



# Social protection and labour market policies for vulnerable groups from a social investment perspective

The case of people with a migratory background in Belgium/Flanders

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## Preface

The European project RE-InVEST re-assesses the role of active labour market and social protection policy for integrating vulnerable groups from a social investment perspective that the EU endorsed as a response to the financial crisis. This Belgian national case study of RE-InVEST used peer research to investigate the nature and effect of relevant policies concerning unemployed persons with a migratory background. This report analyses the counselling services in Flanders, where two services have the task to reintegrate unemployed people. The main research question is the quality of the counselling and the possible differences between the counselling services. Lessons can be learned from these analyses. The qualitative research addresses the question if the counselling comply with the social investment perspective from a human rights and capability approach. We detected that the counselling has negative consequences for the clients, especially for people with a migratory background. It increases fatalism among people with a migratory background. Those people tend to lose every hope for an opportunity to develop their talents or any hope for a life they have reason to value. The unilateral focus on the demand side and a lack of insight in the supply side has negative consequences on participation, agency and choice. Though activation is a goal, counselling is not guided by social investment in general.

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# 1. Introduction

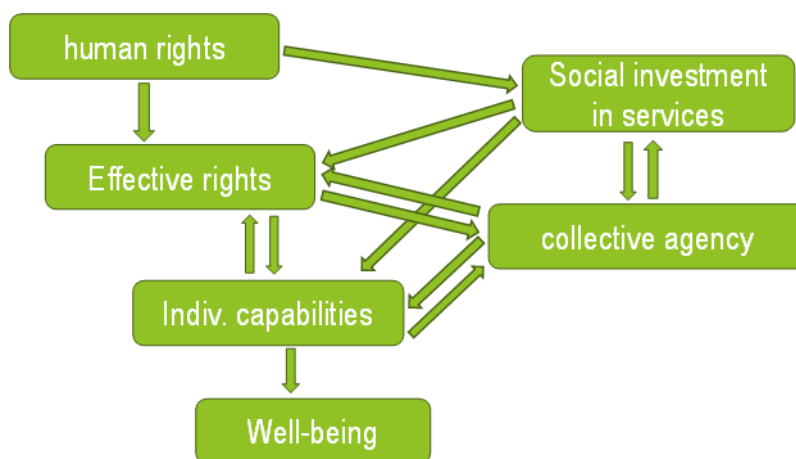
This report was prepared in the framework of the Europe H2020 project ‘Rebuilding an inclusive, value based Europe of solidarity and trust through social investments’ (RE-InVEST). The RE-InVEST project aims to contribute to more solidary and trustworthy Europe, through an inclusive, powerful and effective social investment strategy at the EU level. Moreover, the project itself adopts a participative approach that lends a voice to vulnerable groups and civil society organisations. The RE-InVEST consortium consists of members of the informal network ‘the Alliances to fight Poverty’, a network of civil society organisations, trade unions, policy makers and academics co-ordinated by the Flemish Christian labour movement ‘beweging.net’, and committed to a more inclusive Europe. The consortium covers a broad range of European countries, both geographically (12 countries, 13 regions) and in terms of representation of different welfare and labour market traditions. The analyses are carried out by the local partners, who consist of NGOs and/or researchers.

In particular, this report is one of the seven national case studies that make up the qualitative research of the RE-InVEST work package ‘Investing in social protection and inclusive labour market policies’. The purpose of this work package can be summarised as follows:

- Re-assessing the role of social protection and active labour market policies (ALMPs) from a social investment perspective. This means that our theoretical framework, which builds on the key notions of social investment, human rights and capabilities, will be used as the reference framework to evaluate the role of social protection and ALMPs in producing sustainable social inclusion.
- Applying this framework to the evaluation of national/regional policies through participatory qualitative research into specific measures in the field of ALMPs and social protection, from the perspective of the most vulnerable groups. Special attention is being devoted to recent reforms and innovations (the EC’s Youth Employment Initiative, social activation, social enterprises, tax-benefit reforms, etc.). Mixed research teams have carried out this research in seven countries (England, Portugal, Switzerland, Latvia, Belgium, France and Austria) between September 2016 and June 2017.
- In addition to the national case studies, a statistical analysis is focusing on the distributional effects as well as the effectiveness of social protection systems and ALMPs based on the EU-SILC data, by means of multilevel hazard models.
- The combined findings will result in a synthesis report as well as recommendation papers for the Annual Growth Surveys.

The theoretical framework applied in the RE-InVEST project builds on a human rights and capabilities approach. The model is spelled out in Figure 1.1 below.

**Figure 1.1 From human rights and capabilities to individual wellbeing**



Formal human rights (e.g. right to work, right to social protection) are values, social norms which do not automatically result in improved wellbeing. For the implementation of such rights (mainly in the field of economic, social and cultural rights), different types of policy measures need to be implemented: legislation, organisation of (public) services, subsidies, social transfers, inspection, judicial enforcement, ... From a capabilities perspective, the welfare system surrounding vulnerable individuals can be seen as a set of conversion factors. Although some legal measures may establish effective rights (e.g. right to a guaranteed minimum income), most policies necessitate additional ‘social investment’ in individual and collective capabilities through public or subsidised service provision (e.g. training provided by the employment agency) and the transfer of power and resources – either directly to individuals/households (e.g. social benefits), or to government agencies, companies and civil society organisations (e.g. employment or training subsidies). These ‘collectives’ in turn interact with individuals and may invest in their capabilities.<sup>1</sup> Collectives can enhance or restrain individual capabilities. The individual

The well-being of vulnerable individuals is reflected in their actual levels of functioning in various dimensions of life (family life, social and cultural participation, work, housing, education etc.) but also in the full range of available alternative options in each dimension. Freedom of choice is therefore an essential quality characteristic of social investment policies. For example, ‘work first’ programmes (prioritising the take-up of low-paid work over training, and irrespective of any match with the job seekers’ competences or aspirations) may result in higher short-run employment effects; however, such measures may well constrain the beneficiaries’ freedom and future employability to such an extent that their capabilities and well-being are reduced. In the field of social protection, income transfers can be seen as resource supplements that enable households or individuals to invest in their own education, housing, health, mobility - as well as in their children or other dependant household members. From this perspective, generous social protection schemes can foster the employability and social inclusion of vulnerable groups: this perspective predicts the opposite of the ‘making work pay’ paradigm, which advocates lower benefits - of limited duration - as an incentive to take up work.

RE-InVEST aims at giving vulnerable people a voice through participatory action research that can be used in policy recommendations and advocacy at local, national and EU level. Participatory action research views participants as co-researchers who have special knowledge about their own situation. Rather than being just interviewed about their experiences or views, vulnerable people are enabled to take part in examining, interpreting, and reflecting on their own social world, shaping their sense of identity, and getting a voice in public deliberation (another key dimension of capabilities).

<sup>1</sup> Individuals in turn can invest in collective capabilities through contributions and/or voluntary action.



This necessitates an iterative process of knowledge generation that includes several steps of mutual trust building, knowledge production and sharing, empowerment, newly generated knowledge and action that builds upon this knowledge. Crucial for this kind of knowledge generation is the ‘merging’ or ‘crossing of knowledge’ that comes from three parts: academic knowledge developed by researchers; experiential knowledge acquired by vulnerable people throughout their lives; and the knowledge of professionals and civil society organisations that work with them (figure 1.2). Every research team at local level includes members from these three different backgrounds.

**Figure 1.2 Merging of Knowledge**



The Belgium report is co-created with the peer-researchers. These peer-researchers were volunteers during the research of the work package 3 about the impact of the crisis. These volunteers looked for potential interviewees and discussed with them the market labour measures. Beforehand we discussed with the peer researchers these measures. The interviews are the result of a mix of the knowledge of the interviewees and the peer researchers. Afterwards, we confronted other stakeholders with these interviews. A more nuanced report is the result.



## 2. From redistribution over activation to 'making work pay'

### 2.1 The emergence of the Belgian social security system

The Belgian labour market policies and social protection policies have been developed since the Second World War and are largely based on income redistribution. In the event of loss of one's income, rather limited unemployment benefits reduce the risk of poverty. These unemployment benefits are not limited in time and more or less unconditional (the willingness to work being the main condition). The social security system is jointly organized by the social partners and the federal government. Changes of the social security system have to be supported by the social partners. Should those fail to reach a consensus, any changes can be implemented by the federal government.

The discussion about the unemployment benefits has always been centred on the conditions and the time limits of the unemployment benefit.<sup>2</sup> The Belgium unemployment scheme is one of the most unconditional systems in Europe, but a system with very low levels of benefits. The benefits always remain under the European threshold of poverty.<sup>3</sup> The federal service for employment (Rijksdienst Voor Arbeidsvoorziening) is responsible for unemployment benefits, control of the willingness to work, sanctions and employment counselling.

Next to this social security system, there is a system of a basic minimum income scheme for those who have no access to the social security system. This system is organized by the social services of local governments (Centrum voor Openbare Onderstand - COO). Those services can - within certain margins - deviate from the federal rules and adjust the minimum income scheme to the needs of the help-seeker. The COO was in the first place a local service centre that mainly provided financial support. In 1976 these social services became 'social services for well-being' (Openbare Centra voor Maatschappelijk Werk - OCMW). The purpose of this change was to enlarge the mission of the services. Income redistribution no longer is the core business of these new social services, but rather the well-being of the community and especially the social integration of the most vulnerable people. The mission of these services is to guarantee the social and human rights. Since their emergence, they have added their tools and methods with a view to fulfilling their goal of social integration.

The Belgian social security system became a broad system, a system that more and more succeeded in incorporating the notion of human and social rights.

Up until the 1960s, the unemployment scheme discriminated women. The conditionality was stricter for women than for men. Even the benefits they could claim were lower. From the 1960s onwards, these discriminations were removed and the general level of benefits was raised.

With the transformation of the COO into the OCMW, the well-being of the community and the most vulnerable people became a core activity. The 1970s witnessed the same enlargement of goals in other

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2 Cedric D'haese onder leiding van Prof. dr. Bart Cockx. De historische evolutie van de rechten en plichten in de werkloosheidsverzekering. Masterproef voorgedragen tot het bekomen van de graad van Master in de algemene economie, 12 augustus 2010. This study is used as background for this introduction.

3 Decenniumdoelen2017, 9e armoedebarmometer. [www.decenniumdoelen.be](http://www.decenniumdoelen.be)

domains too. Urban renewal, for instance, proposed neighbourhood development instead of mere demolition of neighbourhoods.

## 2.2 Control of the budget

The economic crisis of the 1980s and 1990s put a severe pressure on the Belgian social security system. The increase of unemployment was tremendous: every group on the labour market, and especially the young people, suffered heavily from the crisis. The Belgian government decided to organize a devaluation of the Belgian currency as an answer to the economic crisis. The employment policy was first of all a wage cost policy. Secondly, the control of the willingness to work was tightened in 1991 and that resulted in (large-scale) suspensions of unemployment benefits. Thirdly, work experience projects and incentives for target groups were developed.

In the first years of the crisis of 2008, the access to unemployment benefits became easier: more people were given an allowance without the condition of willingness to work. A system of pre-pension combined with unemployment allowances was introduced to help young people to work. However, the cost of the unemployment benefit system became unbearable. Consequently, the control of the willingness to work was intensified and the time constraints were made more rigorous. Control of the budget became the main concern of the Belgium government.

## 2.3 The introduction of activation

From the 1990s onwards, first emphasis was put on activation. The economic crisis of the 1970s and 1980s came to an end and the need for an active labour market policy and an active social security policy became compulsory. The social-democrats who had become part of the government, developed the notion of the active welfare state.

In 1993 an ‘emergency program for a more inclusive society’ was set up. In this federal program the notion of an ‘individualized project for social integration’ (Geïndividualiseerd Project voor Maatschappelijke Integratie) was launched, introducing a contract between the help-seeker and the OCMW: the allowance becomes a lever to activate people. This program became the standard in the new law on social integration in 2002. It was obligatory for young people under 25, and optional for older people. For young people the focus was on employment. Should employment be impossible, the help-seeker is given an allowance provided he accepts to be part of an activation program?

The GPMI starts from the help-seeker’s expectations, skills, needs and wishes and the opportunities means available to the OCMW. Different types of activation programs are possible, such as programs for education, training or work experience. The contract includes potential sanctions if the help-seeker fails to fulfil the obligations of the GPMI.<sup>4</sup>

At the same time the debate on the constitutional reform of the federal state was waging. The 1980s and 1990s transformed the unitary state into a federal state. One of the consequences was that employment counselling of the RVA (Federal employment office) became a regional competence. The regional governments could also deploy their own employment policy: employers willing to hire target groups (like older people, young people, lowly schooled people or people with a migratory background) were offered subsidies and social economy projects (projects creating jobs for vulnerable groups or people with little or no access to the labour market) were also granted subsidies.

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<sup>4</sup> Depauw, J., Méhauzen, L., Driessens, K. & Franssen, A. (2015), Het geïndividualiseerd project voor maatschappelijke integratie. Een verkennend en evaluatief onderzoek in de Belgische OCMW's, Antwerpen, Karel de Grote-Hogeschool; Driessens, K., Depauw, J., Franssen, A. & Méhauzen, L. (2016).

As a consequence of the regionalisation the Flemish service for job placement (Vlaamse Dienst voor Arbeidsbemiddeling en Beroepsopleiding) was created. The goal of this new service was to have an impact on the labour market whilst tuning in with the economy and society. In 2004, the VDAB took full responsibility for the job placement services. The VDAB developed numerous instruments to help people find a job. Its emphasis was on counselling and helping unemployed people to jobs: competence enhancing through training and work experience were their main tools. They also assisted and worked together with anti-poverty organisations in order to improve their counselling. A contract between the VDAB and the unemployed is at the very heart of the counselling effort. The contract contains the rights and the duties of the unemployed. The description of those rights and duties became central in the discussions.

## 2.4 'Making work pay' as the new paradigm

Among the countries of the Eurozone, Belgium is one of the countries that showed considerable resilience to the crisis. Yet, the European governments, guided by the 'Growth and Stability Pact'<sup>5</sup>, accepted adjustment plans with a view to restoring the health of their public finances. The first years after the crisis, the Flemish government developed an anti-crisis plan based on investment and on raising the household budgets.<sup>6</sup> From 2012 onwards, the backlash of the crisis was felt. For the first time since the crisis a small negative growth was noted.<sup>7</sup> Unemployment was increasing. The federal government introduced measures to discourage access to unemployment benefits. Young people, having just left school, were granted unemployment benefits after a six month waiting period. This right was not limited in time. The federal government, however, limited the said right to three years.

In 2014, a new government was composed after an electoral victory of the Nationalist conservative party. This party was now in control of both the federal and the Flemish governments. New and tighter anti-crisis measures based on a more conservative and neo-liberal ideology were implemented.<sup>8</sup> Anti-crisis measures initially focusing on positive investment plans, gave way to austerity and adjustment.

The anti-crisis measures, with an overall negative impact can be grouped into four categories: increased conditionality (e.g. restricted access to social housing), cuts in public services (e.g. 900 million EUR less expenditures for education), higher personal contributions for basic needs and provisions (e.g. higher personal contribution for day care centres or public transport), and 'making work pay' policies.<sup>9</sup>

The 'making work pay' policies are a kind of carrot and stick policy. Basically it is a tax reform granting a tax reduction to people that work fulltime. This reform depends on the income: the lower the income, the more you get each month. This tax reform is only for people that work fulltime.<sup>10</sup> The stick elements are manifold: all unemployed people, even those on a pre-pension, must show their willingness to work; young

5 The Stability and Growth Pact (SGP) is a set of rules designed to ensure that countries in the European Union pursue sound public finances and coordinate their fiscal policies.

[http://ec.europa.eu/economy\\_finance/economic\\_governance/sgp/index\\_en.htm](http://ec.europa.eu/economy_finance/economic_governance/sgp/index_en.htm)

6 De Vlaamse Begroting 2009. P. 3 and 4.

[http://fin.vlaanderen.be/nlapps/data/docattachments/nhoora\\_Vlaamse\\_Begroting\\_2009.pdf](http://fin.vlaanderen.be/nlapps/data/docattachments/nhoora_Vlaamse_Begroting_2009.pdf)

7 The Belgium economy showed a greater resilience than the rest of the Eurozone. In 2010 and 2011 the economy grew with 2.3% and 1.8% a gradual slowdown in activity began in the second quarter of 2011 and continued in 2012. 2012 noticed an economic growth of -0.1%. From 2013 on there is a small recovery (+0.2%). Dalila Thaliana. The impact of the crisis on fundamental rights across Member States of the EU. Country Report on Belgium. Study for the LIBE Committee. Brussels. 2015.

8 <http://www.dewereldmorgen.be/artikel/2014/10/15/regering-michel-krijgt-al-meteen-een-betoging-en-vier-stakingen-op-het-bord>

9 An overview of the austerity measures of the Flemish government: <http://www.demorgen.be/binnenland/exclusief-dit-is-de-rekening-van-bourgeois-i-be6ec2f7/>. An overview of the austerity measures of the Federal government: <http://trends.knack.be/economie/beleid/waar-haalt-michel-i-11-2-miljard-euro-10-maatregelen/article-normal-443859.html>

10 See also the research of Decenniumdoelen2017 about the consequences of the Belgium austerity programs for low income households. [www.decenniumdoelen2017.be](http://www.decenniumdoelen2017.be)

people are only given an unemployment allowance until the age of 25; young people under the age of 21 must prove that they have made every effort to present an interesting profile to the labour market. Young people under the age of 21 leaving school without a certificate, are not entitled to an allowance.

The implications are enormous: more than 167,000 jobless people are no longer entitled to unemployment benefits. Never before that figure was so high.<sup>11</sup>

The GPMI has also been strengthened. Before 2016 it was only compulsory for young people under the age of 25. From mid-2016 onwards, the GPMI is compulsory for all the help-seekers. Whereas the old GPMI-system focused on integration into society, the new GPMI highlights the integration into the labour market.<sup>12</sup> Next to this enhanced GPMI scope, government introduced also voluntary community service work as an instrument to lower the obstacles to integration. This community service work as an instrument can be seen as an element of the GPMI. Each GPMI is a separate contract and sanctions are possible if the obligations of the contract are not fulfilled. The comments on the new GPMI were severe: the new GPMI reveals a distrust of the help-seeker.<sup>13</sup> Others, such as ATD - Fourth World, feared that vulnerable people would be unable to fulfil all of the time all the obligations of the contract. 'People experiencing poverty lead an unstable life and instability has implications as far as respecting a contract is concerned. One day it is possible to respect the terms, the next day impossible. Will the GPMI take into account these elements?'<sup>14</sup>

Since 2016 the tasks of the VDAB have been broadened to include control and sanctioning of the unemployed. Before, they were only responsible for job placement. The role of the counsellors has changed, and more than ever before, sanctions loom over the heads of the unemployed. However, the VDAB appears to be struggling with its new role and task. In the course of 2016, the agency has imposed less sanctions than in the Walloon and Brussels region where a socialist government<sup>15</sup> is in power.

The relationship between the OCMW and the VDAB has been intensified. From 2017 onwards, work experience programs offered by the OCMW fall within the scope of the VDAB in order to facilitate the transition from integration (traditionally an OCMW task) to activation on the labour market. The OCMW remains responsible for counselling. This intensified relationship implies that integration is narrowed down to a labour market type of integration. The initial goal of the OCMW, integration into society, is pushed into the background.

## 2.5 From integration to activation

The Belgian social security system developed along the same lines as the systems in other countries. The social security system was set up in the wake of the Second World War. It was not a generous system, but it was neither bound by strict conditions, nor by time constraints. What with an increased focus on human rights, this system became more ever more right-based. Especially the OCMW was changed from a simple conditional money-granting instance, to an instance that was promoting real integration into society.

In this first period we see a trend towards the inclusion of human rights into the social security system.

The economic crisis of the 1970s and 1980s changed the context. Mass unemployment imposed a strict budgetary control on governments and strict rules were governing access to unemployment benefits. Control and sanctions were the key features. Sayings like 'unemployed people are too lazy to work' or 'a woman

11 De Tijd, 17/03/2017, Recordaantal werklozen zonder uitkering.

12 Omzendbrief naar aanleiding van de wet van 21 juli 2016 houdende wijziging van de wet van 26 mei 2002 betreffende het recht op maatschappelijke integratie.

13 Driessens, K. & Depauw, Jan, Leefloontrekkers integreren via een contract. Tegendraads wetsontwerp straalt wantrouwen, uit. Sociaal.net

14 [https://www.atd-vierdewereld.be/IMG/pdf/echo\\_s\\_vu\\_1\\_oktober\\_2016-2.pdf](https://www.atd-vierdewereld.be/IMG/pdf/echo_s_vu_1_oktober_2016-2.pdf)

15 De Standaard 10/03/2017. N-VA vraagt hoorzitting met VDAB in Vlaams Parlement. [http://www.standaard.be/cnt/dmf20170310\\_02772834](http://www.standaard.be/cnt/dmf20170310_02772834)

whose husband is a doctor, should not benefit from the social security system' were rife during those days. A conservative paradigm seemed to reign.

From the 1990s onwards, with the participation of the social democrats to the government, the implementation of the control and sanctions changed. The active welfare state was the new tenet. Activation its key feature. As job placement and control (a regional type of control, and a federal one) were unhitched, the VDAB could invest in counselling. This novel approach was contract-based, but with a focus on the rights of the job-seeker. Special attention was given to more vulnerable groups, like people experiencing poverty, people with a handicap and with a migratory background.

During these years the active welfare state was deployed.

The backlash of the last economic crisis of 2008, changed the discourse. And, just like in the 1980s, a control of the beneficiaries came to the forefront. Budgetary control was necessary, restrictive access to the social security system was introduced. Next to this agenda of control, 'making work pay' seemed to surface in the Belgium system: 'making work pay' is now at the core of the social security system. This 'making work pay' paradigm goes hand in hand with ideas of a tightening control.

As a consequence, integration became simple activation. The active welfare state focused also on activation, but it stayed well within the boundaries of an integration policy. Nowadays, integration has disappeared from the background. The GPMI is centred on activation. Even voluntary community service work is based on preparedness to work.

The Belgium active welfare state with unconditional benefits became a conditional system.

## 2.6 Research questions

In the above, we gave an overview of the evolution of the Belgian active labour market policies. The trigger for a new paradigm was always the need to control the budget. In more prosperous times the active labour market policies are based on integration and inclusion; in harsher times the active labour market policies are rather based on exclusion and control. Since 2012 the emphasis is back on control. Have these policy changes also had an impact on budgets?

The following graphs show the evolution of budgets for the labour market policies (Figure 2.1) and the active labour market policies (Figure 2.2). Both are based on the sum total spending of the federal and regional governments.<sup>16</sup>

Figure 2.1 shows the evolution of spending in Belgium and in Europe. The amount of support (unemployment benefits) is rising until 2009 and then steadily declining. The budget available for measures is rather stable with a slight upswing until 2011 followed by an equally slight decline. The cost for services remains stable. Compared to the European median, we see that support is very high in Belgium. Although the budget for measures is small as compared to the budget needed for support, this budget still easily exceeds the European median.

The consequence of more control and more exclusion is a reduced budget for support.

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<sup>16</sup> These graphs are made by Dr. René Lehweß-Litzmann, Soziologisches Forschungsinstitut Göttingen (SOFI), as a part of the quantitative research scheduled in the work package 5 of the the RE-InVEST-project.

Figure 2.1 The evolution of budgets for the labour market policies

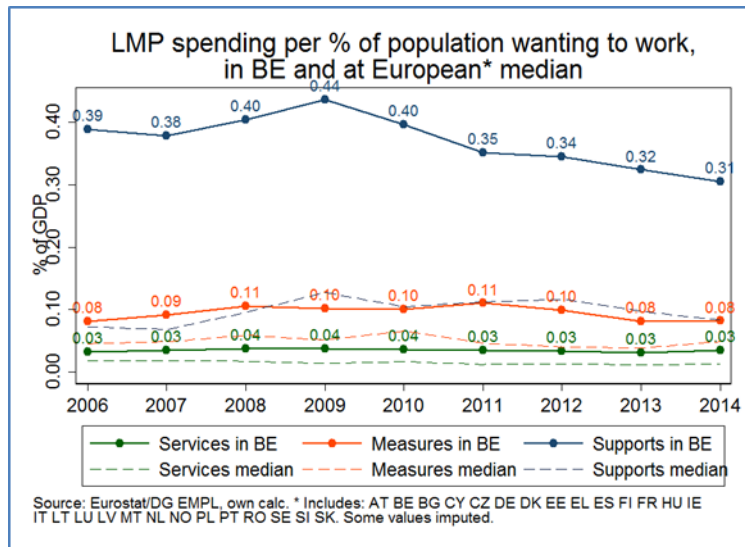


Figure 2.2 The active labour market policies

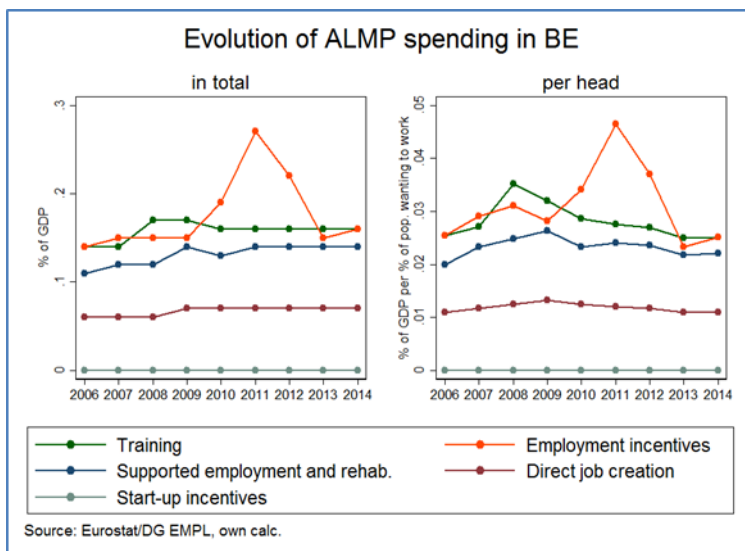


Figure 2.2 highlights spending on active labour market policies. The second graph shows the budgets for training, employment incentives, supported employment and rehabilitation, direct job creation and start-up incentives.

Except for employment incentives, the budget for the four other measures remains stable. Looking at the budget spending's per head, one sees that the budget for training, supported employment and rehabilitation is declining.

In both graphs the incentives for employment follow the same course. What is striking is the decline of the budget per head. The total budget remains stable, but it has to be distributed among more people. This means less budget per head. Less budget per head imposes a greater need for efficiency on the counsellor or less training hours.

A micro-analysis will give us a better insight into these budgetary evolutions.



The introduction to the evolution of the Belgium social security system and more specific the labour market policies and social protection system, reveals an emphasis on counselling from the 1970s onwards. Counselling was a key feature of the methods used by the OCMW after their transition from COO into OCMW. Integration is the main concern of the OCMW. The VDAB as a job placement centre also used counselling as its main tool, but activation is its main concern.

The OCMW has always played two roles: a role of helping people and one of controlling people. The OCMW can sanction people. One of the sanctions is the possibility of removal of the allowance. Until this year, the VDAB did not have the power to do so. When a job-seeker did not respect his or her duties, the VDAB had to inform the RVA which could then choose to sanction the job-seeker. A quality criterion for the VDAB is the number of sanctions taken. You could say, the less sanctions have been dispensed, the better the counselling.

The difference that exist between OCMW counselling and VDAB counselling, is our main research topic. Is there a difference between the counselling if the organisation main concern is integration or activation? Has the described evolution of the two organisations changed the manner of counselling? Are there still notions of integration or are they disappeared from the radar?

This research topic and questions were selected by our peer researchers. They have interviewed people with a migratory background who are either in a VDAB or in an OCMW counselling trajectory. The 6 peer researchers interviewed 18 job-seekers. They asked them questions about financial support, training, their evaluation of the contract, of the counselling, they asked in how far the possibility of having a real discussion about the contract existed, ...

Our 6 peer researchers, all people with a migratory background, were involved already in a previous focus group in the RE-InVEST-project and wanted to remain associated to any further developments of the project. We organised a two-day training on peer research and interview techniques and prepared together with them the interview questions. The 18 job-seekers that were interviewed were selected by the peer researchers themselves.

The answers to these questions reveal the quality of the counselling and the possible differences between the VDAB and the OCMW type of counselling. On the basis of this information, we can offer suggestions about counselling, suggestions that take into account the human rights and the empowerment of people.



### 3. Analysis of the counselling trajectory at the micro-level

The most obvious human right at stake is ‘the right to work’. To detail this and other rights, we will call on the principles of the European Pillar of Social Rights (EPSR)<sup>17</sup> as this constitutes the most recent available base in EU documentation. The EPSR sets out that ‘all working age persons shall have access to individualised job-search assistance and be encouraged to take up training and up-skilling in order to improve their labour market or entrepreneurial prospects and faster job and professional transitions.’ And, in addition ‘... people with low skills, calls for adequate and targeted support for (re)entering work as well as measures to develop, skills, qualifications or work experience to enable entering into new occupations.’

Registered long term unemployed persons are offered in depth individual assessments and guidance and a job integration agreement comprising an individual service offer ...’

In this qualitative research people with a migratory background in a vulnerable situation were interviewed. This implies special attention was given to related rights such as equal opportunities, the right of education (or to further develop one’s skills) and the right of access to social benefits and services. From a capabilities perspective, we have also highlighted the right of information and the right to ‘have your voice heard’ with regard to the measures and or contract applicable to the job-seekers. In a last paragraph we briefly refer to the need of sufficient material support and housing aid in order to be able to apply for job offers.

#### 3.1 The right to work

In this qualitative research, we focused on the trajectory of individualised job-search assistance of the two responsible institutions, namely the OCMW and the VDAB.

In the case of the OCMW, clients receive social protection benefits, but at the same time they are encouraged to seek means to (re)enter the labour market. In our interviews, the ‘right to work’ was often interpreted as ‘an obligation to accept every work offered by the assistant, regardless of the conditions or the job profile’. When a cleaning job was offered to a respondent - regardless of his or her skills -, the respondent often refrained from hesitating or formulating second thoughts. They confirmed they were forced to get a job within a year’s time, otherwise their allowance would be stopped.

*“If you do not accept the cleaning job, the OCMW is convinced that you do not want to work and will stop your allowance.”*

Other respondents were very reluctant to demonstrate their willingness to work “*I was very happy to get a job, I even didn’t wanted to know the conditions?*”, or did not dare to say “*I want to talk about work*” because they were confronted with a passive assistant stating that the respondent “*was strong enough to search a job on his or her own and didn’t need any help from the OCMW.*” In a particular case, the assistant claimed that the OCMW only offered help to the weakest in society. The respondent in question registered at his or her own initiative with the VDAB and explained the situation. The VDAB assistant contacted the OCMW assistant and convinced the assistant to invoke ‘Article 60’ for the respondent. 3 weeks later, the respondent started working under ‘Article 60’. With ‘article 60’ the OCMW gives a client regular work with a regular contract for

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<sup>17</sup> European Commission, Launching a consultation on a European Pillar of Social Rights, COM (2016) 127final, 8th of March 2016.

6 months, the result is that the client becomes entitled to social security benefits, thus providing access to assistance from the VDAB.

Several respondents found a job at their own initiative and did not remain dependent of the OCMW for a limited stretch of time. They express feeling better having succeeded in finding a job on their own. However, quite often those are short duration jobs and the respondents have a hard time finding a new job afterwards. Often they end up taking additional language courses organized by the VDAB.

In several cases respondents testified to hesitating to apply for an 'Article 60' job for several reasons: medical reasons, because a halftime or a 4/5 time job was offered with all the entailing administrative constraints, because of 'being too self-reliant', or unwished jobs: *"I've heard that they oblige us to accept bad (undesirable) work."*

Three respondents were women older than 50 with some physical problems, but nevertheless eager to work. However, both the VDAB and the OCMW did not respond to their enthusiasm and did not make any efforts to find them a job. Instead, they advised them to undertake some volunteering work.

The women were given unconditional access to social security and to unemployment benefits.

A peer researcher summarized that the quicker you became independent of the OCMW, the better your chances were to gain access to the labour market. The longer you remained dependent of the OCMW, the more problematic your situation became. For an employer, dependency of the OCMW still has a stigmatizing effect on the applicant.

Overall, the right to work as part of an individualized job-search assistance, is very much dependent on the willingness of an assistant in a specific case. At the OCMW, a counselling process very much differs from one case to another. This impressive variety demonstrates a lack of 'common' standards and a lack of a clear 'operating framework'. Such a vacuum generates insecure feelings with the clients who feel that their aspirations are not heard. Effective follow up, time awareness and awareness of the opinion and aspirations of the help-seeker, should be urgently revisited.

### 3.2 The right to information and having their 'voice heard'

The administrative burden and the complex procedures of the OCMW and the VDAB cause stress by every respondent.

*"In Belgium, you always need papers for everything. That's something I've learnt".*

Some assistants understand the language and context barriers and show sufficient patience and willingness to explain the contract and its conditions. The respondents consider these papers as 'their road to a better life' and they accept to sign. However, one always hesitates to sign something one does not completely understand: *"You have to hope that people will be honest with you".*

Most of the respondents experience a feeling of distress and discomfort concerning the nature and the quality of help offered by different authorities. *"I'm convinced they omit to tell us about certain rights we have."*

Where the respondents lived, their wishes and the kind of assistant they dealt with, greatly influences their adaptation process.

Social help in itself was not often found to be a problem, but financial help and career help were a different matter altogether. We have come to understand that, one way or another, help was always available. However, the help was not always up to the expectations of the individuals. Most of the respondents felt they could not spend sufficient time with the assistants. *"The assistant made all the decisions for us, we didn't have time to discuss the decisions."* An occasional change of assistant also posed a problem.

The time factor also appeared to be another weakening score. Several respondents often did not receive sufficient assistance because of a lack of time, or because of a ‘fully booked’ assistant. Short appointments of 5 to 10 minutes with time for only one question: ‘Did you look for a job?’ were quite common experiences.

The respondents did not fully understand the contracts, mainly due to language problems. Some assistants did take the time to explain a contract, while others did not. Signing the contracts generated a feeling of commitment. Many were not used to signing any type of document. When assistants found respondents hesitating, they tried to convince them by saying: “*No use to repeat things; just sign and if you have any additional questions, you can ask them by mail*”. Most respondents didn’t really understand the contracts: “*I’ve signed the contract, but I didn’t understand why I needed to sign. The assistant has only explained very short this contract.*” Another respondent was afraid to lose his benefits, “*my girlfriend said to sign the contract if I wanted to hold my benefits*”.

All in all, as far as the right to be heard is concerned, respondents felt the authorities were not doing a great job in coaching them to take the right decisions for their future. Respondents felt little reference was made to the law. They felt like being in the hands of ‘the person you meet at the desk at that particular point of time’. They did not feel like being involved in the decisions that were taken. Their opinions were hardly taken into account in the decision making process. Some felt that attending an appointment and signing a contract, were a mere matter of formality. Especially the OCMW is given a negative evaluation in this respect: ‘For the OCMW, the only thing that matters, is that they can strike you off their list; a sustainable investment in a long-term quality job is not all that important’.

### 3.3 The right for equal opportunities

All respondents have a migratory background and are newcomers (i.e. they have been living in Belgium for no more than 10 years). That implies that all of them took integration courses<sup>18</sup> and followed a Dutch language trajectory.

None of the respondents mentioned any form of direct discrimination on account of their migratory background. And yet, at the start of the help process, most of them felt stressed. The questions about their background, such as ‘Why are you here in Belgium?’, ‘Why did you leave your country and come to Belgium?’ etc. were formulated in an ‘*unnecessarily hard way*’. This induced fear and at times caused reluctance to attend appointments.

The limited knowledge of the Dutch language is almost always experienced as a form of indirect discrimination. The absence of a proficient mastery of the Dutch language is often used as a reason to steer respondents towards cleaning jobs, without taking into account their other skills. The criterion of ‘language proficiency’ also limits the choice of professional trainings (see 2.4).

*Audri wants to become a chambermaid, that’s her dream job. She stresses that she already has a working experience in Belgium of 1 year and 4 months and in that job, language was not a problem. Now the VDAB refuses to offer her a professional training because her Dutch is not perfect.*

Another respondent testifies that he has lost his job because the conditions were not explained in a clear Dutch language to him. A third respondent did not succeed in a practical training because his colleagues talked some Dutch dialect which he could not understand. He felt that they did that on purpose, as a means to exclude him from daily work.

A fourth respondent says that during the training, colleagues wondered ‘how she could have gotten so far with such a background?’ A fifth respondent was being laughed at by colleagues during her ‘Article 60’ job because she was too old and knew too little Dutch to be a needlewoman.

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18 Inburgeringstraject.

### 3.4 The right to education

*‘I’m being treated as a secondary person; why don’t they want to know about my other skills?’*

Integration and language requirements dominate the right to education. Certificates obtained in the home country are barely taken into account. Furthermore, the system of language courses tends to be subject to a very bureaucratic approach. Requests of the respondents to follow a more intense trajectory in order to make better progress, are often rejected by the OCMW. Several respondents ended up registering for alternative language courses, paid (partly) from their own pockets. The administrative obligation to register for an integration trajectory sometimes seems to weigh on both the assistant and the respondent. Proof of the right number of training hours and of succeeding in exams (who are often described as illogical by the respondents), that is what matters; any personal skills of the respondent are deemed irrelevant.

The integration courses themselves are often described as ‘useless’ and ‘superficial’. Contact with Belgian people in daily life and volunteer work, are a far better road to integration and mastery of the Dutch language. However, the majority of the respondents understand the necessity of the integration courses and are even grateful for the opportunities offered by Belgium. They do not have a problem with the obligatory character of the said courses, but they do regret the unwillingness to open up for their other skills.

Several respondents complain about the lack of working opportunities during their language course trajectory. The OCMW tends to postpone offering an ‘Article 60’ job or any other job opportunity until the newcomers have reached a certain language level, even though some jobs do not require said language level or even though the job environment as such might very well generate an important language progress. These testimonies are contrary to the tendency that the city in question and Flanders more broadly started to develop with the recent refugee crisis and the integration of mainly Syrian and Iraqi refugees. The city and Flanders promotes a shortened integration trajectory, based upon a proactive matching with the refugee’s ‘professional skills and professional training.’<sup>19</sup> The refugee in question is given a job coach at the OCMW. This job coach determines which training can be offered in order to facilitate the refugee’s entry into the labour market. Different enterprises and companies are involved in this new ‘integration into work’ initiative. This recent and more skill-based approach for newly arrived refugees is in clear contrast with the testimonies of our respondents, who arrived in Belgium 5 to 10 years ago. The new ‘integration into work’ seems to apply only for the newly arrived refugees, even though the same institutions are the main actors. Respondents find this unfair and even use the word ‘discrimination’. ‘Newly arrived refugees are offered more chances’. However, the first data for the ‘newly arrived refugees’ are quite disappointing: only 37% of the refugees found a job after one-year stay in Belgium.

The OCMW tends to steer women towards cleaning jobs and often ignores the wish for a small scale ‘upgrade’ job as expressed by the client. The wish to evolve from a cleaning lady to a needlewoman, a saleswoman or a chambermaid is ignored by the OCMW. The VDAB tends to be more open for such professional transitions but, again, requires certain language learning certificates.

Some exceptions are worth mentioning: one respondent with a university degree in social sciences could, thanks to a very enthusiastic VDAB assistant, follow within 7 months an intensive Dutch language course and at the same time a business management course. They even allowed her to go to university and do an additional year in order to get her diploma recognized. However, these examples are few and far between and are the work of a personally motivated assistant who is willing to move beyond the bureaucratic approach.

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<sup>19</sup> Werkplekieren, stages.

Over all the respondents are not really satisfied about their right to education. They feel “*that the VDAB gives them the wrong training, wrong training that doesn’t fits with the demands of the employers.*” Or that they introduce obstacles to follow courses, “*because my pregnancy, I didn’t get any suggestion for training anymore from VDAB.*” “*I’m still waiting for a confirmation to follow Dutch lessons from the social assistant of the OCMW, he thinks it’s too difficult for me.*”

### **3.5 Main lines of the micro level analysis confronted with the stakeholders**

The micro analysis gives us a view how newcomers experience the counselling of the OCMW and VDAB. Their view is framed by their history, their wishes to work, their wished to survive. This framed view needed to be unframed by a confrontation of stakeholders of the trade unions. Their job is to help clients in their search for a good counselling or for a good job. Sometimes they can reinterpret the answers from the newcomers and problematize the counselling.

#### **3.5.1 Integration versus activation as non-crossing objectives**

The job search assistance for newcomers as provided by both, the OCMW and the VDAB, struggles with its own objectives. As pointed out under section 1, the assistance approach evolved from an integration approach to an activation approach, especially after the 2008 economic crisis. However, ‘integration into society’ remains an important objective in Flemish governance. The stakeholders stress that integration into society never has been a ‘true objective’ of the VDAB; on the contrary, it was limited to a ‘labour market entry approach’. With the recent reforms and the accompanying savings, ‘steering towards a job, whichever job’, became the dominant guidance tenet. Moreover, the stakeholders wonder whether there actually are any jobs for lowly qualified workers with a migratory background. They evoke, even more than the peer researchers and the interviewees do, a huge problem on the supply side, i.e. the absence of available jobs for lowly qualified workers struggling to master the Dutch language, and with a migratory background.

Seasonal work and cleaning jobs for women is the only supply side offer they get. And, to make matters worse, because of this limitation on the supply side, both the VDAB and the OCMW automatically gear candidates towards those lowly qualified jobs. To them, the outcome – read: having one client less on their list- is all that matters. The stakeholders stress that urgent measures on the supply side should be taken, including measures to encourage companies to hire people with a migratory background. This results in a difficult combination of both objectives into a ‘labour market fit approach’ of the VDAB, instead of an exaggerated emphasis on language mastery.

#### **3.5.2 The problem of ‘quality control’**

The OCMW tasks have been recently reformed, and consequently the OCMW now has to focus its assistance on a ‘labour market only’ approach, in the absence of any general framework of minimum standards. This missing framework explains why the quality of assistance is so varied. The OCMW assistance is more than ever tailored by and dependent on the individual willingness of the assistant itself.

The quality of the assistance provided by the OCMW is actually totally dependent on the personal know-how, approach and willingness of the personal assistant. These assistants often change places, thus giving rise to an unstable and often irrational treatment of the client. The testimonies also reveal a huge variety in treatment, depending on where the OCMW is located. Even worse, the absence of standards offers in some cases, room for a discriminatory and racist behaviour of the assistants. The VDAB is more positively evaluated by the peer researchers: they guarantee a standard quality of assistance thanks to a more elaborated and generalised framework. However, the stakeholders we have consulted do have some doubts. They emphasize that digitalisation and the need for cost savings are the main reasons that explain why assistants have even less time to follow up on individual client files. Moreover, digitalisation limits the possibilities of face to face communication: you have to raise your questions online. It goes without saying that such an

approach limits choices and precludes tailored communication. The stakeholders are even convinced that a generalised standard framework will not result in an equal treatment of all clients.

The limitation of the autonomy of the OCMW, as a result of the introduction of average standards, could both enhance the quality control and exclude unacceptable discriminatory treatments. The stakeholders stress the reality of racism and discrimination more than the peer researchers and the interviewees do. “*Coloured people are only welcome for seasonal labour*”. This ubiquitous discriminatory context is not stressed in any particular way by the peer researchers. One might wonder whether they are getting used to the said context.

### **3.5.3 ‘Freedom to choose a job of training that one has reason to value’ is absent as a goal in the actual assistance approach**

The capability approach emphasizes the freedom to choose a job or develop one’s skills one has reason to value. However, this freedom is hampered by a restricted approach to activation. Moreover, even within the strict activation approach, additional constraints are introduced: options for training are limited in time and depend on the ‘needs of the market’. The main concern for the OCMW and the VDAB is the number of persons they succeed in putting to work, not the quality of the assistance, nor the choices offered. Only the outflow of clients in the social security system matters. This often results in the search for a job that has little to do with the candidate’s skills and wishes. The stakeholders nuance that in practice, the opportunities to choose have always been very limited at the VDAB, in the past as well as in present days.

In turn, the peer researchers state that even application trainings are not shaped to develop their skills: the trainings tend to completely ignore any previous knowledge or experience. Their values are not taken into account. So, even at this stage, the freedom to choose is not a priority.

### **3.5.4 Activation as a focus is a welcome goal for newcomers**

The interviewed newcomers do not contest the focus on activation. On the contrary, they affirm the importance of work as a condition sine qua non for participation in society and as the main tool towards a decent income. However, to optimize this activation approach, they suggest to leave behind the unilateral approach of language skills and to focus more on experience and certificates. Next to the language obstacle, they also quote other impediments to their professional development. They confirm the assistants do not show any interest in their personal aspirations. The stakeholders are more critical: they confirm the importance of work, but they stress the quality of work and the lack of jobs on the supply side: “*Which work? Is there any work available?*”

The stakeholders add that, because of the amount of obstacles and the lack of opportunities, people with a migratory background tend to quickly become fatalistic. A characteristic which is, however, not confirmed by our peer researchers. From our qualitative research in the RE-InVEST work package 3 it clearly appears that women with children are more resilient. They better cope with the obstacles whilst continually striving for better chances, strengthened by the hope for a better life for their children.

As a conclusion we could say that for the peer researchers, the interviewees as well as the stakeholders, work is very important and even necessary, but because of the difficult procedures and obstacles the search for a job becomes a formality for the clients, nothing more. Thus the job no longer is the answer to their quest for a better life.

### **3.5.5 A contract offers ‘security’ to the newcomers**

The interviewed newcomers do not see the ‘contractualisation’ trend as a problem: the contract symbolizes for them security in as far as it offers them the right of entry to the labour market. The contract raises the expectation that the newcomer can require his or her assistant to do an effort in the search for a job. Some



newcomers use the contract in order to call on an assistant to do more. The stakeholders emphasize that a contract implies an equal position of both parties and partners. However, this is not the case in reality: “*take it or leave it (and end up without an allowance)*” is today’s reality. The stakeholders stress that contracts today only contain the right to search for work, nothing more. They conclude that this kind of contract confirms and sustains inequalities, rather than reduces them.

### **3.5.6 An average standard framework as a guarantee for quality. Which quality?**

A general framework of objectives and conducts behaviour is necessary to tackle this arbitrariness. The stakeholders confirm that nature of the assistance differs from one OCMW to another, and from one assistant to another. It follows that the matter of quality guarantees has to be broached, as today the quality of assistance is too unclear an issue and often the quality level is set too low. However, the stakeholders warn against being drawn into a downwards spiral by imposing minimum standards: minimum standards may not prohibit a more qualitative assistance than the standards. An attempt to do better than the standards is what we need and what should be possible. Therefore, we do not ask for a minimum standard framework, but, on the contrary, an average standard framework.

Following elements need to be included in such an average standard framework for a job search assistance:

- the framework needs to serve above all as a security tool for newcomer clients offering them an equal opportunity of access to the labour market;
- the freedom to choose a job offer or training and the freedom to refuse an offer provided this refusal is motivated;
- emphasis on acquired experiences and certificates (human capital);
- emphasis on the future expectations and or aspirations of the client and or newcomer;
- option to develop the language skills further on the work floor.

## 4. Conclusion

The Making work Pay paradigm, which is predominantly present in today's labour market reforms in Belgium, is found by both the peer researchers and the stakeholders to be a system with negative consequences for the clients and especially for people with a migratory background. The paradigm stimulates an outcome-gearred assistance, even if they don't mention it, a simple reduction of the number of job-seekers is the ultimate goal. It increases fatalism among people with a migratory background. Those people tend to lose every hope for an opportunity to develop their talents or any hope for a life they have reason to value. Moreover, the making work pay paradigm does not evoke or imply any protection or prevention against discriminatory or racist practices on the assistance floor. Another dangerous mechanism within the making work pay paradigm is the unilateral focus on the supply side. The demand side is never questioned by the OCMW of VDAB.

The micro analysis from the point of view of the newcomers combined with the view of the stakeholders makes it clear that integration as a goal must be implemented into the counselling. A standard framework for job search assistance must include:

- security for newcomer clients offering them an equal opportunity of access to the labour market;
- emphasis on the voice to refuse a job offer or training;
- emphasis on acquired experiences and certificates (human capital);
- emphasis on the future expectations and or aspirations of the client and or newcomer;
- option to develop the language skills further on the work floor.

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## RE-InVEST - Rebuilding an Inclusive, Value-based Europe of Solidarity and Trust through Social Investments

In 2013, as a response to rising inequalities, poverty and distrust in the EU, the Commission launched a major endeavour to rebalance economic and social policies with the Social Investment Package (SIP). RE-InVEST aims to strengthen the philosophical, institutional and empirical underpinnings of the SIP, based on social investment in human rights and capabilities. Our consortium is embedded in the 'Alliances to Fight Poverty'. We will actively involve European citizens severely affected by the crisis in the co-construction of a more powerful and effective social investment agenda with policy recommendations.

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