In some legislation such as the one of the UK, there is a notion of "qualifying" period to claim unfair dismissal, that is, a worker must have worked for an employer for a minimum period before she qualifies for the right to claim unfair dismissal at a tribunal.

Historically, Italy, Greece and Portugal pioneered this area by setting maximum durations of such test phases. It is noteworthy that in the first two countries these regulations went hand in hand with regulating temporary contracts. In Spain, France, and the UK provisions on probationary period appeared at a much later stage. Table 2 provides summary values of maximum trial periods by country and by decade. It shows a strong universal tendency towards the increase in the length of trial periods over time, as regulated by the law.

Table 2. Maximum length of trial period, in months: Averages by decade

Decade	FRA	UK	ITA	ESP	GRC	PRT
1910s	0	0	6	0	0	0
1920s	0	0	4.5	0	2	0
1930s	0	0	4.5	0	2	0
1940s	0	0	4.5	0	2	0
1950s	0	0	4.5	0	2	0
1960s	0	0	6	0	2	2
1970s	0	0	6	3.17	2	2
2010	8	12	6	6	2	8

Notes: Italy 1920s: 6 months for managers, agents, representatives with a fixed salary, technical or managing directors and salaried employees with equivalent rank and duties, and 3 months for all other grades of salaried employees. Italy 20s to 60s: up to 6 months for managers, up to 3 months for all other grades of salaried employees. Spain 1970s: 6 months for qualified technical staff, 3 months for other workers, 2 weeks for unskilled workers.

[3] Note, however, that most of the countries adopted important reforms since 2010. See, for example, Garcia-Serrano and Malo (2013) for the case of Spain, or Garibaldi and Taddei (2013) for the case of Italy.

4.2 Substantive requirements for dismissals

Nowadays, substantive requirements for dismissal are considered as the single most important element in employment protection legislation (Skedinger, 2010). Indeed, whether employers can fire workers at will, or have to have specific reasons for terminating an employment relationship (valid or fair reasons), constitutes the key to ensuring that employer-employee relationship is neither uni-directional nor abusive. Article 4 of the Convention 158 articulates that "[t]he employment of a worker shall not be terminated unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishment or service". The ILO Committee of Experts on the Application of Conventions and Recommendations has frequently suggested that the need to base termination of employment on a valid reason is the cornerstone of the Convention's provisions (ILO, 1995; 2009). The respect of such reason legitimises a dismissal, while the non-respect does not, and opens possibilities for various types of compensations to an employee.

It is extremely revealing that the six countries under study had to go a long way towards the explicit legal recognition that a dismissal has to have "valid ground", or be based on a "just cause". The collected data show that, initially, countries started by regulating which categories of workers could not be dismissed, as well as prohibited grounds for dismissals.[4] Only over time, and sometimes several decades later, countries developed in their legislations a definition for what they consider to be a fair dismissal (Table 1).

In the beginning of the century, typical prohibited grounds included military service, pregnancy as well as accident and/or illness. The same list pertains to workers enjoying special protection. Portugal made a first attempt of regulating more advanced prohibited grounds for dismissals in the 1930s when the law stated that the worker who obtained a labour court decision unfavourable for the employer could not be terminated on this ground during a certain period of time. In 1969, the country established a more lucid list of *just cause* for the immediate employment termination, which included the ineptitude of the worker to fulfil his tasks, the unlawful refusal to obey orders, repeated violation of the rules of occupational safety and health, insults to the honour of the employer or co-workers, or wilful violation of important property interests of the employer. Italy introduced regulation on sufficient grounds for dismissal in 1966, stating that the obvious failure to fulfil contractual obligations, production reasons, organisational reasons or any justified motive might allow the dismissal of an employee, who had to be provided with these reasons within five days upon request. France enacted a provision on the necessity of true and serious grounds (*causes réelles et sérieuses*) in 1973. The employee had to be informed on these grounds during the oral meeting or in written form if he asked for it. In the UK, a range of potentially fair reasons for dismissals was defined through case law in the 1960s. These rules have been translated into law in 1971, with the enactment of the Industrial Relations Act. The employee could request to be provided with the reasons since 1975.

It is also particularly interesting how the legislator approached the issue, and how the list of valid/prohibited grounds varied over time. For example, Spain attached high

[4] Note here the difference between *prohibited grounds* and *workers enjoying special protection*. The former means that a certain action on the part of an employee cannot be considered as a reason for dismissal (for example, a trade union member may not be dismissed because of her membership), while the latter means that a person performing this action cannot be dismissed at all, even if a reason for dismissal does not concern the action (for example, trade union member may not be dismissed because of redundancy).

importance to the regulation of fair dismissal from early on. Its first labour code of 1926 already contained a list of fair reasons for the termination of employment contracts, and included repeated failure to fulfil the conditions of the contract, lack of honesty in the performance of work, maltreatment, or serious lack of respect towards the employer. In 1931, this was expanded to include repeated and unjustifiable unpunctuality, unsuitability for the occupation, fraud or breach of trust. In the 40s, a special act introduced further grounds for fair dismissals like habitual drunkenness, dirty habits and the causing of brawls or quarrels. Up until nowadays, the Spanish legislator applies a quite extensive list of valid grounds for dismissals even though the wording has changed.

In Table 3, we describe the evolution of this EPL facet for each country, and by decade. To facilitate comparisons, we adopt the following leximetric coding: 0 – when there is no obligation to *have* a reason for dismissal (understood in the light of prohibited grounds); 1 – when there is an obligation to have a reason for dismissal, and valid grounds (justified dismissal) are any fair reasons; 2 – when there is an obligation to have a reason for dismissal, and valid grounds (justified dismissal) are economic reasons, worker's conduct and worker's capacity. Subtract 0.5 if there is no obligation to *give* a reason for dismissal, for a minimum of 0 (for the rationale, see ILO, 2014a).

As can be seen, France and the UK have a relatively similar history of developments of this EPL area. The degree of the "strength" of the legislation adopted in the 70s remained relatively unchanged until today. Spain and Portugal witnessed several changes in the regulation of this area. With the exception of Greece, which did not enact any formal provisions on fair reasons for dismissals until today,[5] all of the countries have seen evolution towards higher worker protection in this key area of employment protection.

Table 3. Regulations of valid grounds for dismissal: Averages by decade

Decade	FRA	UK	ITA	ESP	GRC	PRT
1910s	0	0	0	0	0	0
1920s	0	0	0	1.5	0	0
1930s	0	0	0	1.5	0	0
1940s	0	0	0	1.5	0	0
1950s	0	0	0	2	0	0
1960s	0	0	1	2	0	0
1970s	1	1	1	2	0	1.5
2010	1	1	1	2	0	2

Source: own coding based on the reading of the legal data.

Notes: Spain, 1920s: from 1926; Italy, 1960s: from 1966.

[5] It was also the last country in the sample enacting provisions on protection of pregnant women against dismissal.

4.3 Procedural requirements and severance pay

In this section, we examine jointly procedural requirements for dismissal (such as notice period and notification procedures) and severance pay. This joint treatment is motivated by the fact that the economics literature oftentimes views these provisions jointly as one of the main "costs" of dismissal for the employer (with Lazear, 1990 pioneering this work).[6]

Historically, notice period requirements were the first EPL feature to appear, sometimes far before severance pay or other EPL aspects. In the beginning of the century, France, Spain and Portugal relied on collective bargaining to fix the two indicators and the law contained, if anything, only statutory minimums. Italy and Greece, on the other hand, introduced formal legislation on both notice period and severance pay from early on, with respective laws containing conclusive and quite generous rules on both parameters. The two countries furthermore shared the approach of differentiated regulation of different groups of workers. In both countries, higher skilled workers usually benefitted from longer notice periods and higher severance payments as compared to lower skilled workers.

Tables 4.1 and 4.2 present summary information of the sums of notice and severance pay at two worker profiles: with four and with twenty years of tenure, by country and by decade. We also present this evolution, separately for notice and severance pay, in Figures 2 and 3. As can be seen, collective agreements had an important role to play in setting these regulations. With a few exceptions in the early 20th century, there is a clear tendency of increasing notice requirements and severance pay in all considered countries throughout the century. At the same time, one can also note a significant diversity of these provisions, both in their levels that are different from the outset, and the frequency of changes over time. For example, Greece witnessed numerous changes in this area. It also had historically high notice periods and severance pay for some categories of workers – a tendency that was still observed in 2010.

[6] Note, however, that Lazear (1990) confounds notions of severance pay and of compensation for unfair dismissal. We treat the latter in the following sub-section.

Table 4.1. Sum of notice periods and severance pay at 4 years of tenure: Averages by decade.

Decade	FRA	UK	ITA			ESP	GRC		PRT
			max.	aver.	min.		SE/WC	WE/BC	
1910s	C/CA	0	0	0	0	0	0	0	0
1920s	C/CA	0	5	3	1.62	0	2	0.50	0
1930s	C/CA	0	4	3	2.50	C/CA	4.25	1.26	C/CA
1940s	C/CA	0	4	3	2.50	C/CA	4.75	-	C/CA
1950s	1	0	4	3	2.50	C/CA	5.13	-	C/CA
1960s	1.60	1	4	3	2.50	C/CA	5.50	-	3
1970s	2.40	1	CA/SF	3	2.50	AL/FdbC	5.50	-	3
2010	2.80	1.20	CA/SF	CA/SF	CA/SF	3.66	4.50	1.50	5

Notes: We take the average of redundancy (payment related to economic dismissals) and severance pay (payment related to worker reasons for dismissal). In the UK and Spain, there were only redundancy payments; we report their average with zero severance pay, or half redundancy. For the UK, reported are redundancy payments for employees between the age of twenty-two and forty.

CA/SF = Notice Periods are fixed through collective agreements. Severance pay is paid out of a fund constituted of a certain amount of the employees' salary set aside each month. It is calculated according to the following formula: a one years' salary divided by 13.5, plus 1.5 per cent for each year of service including compensation for inflation (Source: ILO EPLex Database);

C/CA = Custom/Collective Agreements;

AL/FdbC = Agreement between enterprise and Labour Authority, or free determination by court;

SE/WC = Salary earners, later white-collar workers;

WE/BC = Wage earners, later blue-collar workers;

max. = for Managers agents, representatives with a fixed salary, commercial travellers abroad, technical and managing directors and employees with equivalent rank and duties;

aver. = for ordinary commercial travellers, managers and heads of special branches and other employees with similar rank;

min. = employees in offices and shops, technical assistants and other lower grade employees;

France 1970s: Since 1973, only applicable to enterprises with more than eleven employees;

Italy 1920s: Not applicable to manual workers and employees of the state; Italy 1950s: re-including manual workers but excluding enterprises with less than 35 employees.

Table 4.2. Sum of notice periods and severance pay at 20 years of tenure: Averages by decade

Decade	FRA	UK	ITA			ESP	GRC		PRT
			max.	aver.	min.		SE/WC	WE/BC	
1910s	C/CA	0	11	9	8	0	0	0	0
1920s	C/CA	0	12.50	10.50	9.80	0	13	2	0
1930s	C/CA	0	14	12	11.61	C/CA	23.25	5.25	C/CA
1940s	C/CA	0	14	12	11.61	C/CA	27.25	-	C/CA
1950s	1	0	14	12	11.61	C/CA	29.63	-	C/CA
1960s	2	3.50	14	12	11.61	C/CA	32	-	30
1970s	4	4.50	14	12	11.61	AL/FdbC	32	-	30
2010	7.33	5.50	CA/SF	CA/SF	CA/SF	6.75	24	5.50	22.50

Notes: Same as in Table 4.1.

In what concerns the notification requirements, a great diversity of approaches is likewise observed. Interestingly, this area started being regulated much later than the notice period itself. With respective provisions enacted in 1930, Greece was the first country that obliged the employer to give written notification to the employee. It additionally obliged the employer to notify the public administration, in 1955. France and Spain introduced written notice in the late 1950s, with France requiring the notification to be in the form of a registered letter, and Spain also requiring the notification of public administration. In the 1970s, France strengthened its procedural requirements introducing the obligation to invite the employee to a personal interview before proceeding with the dismissal. Within the same decade, France and Spain made the approval by the public administration a mandatory requirement for dismissals for economic reasons with Spain furthermore expecting the worker's representatives to be notified.

4.4 Redress

Redress is perhaps the most complex area of employment protection regulation. If employee wishes to contest the dismissal, if there are reasons to believe that the dismissal is unjust, what are employee's options? Who is the competent authority to resolve the disputes, and what is the compensation that the employee may expect to be awarded, if her dismissal is indeed recognized as unfair? Is reinstatement possible, and under which conditions? These and related questions are considered under the redress area. Arguably, from an economic viewpoint, this is also the EPL area that represents the highest uncertainty for both employers and employees over the final cost (compensation) of the dismissal.

Given the array of issues, national legislations appear to be extremely ingenious, and again, diverse, in the ways of approaching them. For example, as Spain pioneered the definition of fair and unfair dismissals, it was also the first country to address compensation issues, in 1926, by allowing free determination by court. In France, first provisions contained a very general rule stating that compensation claims can become due in case of dismissals with view to custom, nature of the service, duration of employment, salary and all other circumstances that maybe justify such compensation. The rules became more explicit only in 1973, and the same limitations are still in place today. Italy introduced its first compensation scheme in 1950. From the outset, different rules applied to enterprises of different size, and similar logic can be found in modern legislation. Greece did not introduce any rules on compensation payments during the examined time period, but an important jump in the regulations may be observed towards the end of the century.

In Table 5, we attempt to summarize these approaches, as well as contrast them with current provisions. To facilitate comparisons, we also adopt some quantification rules to the legal texts, by establishing categorical ordering of the data. Higher values indicate better worker protection, or stricter firing rules. As can be seen, all countries of the sample have progressed towards a better worker protection in this area throughout the century, although the pace of this progress has been uneven. France, Spain, and Portugal somewhat pioneered this area of EPL. Both France and the UK experienced relatively mild changes, while Greece, Portugal, and to a certain extent Italy witnessed abrupt changes in these regulations, from very low, if extant at all, to relatively high levels of protection. Spain is the only country that has witnessed a hump in this area of protection, with milder regulation in 2010 as compared to mid-20th century.

In all of the considered countries, compensation and reinstatement are oftentimes viewed as alternative measures. However, there is clear historical tendency to first regulate compensation, and only somewhat later legally introduce a reinstatement possibility. In some countries, reinstatement also becomes a primary remedy for unfair dismissals. It is noteworthy that in the UK the decision between reinstatement and compensation was within the discretion of the judge from the outset, while in the other countries - at least in those where reinstatement was the alternative remedy - this choice was left to the employer.

4.5 Procedural requirements for collective dismissals

Up until now, we have focused on employment protection rules governing individual dismissals. This is because not only such dismissals are more common than the collective ones, but also because the regulations governing collective dismissals appeared at a much later stage. Indeed, in countries of our sample, regulations of collective dismissals only became a concern in the 1970s (France, Spain and Portugal) or even later (UK, Italy). The only exception was Greece, which passed an act in 1934 (as a supplement to the law as of 1926 on contracts of employment), and a first independent legislation on collective dismissals in 1953.

In Table 6, we summarize these developments. Compared to the first regulations, the law is somewhat stricter today in France, Greece, and Spain. In contrast, Portugal's first legislation was somewhat stricter than the modern regulation as several formal requirements have since been abolished. But in general, regulation of collective dismissals underwent less substantial changes than the regulation of individual dismissals over the past decades.

Table 5. Regulations of redress: Evolution over time

Country	Year	Compensation	Reinstatement	Coding
France	1890	Free determination by court	Not available	0.33
	1928	Free determination by court	Not available	0.33
	1973	Procedural Mistakes: max. 1 month; Lack of true and serious reasons: min. 6 months	Alternative remedy	0.66
	2010	Procedural Mistakes: max. 1 month; Lack of true and serious reasons: min. 6 months	Alternative remedy	0.66
UK	1975	Basic award: a) 1,5 weeks pay for each year of employment which consists wholly of weeks in which the employee was not < the age of 41. b) 1 week's pay for each year in which the employee was < the age of 41 but not below 22; c) 0,5 weeks pay for years < 22 but not < 18; plus compensatory award freely determined by court	Alternative remedy	0.66
	2010	Free determination by court	Alternative remedy	0.66
Italy	1950	Between min. 5 and max. 8 months' salary for enterprises with 80+ employees. Between min. 2 and max. 4 months' salary for enterprises with 36-80 employees	Alternative remedy	0.50
	2010	For emplyoers with 15+ employees: payment of damages amounting to 15 months' pay. For employers with 15- employees: between min. 2,5 to max. 6 months' pay depending on job tenure and firm size, up to 10 months pay for more than 10 years of service, and up to 14 months for more than 20 years of service.	Primary remedy for employers with 15+ employees. Alternative remedy for all others	0.66
Spain	1926	Free determination by court	Not available	0.33
	1931	Between min. 0.5 and max. 6 months	Primary remedy in enterprises with 50+ employees. Alternative remedy in all others	0.66
	1941	Not exceeding one year's wage	Primary remedy in enterprises with 50+ employees. Alternative remedy in all others	0.66
	2010	45 days' wages for each year of service up to a maximum of 42 months' pay + back pay (or 33 days' wages per years of service up to a maximum of 24 months' wages if the dismissed worker is under a contract for the promotion of indefinite employment)	Before the Labour Market Reform in 2010: In general alternative remedy. In case of procedural mistakes of objective dismissals, discriminatory dismissals, dismissals based on maternity related grounds and for special cases like workers' representative reinstatement is the primary remedy. After the Labour Market Refrom in 2010: Reinstatement becomes an alternative remedy also for procedural mistakes in connection with objective dismissals	0.50
Greece	1900-1979	Laws do not contain provisions on compensation	Laws do not contain provisions on reinstatement	0
	2010	In the amount of severance pay. White-collar workers: half of the wages due for the notice period established according to the length of service with a max. of 24 months. Blue-collar workers: between min. 5 days and 165 days	Reinstatement is the primary remedy in all cases	1
Portugal	1900-1979	Where the contract of employment has been termianted immediately without just cause, the employer has to pay the compensation for the normal period of notice	Not available	0.17
	2010	Between 15 and 45 days of basic salary and seniority awards for each full year or fraction of year of service. 3 months' min.	Reinstatement with back pay is the primary remedy. Enterprises with 10- workers (or if the worker is holding managerial functions): the employer may oppose the reinstatement	1

Notes: Coding Scheme:

0 – no remedy is available as of right;

0.25 – no reinstatement is available as of right; compensation determined as follows: legal text sets an exact amount or the maximum limit to be paid;

0.50 – no reinstatement is available as of right; compensation determined as follows: legal text sets a minimum amount to be paid, or compensation is freely determined by court;

0.75 – reinstatement is available as of right and is alternative measure to compensation; compensation determined as follows: legal text sets an exact amount or the maximum limit to be paid;

1 – reinstatement is available as of right and is alternative measure to compensation; compensation determined as follows: legal text sets minimum amount to be paid, or compensation is freely determined by court;

1. 25 – reinstatement is available in case of unfair dismissal and is the primary remedy for unfair dismissal;

1.5 – reinstatement is available in case of unfair dismissal and is the primary remedy for unfair dismissal; legal text explicitly mentions award of backpay and/or other additional payments.

Rescale to 0 - 1 by dividing by 1.5. In case where there are different remedies for different group of workers or different sizes of enterprises, we took a simple average of the two cases.

Procedural mistakes in dismissals are not accounted for.

For rationale of the coding, see ILO (2014a).1999-2006 refers to a series of collective labour agreements: 1990-2000, 2000, 2001, 2002-2003, 2003, 2005-2006.

Source: Selected national and collective labour agreements, 1999-2010

Table 6. Collective dismissals: Evolution of regulations over time

Country	Year	Definition	Consultation trade union or workers' representa-tive	Notifica-tion of public administra tion	Notifica-tion to workers' representa tive	Approval by public administra-tion or judicial bodies	Approval by workers' representa tives	Priority rules for collective dismissals	Employer's obligation to consider alternatives to dismissals	Priority rules for re-employ ment
France	1975	Min. 10 dismissals within 30 days	Yes	Yes	Yes	Yes	No	No	Yes	No
	2010	Min. 10 dismissals within 30 days	Yes	Yes	Yes	No*	No	Yes	Yes	Yes
UK	1900 -1975	-	-	-	-	-	-	-	-	-
	2010	Redundancies concerning at least 20 employees within 90 days	Yes	Yes	Yes	No	No	No	Yes	No
Italy	1900-1975	-	-	-	-	-	-	-	-	-
	2010	5 or more employees in a single unit or belonging to a single employer with 15 or more employees within 1 province over a period of 120 days	Yes	Yes	Yes	No	No	Yes	Yes**	Yes
Spain	1972	Any termination by an undertaking of the employment relationship with all or part of its permanent labour force or any temporary suspension of such relationships, for technological or economic reasons	Yes	Yes	No	Yes	No	Yes	Yes	No
	2010	Within 90 days: - 10 workers in enterprises with less than 100 workers; - 10 % of workers in enterprises with 100 to 300 workers; - 30 workers in enterprises with more than 300 workers	Yes	Yes	Yes	Yes	No	Yes	Yes	No
Greece	1934	1/4 or more of employees within one and the same year, in public utility undertakings with over 50 employees	No	No	No	Yes	No	No	No	No
	1953	Percentages specified at the beginning of each half-year by Royal Decree on the advice of the Minister of Labour at a figure between 5 and 10 % according to the state of the labour market. Applicable to enterprises with over 50 employees and public enterprises in so far as employer-employee relationships under private law are concerned.	Yes	No	No	Yes	No	No	No	No
	2010	Dismissals affecting within 1 month, at least: - 4 employees in undertakings with 20 to 200 employees; - 2 to 3% of the workforce but not more than 30 employees in undertakings with over 200 employees. The limits are set every six months by ministerial decision	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Portugal	1974	Min 2 in undertakings with < 50 workers within a period of 3 months Min 5 in undertakings with >50 workers within a period of 3 months	Yes	Yes	Yes	Yes	No	Yes	No	Yes
	2010	Min 2 in undertakings with < 50 workers within a period of 3 months Min 5 in undertakings with >50 workers within a period of 3 months	Yes	Yes	Yes	No	No	No	Yes	No

Notes: * Only necessary for some protected workers. In all other cases the public authority gives advisory opinion but has no power to adopt binding decisions.

** Mandatory examination of the possibility to adopt social measures (i.e retraining etc.) but no formal adoption of a social plan required

5. Placing employment protection legislation into a broader context of worker protection

Employment protection legislation is only one among many labour market institutions. It does not exist in isolation from others, and has particularly strong association with unemployment insurance schemes. Taken together, EPL and unemployment insurance guarantee a certain level of worker protection, especially in what concerns the loss of income as a result of the loss of a job. As such, this association is also reflected in the ILO Convention No. 158, which articulates that "A worker whose employment has been terminated shall be entitled, in accordance with national law and practice, to- (a) a severance allowance or other separation benefits, the amount of which shall be based inter alia on length of service and the level of wages, and paid directly by the employer or by a fund constituted by employers' contributions; or (b) benefits from unemployment insurance or assistance or other forms of social security, such as old-age or invalidity benefits, under the normal conditions to which such benefits are subject; or (c) a combination of such allowance and benefits" (Art. 12). The resulting combination of these institutions and the way they interplay is indicative of a certain social model choice (see, for example, Boeri et al., 2012). Hence, it is important to examine the EPL developments jointly with the developments in the unemployment insurance schemes.

The emergence of unemployment insurance and the logic behind different schemes has been widely documented (see, for an example and a review, Berg and Salerno, 2008). The first unemployment insurance system was introduced in France in 1905. Initially, this was not a national insurance system but consisted of state support to provincial syndicates that established sectorial unemployment benefits schemes for their members. And it was not before 1928 that the payment of unemployment benefits became fully organised by public authorities. The UK enacted its first compulsory benefits scheme in 1911, awarding relatively high gross replacement rates, as compared to other countries. This reflects the fact that in the beginning of the century the UK relied fully on unemployment insurance to balance out negative labour market outcomes, using it as a replacement for employment protection legislation, while France employed it as a complement to its already existent employment termination rules. In order to enhance social security during economic downturns and crisis the UK furthermore established an unemployment assistance scheme to improve support for people in long-term unemployment.

Italy and Spain introduced their unemployment benefits systems relatively early on, and in part in response to the ILO Unemployment Recommendation of 1919. However, the initial unemployment support in Italy was relatively low, which was in part related to the fact that towards the first third of the century, Italy already had quite protective rules in place with view to notice period and severance pay. In contrast, Spain introduced both employment protection regulation (though not severance pay) and unemployment benefits from early on and used the latter as an aid to balance and complement its employment termination legislation.

The coverage and conditions for receipt of unemployment benefits also differed widely. The first national unemployment scheme in France (1928) declared insurance compulsory for every employee whose total annual remuneration did not exceed 18'000 francs. The initial UK benefits system was only applicable to workman mainly engaged in manual labour. However, one year later its scope was widened to all employees except agricultural workers, domestic servants, naval, military or air

services and public servants. Many of these exceptions were still foreseen within the ILO Unemployment Provision Convention, 1934 (No. 44) which allowed the exception of domestic servants, employees in public services, youth, agricultural workers and fishermen from the scope of unemployment benefits schemes. The UK opened its unemployment support system to most of these worker categories in 1935. In Italy, the membership of the first unemployment institution was compulsory for persons with a monthly salary under a certain limit, though some excluded categories applied. The first Spanish unemployment insurance scheme was applicable to any worker, though in 1961, directors, managers and other higher officials became excluded. Greece only paid unemployment benefits to employees in industrial undertakings, excluding management personnel in 1953. The entry age for the award of unemployment insurance benefits usually was between thirteen years and twenty-one and payments were made to workers up to the maximum age of sixty-five.

In most of the countries, the unemployed had to prove to have been working for a time period between six months and one year before being eligible to receive benefits. Waiting periods usually ranged between a few days and one week. Only Portugal's legislation contained a longer waiting period of twenty-five days, but this was mitigated by the absence of a qualifying period for claiming benefits.

To facilitate the discussion, we further computed gross replacement rates (GRR), by decade, for all countries of our sample.[7] The GRR is the ratio between the employee's last annual salary and the amount of unemployment benefits he receives in the first year of unemployment. For the computation of the latter, we used the information on benefit duration and on the amount of the benefit paid. Whenever such amounts, rather than percentages of past salary, were explicitly stated in the legislation, we also collected historical data on mean annual salaries from the ILO Year Book of Labour Statistics. We did not take into account benefits received through National Assistance Programs set up in several countries since the first half of the 20-th century, and their existence might considerably change the amount of state support, especially for long-term unemployed.[8] Also, some of the examined unemployment programs paid additional benefits for married employees or workers with children, and we did not account for them either.[9]

[7] Another important aspect of unemployment benefits is coverage. While we have not systematically collected information on legal coverage, it can be provided on request. For effective coverage, data are available from the ILO SSI database and the ILO 2014b for the last 10 years, and for the period 1950-1965/70 from the ILO statistical yearbooks.

[8] For example, the decrease in the gross replacement rates in the UK after the 40s reported further is most probably associated with the introduction of the National Assistance Scheme in 1948, which provided all individuals with low income with financial assistance ("Income Support"), not only the unemployed. These payments are not taken into account in the computation of gross replacement rates. However, the existence of such schemes is an important factor for long-term unemployed or first-time job seekers who do not qualify (yet or any more) for unemployment insurance benefits. The existence of such schemes is also of primary importance nowadays, in the context of more targeted benefits (such as in Greece), when more emphasis is given to training measures and additional services provided jointly or in replacement of cash benefits.

[9] As a result, computed replacement rates may somewhat differ from those reported in other sources, such as the OECD gross replacement rate index computed for two earnings levels, three family situations and three durations of unemployment (OECD, 1994; Martin, 1996).

Table 7. Unemployment benefits: Gross replacement rates, in per cent, averages by decade

Decade	FRA	UK	ITA	ESP	GRC		PRT
					SE/WC	WE/BC	
1910s	-[a]	11.51	-[b]	15	0	0	0
1920s	2.50	24.01	4.27	15	0	0	0
1930s	11.98	11.44	11.72	10	0	0	0
1940s	21.29	9.76	12.03	10	25	20	0
1950s	29.27	6.57	8.33	10	13.70	10.96	0
1960s	27.24	3.62	6.54	37.50	13.70	10.96	0
1970s	15.12	4.61	-	37.50	13.70	10.96	30.98
2011	36	12	11	31	11		39

Notes:

a About 16 francs per day, for 10 weeks (Source: Berg and Salerno, 2007). GRR cannot be calculated due to the lack of information on average wages.

b The amount of benefits varies according to the employee's contribution class: 1,25 lire, 2.5 lire or 3.75 lire per day for the period of maximum 120 days each calendar year. GRR cannot be calculated due to the lack of information on average wages in 1919.

Missing value for Italy: reliable information on benefits is absent.

Source: Own computations. For 2011, we use OECD AW-based GRR summary measures for 2011 (OECD Stats, 2013). These are available only every second year, hence no data for 2010.

Table 7 summarizes this information. It reflects the fact that the UK, France, Italy and Spain adopted first unemployment insurance schemes within the first decades of the 20th century, with Greece (1945) and Portugal (1979) being the latecomers in this regard. While in Spain, Greece and Portugal benefits where defined through an earnings related fixed percentage, France, Italy and the UK used volatile flat rates, which in some cases differed across classes of employees or regions. The Table also reflects a high variation in the generosity of the systems, both across countries and over time. The most generous gross replacement rates can be found in France between 1950 and 1960, in the UK during the 1920s, in Greece in the 1940s and in Spain in the 1960s and 1970s. Significant changes in Spain in the 60s are due to the fact that, prior to 1966, workers were receiving 75 per cent of the average wage taken as a basis for their social insurance contribution, while from 1966 onwards, they were receiving 75 per cent of the workers contribution base.

Compared to modern times, gross replacement rates show a tendency towards increase in France and Portugal. In other countries, far from being unswerving trend, there have been waves of both stability and fluctuation in the generosity of unemployment benefits.

The generosity of unemployment benefit schemes, as measured by replacement rates, can further be compared with the level of severance pay (for workers with 4 years of tenure) in the selected countries. Figure 4 shows the evolution of the trade-off between the generosity of unemployment benefits and severance pay, by decade.[10] By the 1920s, all considered countries introduced unemployment benefit schemes, while only Italy also had severance pay. Indeed, there is a considerable time gap in the introduction of severance pay and unemployment benefits, which can be explained by the fact that the origins of unemployment insurance schemes in many instances came from union-lead efforts and in response to economic hardships, rising unemployment, and poverty. Towards the 1960s, all countries (except Spain) developed severance

[10] See Boeri, Conde-Ruiz, and Galasso (2012) for the evidence of such trade-off in all OECD countries, in 1999.

pay. In those “early years” of the severance pay’s emergence, the trade-off between unemployment benefits generosity and the generosity of severance pay was particularly evident. Countries with already relatively high levels of unemployment protection chose to have relatively low levels of severance payments (France and Spain), and vice versa (Portugal, Greece, UK, and Italy). The situation evolved considerably towards the first decade of the 21st century, as countries like Portugal and Spain developed both relatively generous severance and unemployment benefits, while Italy, UK, and Greece witnessed less generous level of both types of worker protection. Note, however, that in Italy and Greece, these developments were paralleled by increase of other aspects of employment protection, notably considerably more protective remedies for unfair dismissals. Figure 5 also shows this evolution by country. It displays a significant diversity in the ways countries experimented with flexicurity issues, privileging either higher unemployment benefits, or higher severance, or none of those, or high levels of both, at different stages.

6. Concluding remarks

This paper documented the emergence and the chronological evolution of some of the core labour market institutions. Our data provide yet another evidence that several European countries in the last century witnessed a shift from rather rudimentary employment protection schemes to comprehensive and unified systems. These systems were gaining in complexity particularly during the 60s and the 70s, exhibiting a clear tendency towards improved employment security, and towards a construction of what is now known as a European Social Model (Vaughan-Whitehead, forthcoming). Articulation of EPL with other labour market institutions, and notably with unemployment insurance schemes, also varied significantly across countries and over time. The efforts that countries undertook to develop and unify these complex systems, as well as to regulate initially discriminative labour markets, clearly put the deregulation trend of the Great Recession of the early 21st century into a different perspective. They also suggest that because labour markets are extremely complex and include many different types of workers, both a nuanced and whole approach to understanding and to regulating them is needed.

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Figure 1. Emergence of labour market regulations: Timeline

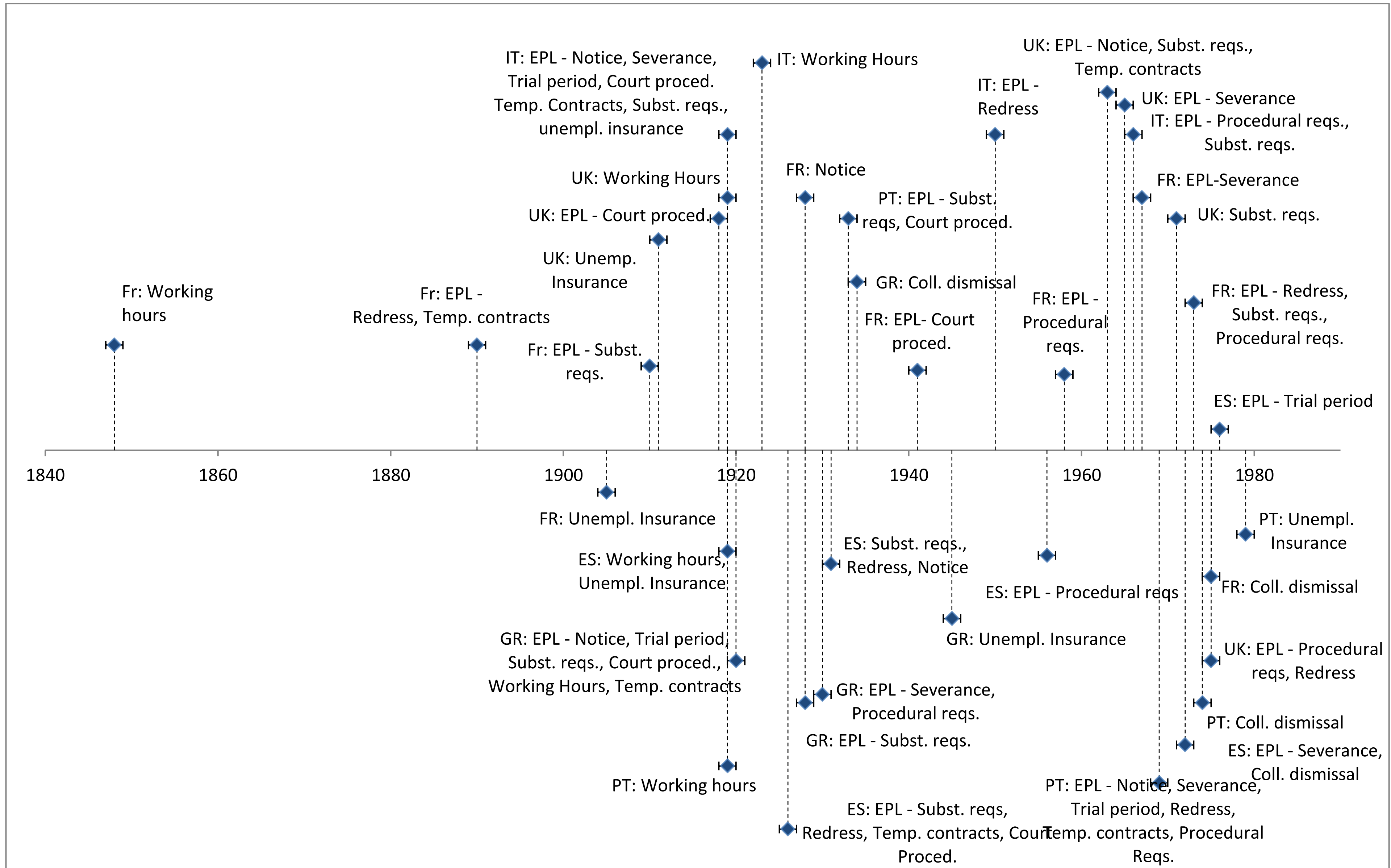
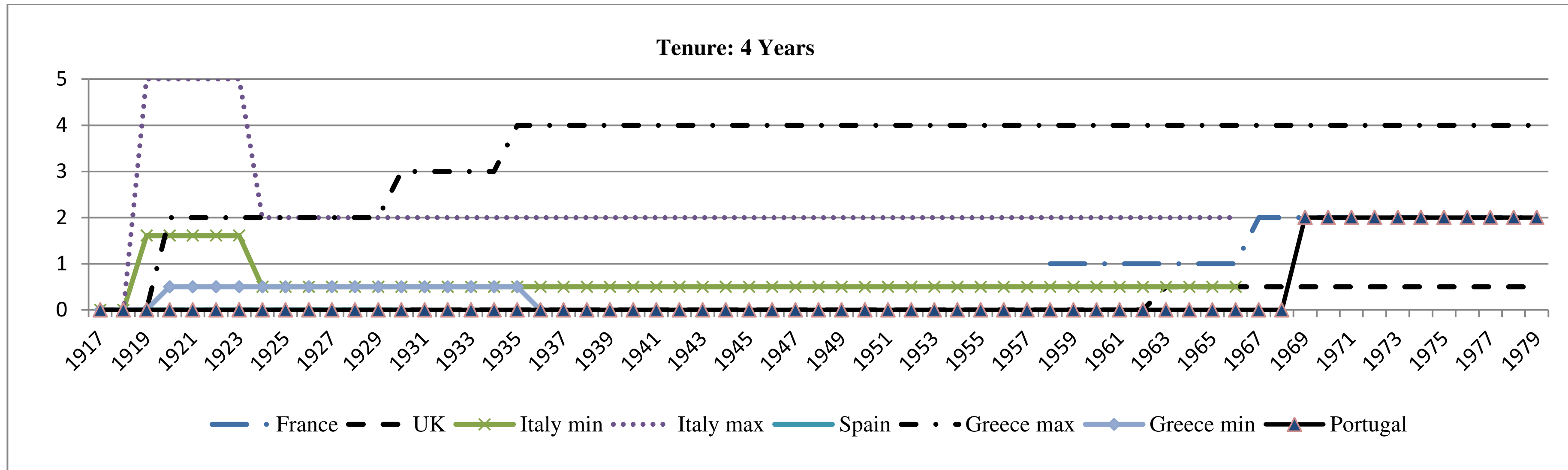


Figure 2. Evolution of notice periods at four and at twenty years of tenure



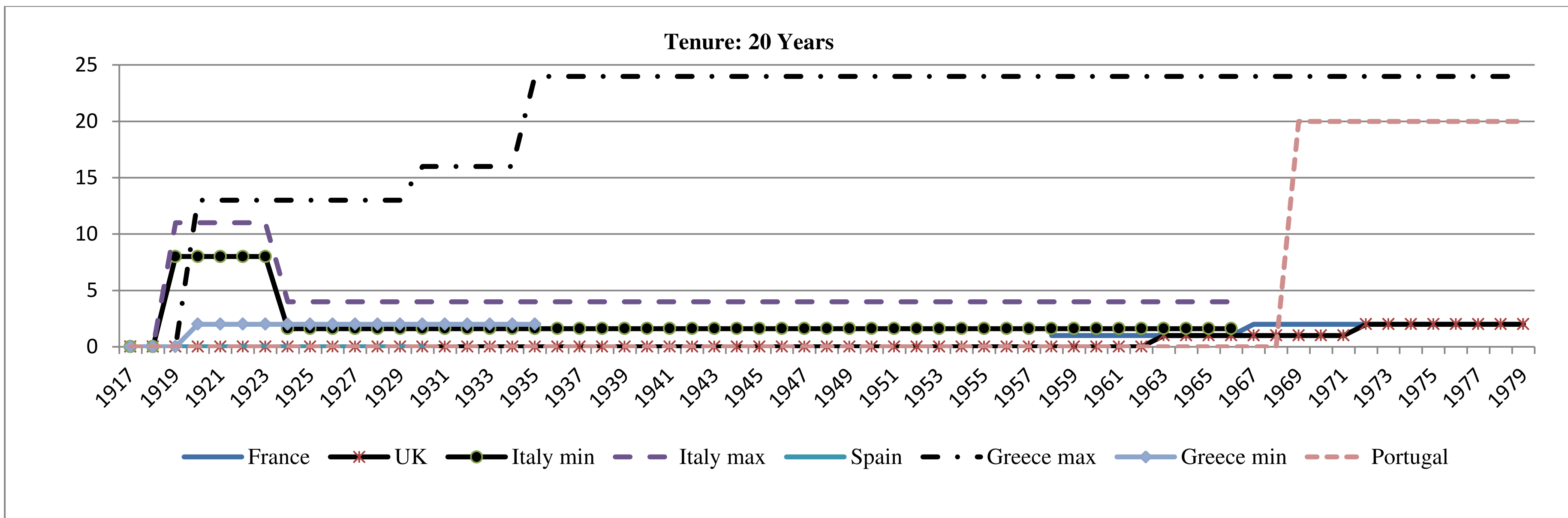
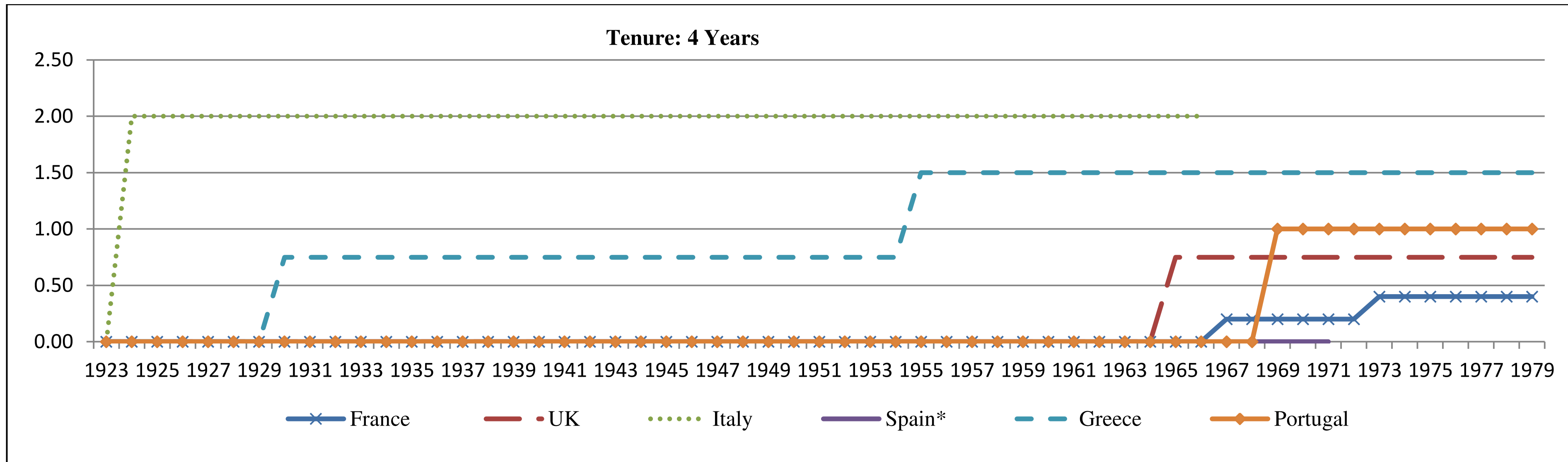


Figure 3. Evolution of severance pay at four and at twenty years of tenure



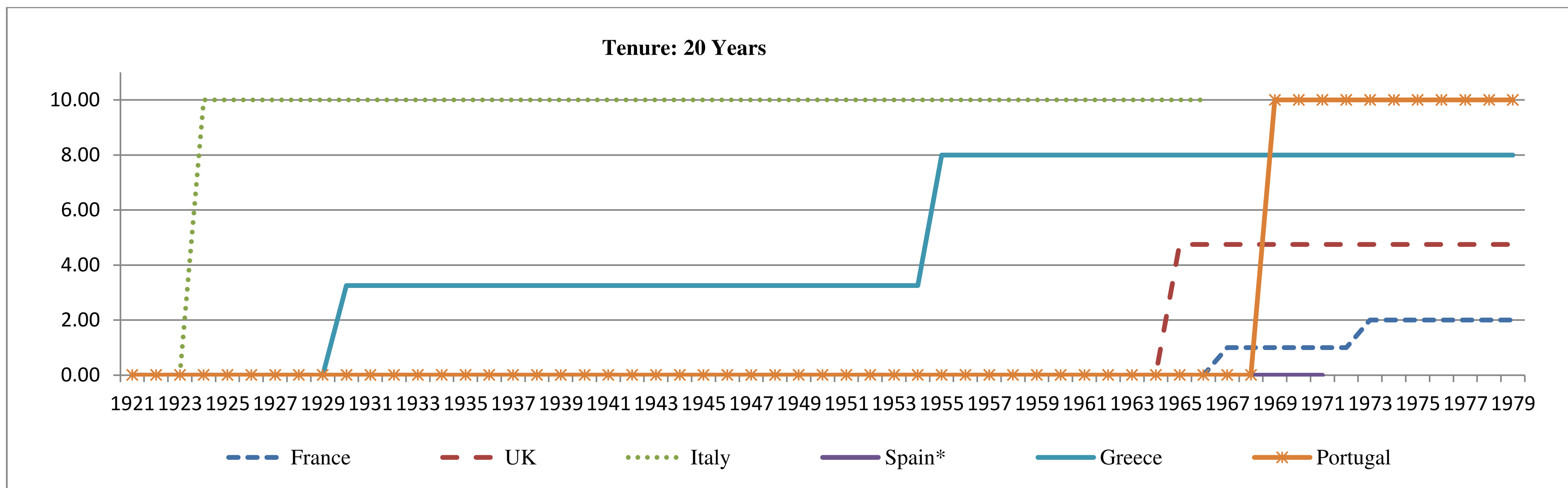


Figure 4. Evolution of the trade-off between generosity of unemployment benefits and severance pay

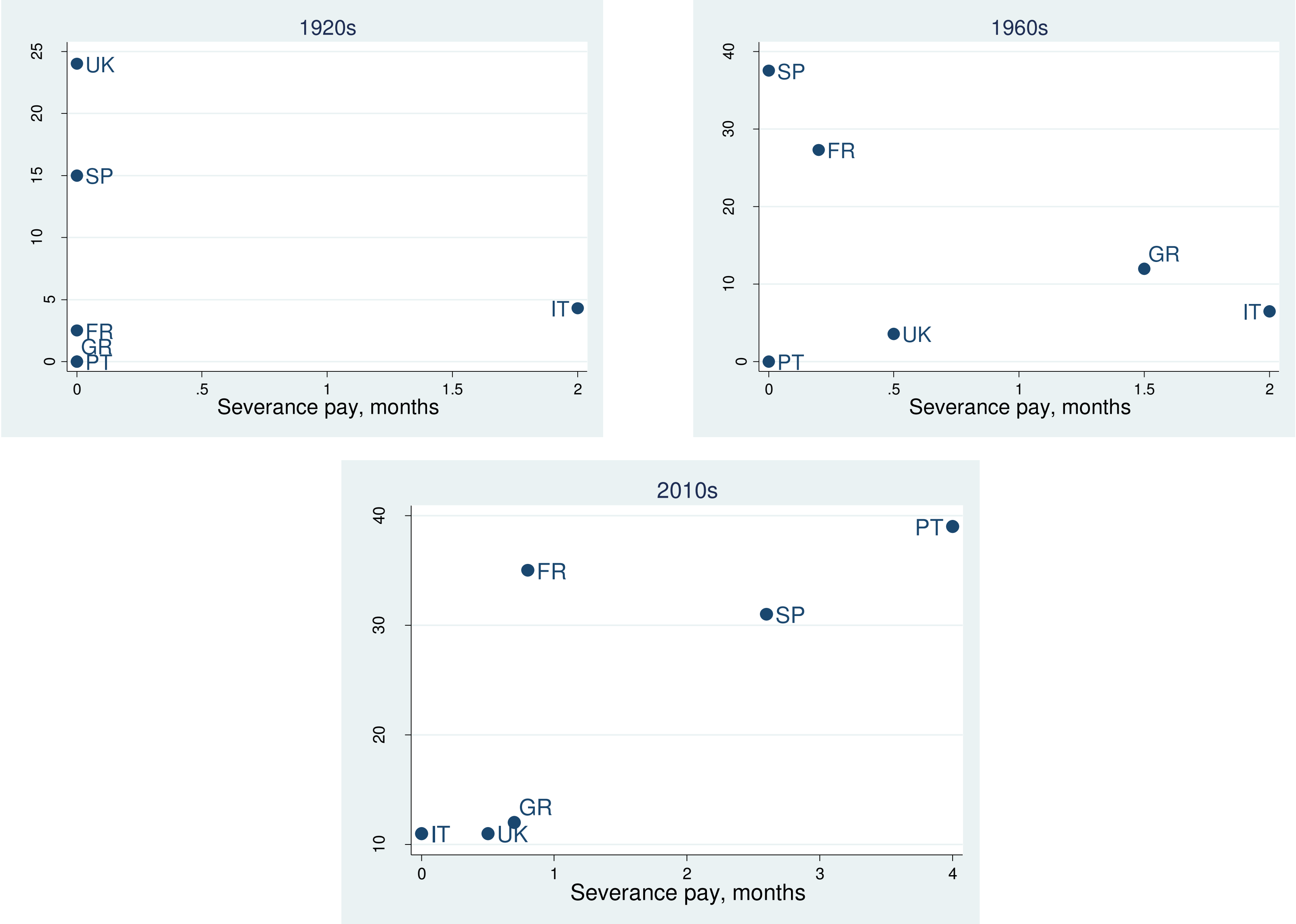
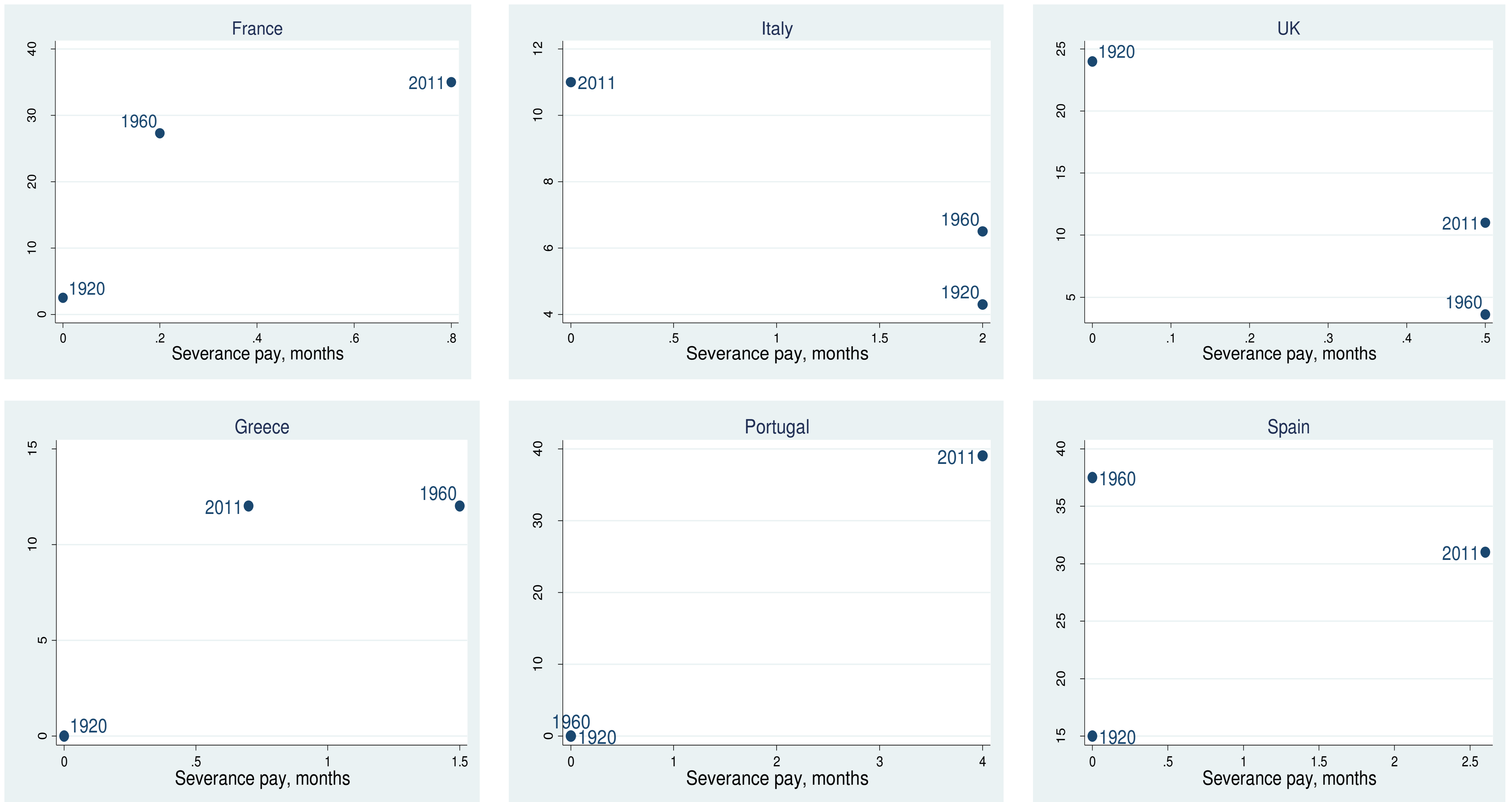


Figure 5. Evolution of the trade-off between generosity of unemployment benefits and severance pay, by country



Appendix 1. Description of variables

EPLex Database Indicators

1. Scope of regulations

Name	**Description**
EPLex 1.1	Size of enterprises excluded
EPLex 1.2	Wokers' categories excluded (or captured)

2. Types of employment contracts

Name	**Description**
EPLex 2.1	Maximum probationary (trial) period
EPLex 2.2	Valid reasons for FTC use
EPLex 2.3	Maximum number of successive FTCs
EPLex 2.4	Maximum cumulative duration of successive FTCs

3. Substantive requirments for dismissals

Name	**Description**
EPLex 3.1	Obligation to provide reasons to the employee
EPLex 3.2	Valid grounds (justified dismissal)
EPLex 3.3	Prohibited Grounds (unfair dismissal)
EPLex 3.4	Workers enjoying special protection

4. Procedural requirements for individual dismissals

Name	**Description**
EPLex 4.1	Notification to the worker to be dismissed (FORM)
EPLex 4.2	Notice Period
EPLex 4.2.1	Minimum contract duration for EPL to be applied (Notice Period, Severance Pay etc.)
EPLex 4.3	Pay in lieu of notice (y/n)
EPLex 4.4	Notification to the public administration
EPLex 4.5	Notification to workers' representatives
EPLex 4.6	Approval by public administration or judicial bodies
EPLex 4.7	Approval by workers' representatives

5. Procedural requirements for collective dismissals for economic reasons (redundancy, retrenchment)

Name	**Description**
EPLex 5.1	Definition of collective dismissal (number of employees concerned)
EPLex 5.2	Prior consultations with trade unions (workers' representatives)
EPLex 5.3	Notification to the public administration
EPLex 5.4	Notification to workers' representatives
EPLex 5.5	Approval by public administration or judicial bodies
EPLex 5.6	Approval by workers' representatives
EPLex 5.7	Priority rules for collective dismissals (social considerations, age, job tenure)
EPLex 5.8	Employer's obligation to consider alternatives to dismissal (transfers, retraining, etc.)
EPLex 5.9	Priority rules for re-employment

6. Severance pay and redundancy payment

Name	**Description**
EPLex 6.1	Severance pay
EPLex 6.2	Redundancy payment

7. Avenues for redress (penalties, remedies) and litigation procedure for individual complaints

Name	**Description**
EPLex 7.1	Compensation for unfair dismissal - free determination by court
EPLex 7.2	Compensation for unfair dismissal - Legal limits (ceiling in months or calculation method)
EPLex 7.3	Reinstatement available
EPLex 7.4	Preliminary mandatory conciliation
EPLex 7.5	Competent court(s) / tribunal(s)
EPLex 7.6	Existing arbitration

Additional Indicators	
Court procedure	
A1	Distribution of court costs
A2	Time limit for an employee to file a complaint against the dismissal
A3	Place of Jurisdiction
A4	(Avarage) duration of the procedure
Minimum Wage	
A5	Minimum wage yes/no?
A6	Categories of workers for whom a minimum wage is fixed (big industries)
A7	Level of the Minimum Wage
Unemployment Insurance	
A8	UI - Replacement Rate / Flat rate base (e.g. UK), Linked to previous Salary? Linked to which basis? E.g. 60 % of the (previous wage)
A9	Max. Duration of the UI
A10	Minimum contract duration/contribution for access to UI
A11	Waiting Period before UI can be requested
Fixed Term Contracts	
A12	Can FTC be terminated before the end of the defined period?
A13	Notice to terminate FTC
A14	Severance Pay/Redundancy pay for FTC /Compensation
A15	Access to UI for FTC
Part Time Contracts	
A16	Minimum duration of contract or weekly hours for application of EPLex
Working Hours	
A17	Hours of Work

Appendix 2. Emergence of EPL: Country profiles

A 2.1. Emergence of EPL in France

EPL Indicator / Year	1848	1890	1900	1905	1910	1919	1921	1928	1936	1939	1940	1941	1944	1945	1946	1948	1949	1950	1951	1952	1954	1955	1958	1960	1963	1965	1966	1967	1968	1970	1972	1973	1975	1979
EPL Max. Trial Period																																		
Regulation of FTCs		A*																													+			
Obligation to provide reasons to the employee																																A	+	
Valid grounds																																A		
Prohibited grounds					A			+									+										+							
Workers enjoying special protection					A			+									+										+							
Notification Requirements																							A									+	+	
Notice Period								A															+					+				+		
Severance/Redundancy pay																												A				+		
Compensation for unfair dismissal		A			+			+																								+	+	
Reinstatement																																A		
Court Procedure												A																						
Collective Dismissals																																A		
Other LMIs Unemployment Insurance				A				+		Ch	+	-	+	-	+	-		+	-	+	+	+	-	-	-	-	+	+	+	Ch	Ch	Ch		Ch

A = Appearance; Plus indicates an increase of protection; Minus indicates a decrease of protection, Ch = Change in System.

* Recognition of use of temporary contracts;

Data Sources: France

Law of March 17, 1804: Instituting the First Civil Code.

Decree of March 2, 1848: limiting the working day of adults to twelve working hours in Paris and eleven hours in Provinces.

Decree of September 9, 1848: fixing the working day to twelve working hours for all adults.

Law of May 25, 1864 (Loi Olivier): decriminalizing industrial action and recognition of the right to strike.

Law of March 19, 1874: regarding working conditions of women and children.

Law of March 30, 1900 (Loi Millerand): fixing working hours for adults.

Law of December 28, 1910: Instituting the Labour Code 1910. Bulletin of the Ministry of Labour; December 30, 1910. Cited as "LC 1910".

Law of April 23, 1919: introducing the eight-hour day. Bulletin of the Ministry of Labour; XXVI, 80.

Law of July 27, 1921: respecting the attachment of low wages and small salaries due to workers and employees. Official Gazette of the Republic of France, 30 July 1921. Provided by the ILO, Legislative Series, 1921.

Law of January 4, 1928: to amend section 29 of Book I of the Code of Labour and Social Welfare, respecting the rest period of lying –in women. Official Gazette of the Republic of France, 5 Jan 1928. Provided by the ILO, Legislative Series, 1928.

Law of February 1, 1928: modifying the Labour Code. Official Gazette of the Republic of France, 3 Jan 1928.

Law of April 5, 1928: on social insurance. Official Gazette of the Republic of France, 12 April 1928.

Law of August 4, 1930: to amend sections 61, 62, 63, 64, 69, 70c, 73 and 73b of Chapter IV of Part III of Book I of the Labour Code (attachment and assignment of wages and small salaries). Official Gazette of the Republic of France, 4 Aug 1930. Provided by the ILO, Legislative Series, 1930.

Decree of May 6, 1939: respecting the codification of the texts on unemployment and modification of certain of its provisions. Official Gazette of the Republic of France, May 7, 1939, No. 109, p. 5795.

Law of June 21, 1936: introducing the 40-hours-week in industrial establishments and commercial undertakings. Official Gazette of the Republic of France, 26 June 1936.

Law No. 4260: respecting the social organization of occupations. Official Gazette of the Republic of France, 26 Oct 1941. Provided by the ILO, Legislative Series, 1941.

Law No. 10: Compensation for employees of commercial establishments unemployed resulting from an act of war. Official Gazette of the Republic of France, 8 Jan 1944. Provided by the ILO, Legislative Series, 1944.

Law No. 58-158: to amend section 23 of Book I of the Labour Code. Official Gazette of the Republic of France, 20 Feb 1958. Provided by the ILO, Legislative Series, 1958.

Ordinance No. 67-581: to provide for certain measures to be taken in cases of dismissal. Official Gazette of the Republic of France, 19 July 1967.

Decree No. 67-582: fixing application modalities for articles 2 and 4 of the Ordinance No. 67-581. Official Gazette of the Republic of France, 19 July 1967.

Law No. 73-1: respecting temporary employment. Official Gazette of the Republic of France, 5 Jan 1972. Provided by the ILO, Legislative Series, 1972.

Law No. 73-680: modifying the Labour Code with view to the termination of the permanent employment contract. Official Gazette of the Republic of France, 18 July 1973.

Decree No. 73-808: fixing the modalities of application of paragraph 1bis of the chapter II of title II of the first book of the Labour Code regarding the termination of the permanent employment contract. Official Gazette of the Republic of France, 15 August 1973.

Law No. 75-5: on dismissals for economic reasons. Official Gazette of the Republic of France, 4 Jan 1975.

Law No. 73-4: Consolidated Labour Code as of August 15, 1975.

A 2.2. Emergence of EPL in the UK

EPL Indicator / Year	**1875**	**1911**	**1918**	**1919**	**1920**	**1921**	**1922**	**1923**	**1925**	**1927**	**1931**	**1932**	**1935**	**1937**	**1940**	**1941**	**1944**	**1946**	**1961**	**1963**	**1965**	**1971**	**1972**	**1974**	**1975**	**1975**
EPL																										
Max. Trial Period																										
Regulation of FTCs																				A						
Obligation to provide reasons to the employee																										A
Valid grounds																				A		+		+		
Prohibited grounds																						A		-		
Workers enjoying special protection																										
Notification Requirements																										
Notice Period																				A			+			
Severance/Redundancy pay																					A*					
Compensation for unfair dismissal																									A	
Reinstatement																									A	
Court Procedure			A													+										
Collective Dismissals																										
Other LMIs																										
Unemployment Insurance		A			+	+	+	+	+	+	+	+	-	+	+		+	+								+

A = Appearance; Plus indicates an increase of protection; Minus indicates a decrease of protection, Ch = Change in System.

* Redundancy Payments;

** In coal mines and 1961 in Factories.

Data Sources: UK

Act 38 & 39 Vict. c 90: Employers and Workmen. Dated: 1 September 1875. Available at: http://archive.org/details/handybookoflabou00howeuoft. Accessed: June/August 2013.

Act 1 & 2 Geo. 5. Ch. 55: National Insurance Act, Official Gazette, 1911. Available at: http://archive.org/details/nationalinsuranc00prin. Accessed: June/August 2013.

Act 10 & 11 Geo. 5. Ch. 30: Unemployment Insurance Act. Official Gazette, 9 Aug 1920. Provided by the ILO, Legislative Series, 1920.

Act 11 & 12 Geo. 5. Ch. 1: Unemployment Insurance Act. Official Gazette, 3 March 1921. Provided by the ILO, Legislative Series, 1921.

Act 11 & 12 Geo. 5. Ch. 15: Unemployment Insurance Act. Official Gazette, 1 July 1921. Provided by the ILO, Legislative Series, 1921.

Act 12 & 13 Geo. 5. Ch. 7: Unemployment Insurance Act. Official Gazette, 12 April 1922. Provided by the ILO, Legislative Series, 1922.

Act 13 & 14 Geo. 5. Ch. 2: Unemployment Insurance Act. Official Gazette, 29 March 1923. Provided by the ILO, Legislative Series, 1923.

Act 15 & 16 Geo. 5. Ch. 69: Unemployment Insurance Act. Official Gazette, 7 Aug 1925. Provided by the ILO, Legislative Series, 1925.

Act 17 & 18 Geo. 5. C. 30: Unemployment Insurance Act. Official Gazette, 22 Dec 1927. Provided by the ILO, Legislative Series, 1927.

Act 25 & 26 Geo. 5. Ch. 8: Unemployment Insurance (Consolidation) Act. Official Gazette, 26 Feb 1935. Provided by the ILO, Legislative Series, 1935.

Act 7 & 8 Geo. 6. Ch. 42: Unemployment Insurance Act. Official Gazette, 26 Oct 1944. Provided by the ILO, Legislative Series, 1944.

Act 3 & 4 Geo. 6. Ch. 44: Unemployment Insurance Act. Official Gazette, 25 July, 1940.1940. Provided by the ILO, Legislative Series, 1940.

Act 1963 c. 49: Contracts of Employment Act. Official Gazette, 31 July 1963. Provided by the ILO, Legislative Series, 1963.

Act 1965 c. 62: Redundancy Payments Act. Official Gazette, 5 Aug 1965. Provided by the ILO, Legislative Series, 1965.

Act 1971 c. 72: Industrial Relations Act. Official Gazette, 5 Aug 1971. Provided by the ILO, Legislative Series, 1971.

Act 1974 c. 52: Trade Union and Labour Relations, 31 July 1974. Available at: http://www.legislation.gov.uk/ukpga/1974/52/contents.

Act 1975 c. 71: Employment Protection Act. Official Gazette, 12 November 1975. Provided by the ILO, Legislative Series, 1975.

A 2.3. Emergence of EPL in Italy

EPL Indicator / Year	1917	1919	1923	1924	1934	1935	1937	1939	1947	1948	1949	1950	1955	1957	1960	1962	1966
EPL																	
Max. Trial Period		A		+													-
Regulation of FTCs		A*														+	
Obligation to provide reasons to the employee																	A
Valid grounds																	A
Prohibited grounds																	A
Workers enjoying special protection		A		-													
Notification Requirements																	
Notice Period		A		-													
Severance/Redundancy pay		A		+	-												
Compensation for unfair dismissal												A					+
Reinstatement												A					
Court Procedure		A		+								Ch			+		Ch
Collective Dismissals																	
Other LMIs																	
Unemployment Insurance	A**	+	-			+	+	+	+	+	+			+	+		+

A = Appearance; Plus indicates an increase of protection; Minus indicates a decrease of protection, Ch = Change in System.

* The law acknowledges the existence of such contracts and provides an attempt to regulate them, by precising equal treatment in case of dismissal, as for PC, in case the temporary contract has been used to circumvent the provisions regarding standard contracts;

** The legislative decree as of 1919 contains information on the existence of a law introducing a general compulsory unemployment insurance as per April 29, 1917 (No. 670); see also the ILO Publication "Government action in dealing with unemployment in Italy", Geneva, 1920, p. 28.

<u>Data Sources: Italy</u>

Legislative Decree No. 112: of the lieutenant -General relating to Contracts of Private Employment. Bulletin of the Labour Office, New Series VII, 46. Provided by the ILO, Legislative Series, 1919.

Legislative Decree No. 692: eight-hour day, Official Gazette of the Kingdom of Italy, 10 April 1923. Provided by the ILO, Legislative Series, 1923.

Decree No. 1955: approving the regulations concerning the limitation of the hours of work of wage-earning and salaried employees in industrial and commercial undertakings. Official Gazette of the Kingdom of Italy, 28 Sept 1923. Provided by the ILO, Legislative Series, 1923.

Legislative Decree No. 2686: issuing regulations for the settlement of disputes respecting rights under the contracts of employment of salaried employees. Official Gazette of the Kingdom of Italy, 26 Dec 1923.

Royal Decree No. 3158: respecting compulsory insurance against unemployment. Official Gazette of the Kingdom of Italy, 9 Feb 1924. Provided by the ILO, Legislative Series, 1924.

Legislative Decree No. 1375: to amend Legislative Decree No. 2686 issuing regulations for the settlement of disputes respecting rights under the contracts of employment of salaried employees. Official Gazette of the Kingdom of Italy, 17 Sept 1924. Provided by the ILO, Legislative Series, 1924.

Legislative Decree No. 1825: Contracts of Salaried Employment. Official Gazette of the Kingdom of Italy, 13 Nov 1924. Provided by the ILO, Legislative Series, 1924.

Law No. 401: to amend section 10 of Legislative Decree No. 1825 respecting the contract of employment of salaried employees. Official Gazette of the Kingdom of Italy, 22 March 1934. Provided by the ILO, Legislative Series, 1934.

Legislative Decree No. 1827: to amend and consolidate the laws relating to social insurance. Official Gazette of the Kingdom of Italy, 26 Oct 1935. Provided by the ILO, Legislative Series, 1935.

Legislative Decree No. 463: to amend Legislative Decree No. 1827, to amend and consolidate the laws relating to social insurance. Official Gazette of the Kingdom of Italy, 20 April 1937. Provided by the ILO, Legislative Series, 1937.

Legislative Decree No. 1768: respecting the reduction of the weekly hours of work to forty hours. Official Gazette of the Kingdom of Italy, 26 Oct 1937. Provided by the ILO, Legislative Series, 1937.

Legislative Decree No. 636: to amend the provisions respecting compulsory insurance against invalidity and old age, tuberculosis and involuntary unemployment. Official Gazette of the Kingdom of Italy, 3 March 1939. Provided by the ILO, Legislative Series, 1939.

Law No. 264: to make provisions for the placement of and assistance to involuntary unemployed workers. Official Gazette of the Italian Republic, 1 June 1949. Provided by the ILO, Legislative Series, 1949.

Interconfederal agreement on individual dismissals as of October 18, 1950. Official Gazette of the Italian Republic, 29 Sept 1960. Available at: http://www.gazzettaufficiale.it/. Accessed: August 2013. Cited as: *"Collective agreement, 18 Oct 1950"*.

Decree No. 1011: of the President of the Italian Republic regarding the provisions on individual dismissals of employees in industrial enterprises. Official Gazette of the Italian Republic, 29 Sept. 1960. Available at: http://www.gazzettaufficiale.it/. Accessed: August 2013.

Law No. 1079: to amend Legislative Decree No. 692 of 15 March 1923 concerning the limitation of hours of work. Official Gazette of the Italian Republic, 30 Oct 1955. Provided by the ILO, Legislative Series, 1955.

Law No. 741: Transitional provisions to guarantee that workers enjoy certain minimum standards in matters of remuneration and conditions of work. Official Gazette of the Italian Republic, 18 Sept 1959. Provided by the ILO, Legislative Series, 1959.

Law No. 230: to prescribe rules for fixed-term contracts of employment. Official Gazette of the Italian Republic, 17 May 1962. Provided by the ILO, Legislative Series, 1962.

Law No. 604: to issue rules for the dismissal of individual employees. Official Gazette of the Italian Republic, 6 Aug 1966. Provided by the ILO, Legislative Series, 1966.

A 2.4. Emergence of EPL in Spain

EPL Indicator / Year	1919	1920	1923	1926	1931	1940	1941	1944	1956	1961	1963	1972	1974	1976
EPL														
Max. Trial Period														A
Regulation of FTCs				A				+						+
Obligation to provide reasons to the employee									A					
Valid grounds				A	+		+	+						
Prohibited grounds					A			+						
Workers enjoying special protection					A									
Notification Requirements									A			+		+
Notice Period					A			-						
Severance/Redundancy pay												A*		
Compensation for unfair dismissal				A	+		+							
Reinstatement					A		-	+	-					
Court Procedure				A	+	+	+							
Collective Dismissals												A		
Other LMIs														
Unemployment Insurance	A		+		-					+	+		Ch	

A = Appearance; Plus indicates an increase of protection; Minus indicates a decrease of protection, Ch = Change in System.

* Redundancy Pay.

Data Sources: Spain

Royal Order of March 31, 1919:	approving the regulations for the administration of the Royal Decree of 18 March 1919 concerning insurance against involuntary unemployment.
Royal Decree of October 1, 1919:	fixing the maximum working hours at 8 hours a day or 48 hours a week in all occupations. Gazette of Madrid, 4 April 1919. Provided by the ILO, Legislative Series, 1919.
Royal Decree of April 27, 1923:	respecting insurance against involuntary unemployment. Gazette de Madrid, 28 April 1923. Provided by the ILO, Legislative Series, 1923.
Law of August 23, 1926:	Royal Decree to approve the Labour Code. Gazette of Madrid, 1926. Provided by the ILO, Legislative Series, 1926.
Decree of May 25, 1931:	to establish a department for the development and operation of provision against unemployment. Gazette of Madrid, 27 May 1931. Provided by the ILO, Legislative Series, 1931.
Law of November 21, 1931:	Law respecting contracts of employment. Gazette of Madrid, 22 Nov 1931. Provided by the ILO, Legislative Series, 1931.
Law of November 27, 1931:	respecting joint boards for industrial and rural labour, rural property and agricultural production and industries. Official Gazette of Madrid, 28 Nov 1931. Provided by the ILO, Legislative Series, 1931.
Law of November 6, 1941 (1):	to amend section 89 of the Law of 21 November 1931 respecting contracts of employment. Official Gazette of the State, 20 Nov 1941. Cited as "Law of November 6, 1941 (1)".
Law of November 6, 1941 (2):	to amend sections 51 and 53 of the Law of November 27 1931 respecting joint boards, with respect to dismissals. Official Gazette of the State, 20 Nov 1941. Cited as "Law of November 6, 1941 (2)". Provided by the ILO, Legislative Series, 1941.
Law of January 26, 1944:	Decree to approve the consolidated text of the First Book of the Act respecting contracts of employment. Official Gazette of the State, 24 Feb 1944. Provided by the ILO, Legislative Series, 1944.
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Law No. 62/1961:	to establish a national unemployment insurance scheme. Official Gazette of the State, 24 July 1961. Provided by the ILO, Legislative Series, 1961.
Law No. 193:	to define the basic principles of social security. Official Gazette of the State, 30 Dec 1963. Provided by the ILO, Legislative Series, 1963.
Decree No. 3090:	respecting employment policy. Official Gazette of the State, 15 Nov 1972. Provided by the ILO, Legislative Series, 1972.
Law No. 16:	respecting employment relationships. Official Gazette of the State, 21 April 1976. Provided by the ILO, Legislative Series, 1976.

A 2.5. Emergence of EPL in Greece

EPL Indicator / Year	1920	1926	1928	1930	1932	1934	1935	1936	1945	1949	1953	1954	1955
EPL													
Max. Trial Period	A												
Regulation of FTCs	A*												
Obligation to provide reasons to the employee													
Valid grounds													
Prohibited grounds	A		+										
Workers enjoying special protection			A										
Notification Requirements				A									
Notice Period	A			+			+						
Severance/Redundancy pay				A									+
Compensation for unfair dismissal													
Reinstatement													
Court Procedure	A												+
Collective Dismissals						A**					+		
Other LMIs													
Unemployment Insurance									A	+		-	

A = Appearance; Plus indicates an increase of protection; Minus indicates a decrease of protection, Ch = Change in System.

* Recognition of the use of temporary contracts as the Law on Contracts of Employment (Dismissal of Salary Earners) is only applicable to indefinite contracts;

** Only applicable for public utility undertakings.

Data Sources: Greece

Law No. 2112: respecting obligatory notice of the termination of the contract of employment of private employees. Dated March 11, 1920. Provided by the ILO, Legislative Series, 1920.

Law No. 2193: to amend and supplement certain Acts for the protection of workers. Dated June 5, 1920. Provided by the ILO, Legislative Series, 1920.

Law No. 2269: respecting the ratification of the International Convention adopted by the Washington International Labour Conference concerning the limitation of hours of work in industrial undertakings to eight hours a day and 48hours a week. Dated June 24, 1920. Provided by the ILO, Legislative Series, 1920.

Royal Decree of July 16, 1920: extending Act 2112 respecting obligatory notice of the termination of the contract of employment of private employees to workers, craftsmen and servants of all kinds. Dated July 16, 1920. Provided by the ILO, Legislative Series, 1920.

Decree of March 15, 1926: respecting the application of the eight-hour day to dye-works. Dated March 15, 1926. Provided by the ILO, Legislative Series, 1926.

Decree of June 22, 1927: to regulate hours of work in butchers' shops, slaughter-houses and knackers' yards. Dated June 22, 1927. Provided by the ILO, Legislative Series, 1927.

Law No. 3502: to ratify the Legislative Decree of November 13, 1927, to ratify the Legislative Decree of September 21, 1926 respecting hours of work in commercial establishments. Dated April 24, 1928. Provided by the ILO, Legislative Series, 1928.

Decree of December 8, 1928: respecting the position of salaried employees called up for military service. Dated December 8, 1928. Provided by the ILO, Legislative Series, 1928.

Law No. 4558: Act to amend and supplement Act no. 2112 respecting obligatory notice of the termination of the contract of employment of salaried employees. Dated April 19, 1930. Provided by the ILO, Legislative Series, 1930.

Decree of June 27, 1932: to consolidate and supplement the provisions relating to the eight-hour working day. Dated June 27, 1932. Provided by the ILO, Legislative Series, 1932.

Law No. 6299: to amend and supplement Act no. 2112 respecting obligatory notice of the termination of the contract of employment, as amended and supplemented by Act no. 4558. Dated September 29, 1934. Provided by the ILO, Legislative Series, 1934.

Law of November 19, 1935: to amend and supplement certain labour laws. Dated November 19, 1935. Provided by the ILO, Legislative Series, 1935.

Decree of June 13, 1936: to extend the provisions respecting the eight-hour day to oxygen welders, crane and winch drivers, hydrogen welders and welders of articles made of lead or substances containing lead. Dated June 13, 1936. Provided by the ILO, Legislative Series, 1936.

Decree of June 30, 1936: to extend the provisions respecting the eight-hour day to wine factories, distilleries, glucose factories, factories for various beverages, and malt houses. Dated June 30, 1936. Provided by the ILO, Legislative Series, 1936.

Law No. 118: respecting the insurance of employees in industrial undertakings against unemployment. Dated February 13, 1945. Provided by the ILO, Legislative Series, 1945.

Legislative Decree No. 1255: to amend certain provisions of Act No. 118 of 1945 respecting the insurance of employees in industrial undertakings against unemployment and to extend the application of Act No. 118 to industrial, handicrafts, commercial and other industrial undertakings and to confirm decisions taken respecting assistance to unemployed persons in Naoussa. Dated October 31, 1949. Provided by the ILO, Legislative Series, 1949.

Legislative Decree No. 2511: respecting the control of mass dismissals. Dated August 6, 1953. Provided by the ILO, Legislative Series, 1953.

Legislative Decree No. 2655: to amend and supplement Act No. 2112 of 1920, respecting notice of termination of the contract of employment. Official Gazette, 31 Oct 1953. Provided by the ILO, Legislative Series, 1953.

Legislative Decree No. 2961: to create an Employment and Unemployment Insurance Organisation. Dated August 10, 1954. Official Gazette, 25 Aug 1954. Provided by the ILO, Legislative Series, 1954.

Law No. 3198: to amend and supplement the provisions relating to the termination of contracts of employment. Official Gazette, 23 April 1955. Provided by the ILO, Legislative Series, 1955.

Law No. 3464: to amend and supplement the provisions on unemployment insurance. Dated: December 30, 1955. Provided by the ILO, Legislative Series, 1955.

Law No. 1483: concerning protection and facilities for workers having family responsibilities and amending and improving certain labour laws. Dated October 8, 1984. Provided by the ILO, Legislative Series, 1984.

A 2.6. Emergence of EPL in Portugal

EPL Indicator / Year	1919	1933	1934	1934	1936	1969	1974	1976
EPL								
Max. Trial Period						A		
Regulation of FTCs						A		-
Obligation to provide reasons to the employee								
Valid grounds								
Prohibited grounds		A				+		
Workers enjoying special protection		A	+			+		
Notification Requirements						A		
Notice Period						A		
Severance/Redundancy pay						A		
Compensation for unfair dismissal						A		
Reinstatement								
Court Procedure		A	Ch					
Collective Dismissals							A	
Other LMIs								
Unemployment Insurance								

A = Appearance; Plus indicates an increase of protection; Minus indicates a decrease of protection, Ch = Change in System.

Data Sources: Portugal

Decree No. 5516: limiting the Hours of Work of Workers and Employees in Commercial and Industrial Establishments. Journal of the Government, 7 May 1919. Provided by the ILO, Legislative Series, 1919.

Legislative Decree No. 23048: to promulgate the National Labour Code. Journal of the Government, 23 Sept 1933. Provided by the ILO, Legislative Series, 1933.

Legislative Decree no. 23053: to set up a National Labour and Provident Institution in the Under-Secretariat of Corporations and Provident Institutions, and to abolish the Compulsory Social Insurance and Provident Institution and the existing industrial accident boards, conciliation boards and arbitration boards for provident institutions. Journal of the Government, 23 Sept 1933. Provided by the ILO, Legislative Series, 1933.

Legislative Decree 24402: to regulate the hours of work in commercial and industrial undertakings. Journal of the Government, 24 Aug 1934. Provided by the ILO, Legislative Series, 1934.

Legislative Decree No. 24363: to supersede Legislative Decree no. 24194 respecting the procedure and work of the labour courts. Journal of the Government, 15 Aug 1934. Provided by the ILO, Legislative Series, 1934.

Legislative Decree No. 25701: to authorise the Under-Secretary of State for Corporations to fix minimum wage rates wherever it is observed that there is a regular decline in wages on account of unrestricted competition in any branch of commerce or industry and that the said wages are falling below a reasonable rate. Journal of the Government, 1 Aug 1935. Provided by the ILO, Legislative Series, 1935.

Legislative Decree no 26917: to amend legislative Decree no 24402 to regulate the hours of work in commercial and industrial undertakings. Journal of the Government, 24 Aug 1936. Provided by the ILO, Legislative Series, 1936.

Legislative Decree No. 29006: to extend the powers granted to the Government by Legislative Decree No. 25701 to fix minimum salaries and wages and to lay down rules for the more effective application thereof. Journal of the Government, 17 Sept 1938. Provided by the ILO, Legislative Series, 1938.

Legislative Decree No. 32749: to authorise the Under-Secretary of State for Corporations and Social Welfare to issue regulations by order respecting conditions of employment , when superior economic interests and social justice so require, and further to authorise the said Under-Secretary of State to provide by order for the application of all or certain of the clauses of the collective agreements in force to identical or similar activities or occupations which are not covered by these agreements and to repeal Legislative Decree No. 25701 as modified by Legislative Decree No. 29006. Journal of the Government, 15 April 1943. Provided by the ILO, Legislative Series, 1943.

Legislative Decree No. 49408: to approve a new set of rules governing individual contracts of employment. Journal of the Government, 24 Nov 1969. Provided by the ILO, Legislative Series, 1969.

Legislative Decree No. 783: to lay down rules governing collective dismissals. Journal of the Government, 31 Dec 1974. Provided by the ILO, Legislative Series, 1974.

Legislative Decree No. 781: to regulate contracts of employment of limited duration. Journal of the Government, 28 Oct 1976. Provided by the ILO, Legislative Series, 1976.

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