

Part-time employment: a comparative analysis of Spain and the Netherlands

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Abstract Most industrialized countries have seen part-time employment as a percentage of total employment increasing in the last decade. This paper presents the results of a comparative study of part-time employment in Spain and the Netherlands. The project comprises a legal comparative study of the effectiveness of the normative solutions provided by the Dutch and Spanish legal orders regarding the protection of part-time workers and the promotion of part-time employment, with special attention paid to the gender dimension of part-time work in both countries; and an analysis, based on data extracted from the European Community Household Panel (1995–2001), of the determinants of part-time employment in both countries and an examination of the extent to which part-time jobs are used as stepping-stones to full-time positions. We have found significant country differences regarding females' decisions to take part-time jobs. We also have found that, in general, Dutch females are not less likely than their male counterparts to increase the number of hours they work. However, this applies only to those females who are part of a couple or have children younger than 12 years. In Spain, females are 2.6 times less likely than their male counterparts to switch from a part-time to a full-time job.

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1 Introduction

The last 25 years, part-time work in OECD countries have undergone rapid growth (O'Reilly and Fagan 1998) and become a prominent feature of labour markets. Two developments reflect the greater attention that has been paid to the increase in part-time employment, and the efforts made at the international level to improve the employment conditions of part-time workers. The first was the adoption by the International Labour Conference in 1994 of the Part-time Work Convention, which promotes access to part-time work and states that measures shall be taken to ensure the equal treatment of part-time and comparable full-time workers. The second is the EU Council Directive 97/81/EC concerning the Framework Agreement on Part-time Work,¹ whose content is similar to that of the ILO Convention and also embodies the principle of equal treatment for part-time workers.

The upward trend in part-time employment has been constant in recent years. However, part-time work is not equally distributed across gender and age groups, nor across countries, sectors or occupations. A cross-country analysis shows that part-time work is more widespread in northern European countries. Of these, the Netherlands has the highest percentage of part-time workers, namely 34.8 and 43.8% of total employment in 1992 and 2002, respectively. In contrast, the lowest percentage of part-time employment can be found in southern European countries. For example, in Spain in 1992 and 2003, part-time work represented only 6 and 8% of total employment, respectively.²

Part-time employment has been closely connected with attempts to increase labour market flexibility. The lack of flexibility in the labour market means that governments in OECD countries, and especially in Europe, face high levels of unemployment. In this respect, increased part-time work is seen by firms as an employment adjustment technique in their search for a flexible management of labour, enabling them to adapt to fluctuations in activity and to changes in production processes. Part-time work usually can provide flexibility if the level of demand differs from the level of production on a regular basis (e.g. in shops or public transport).

On the one hand, an increase in the availability of part-time work has been generally perceived as a positive development, since it can be an effective way to meet the needs of both employees and employers. For workers, it may offer a better balance between working life and family responsibilities. It can also make it easier for workers progressively to enter the labour market or retire from employment. For

¹ Directive of 15 December 1997, OJ L 14 of 20/01/1998.

² Part-time, W. in *Europe*. European Foundation for the Improvement of Living and Working Conditions, 2005.

employers, it provides flexibility in adjusting their workforce. Also for policy makers who are seeking to combat high unemployment, the growth of part-time work may reduce the number of job seekers (or at least the number of people registered as such). Therefore, it is likely that supply and demand factors could have influenced the growth of part-time jobs.

On the other hand, part-time work has its drawbacks. Part-time workers are very often at a disadvantage compared to their full-time counterparts. Typically, their hourly wages are lower (Dekker et al. 2000; Blank 1990; Ermisch and Wright 1992; OECD 1999), they are less well-protected, they receive fewer fringe benefits (Montgomery and Cosgrove 1993) and their career prospects are more limited.

By combining the results of a legal and an economic analysis, we provide in this paper an overview of the current situation of part-time employment in Spain and the Netherlands—two countries that have very different legal traditions and divergent labour markets. The legal comparative study, which takes EC law as its reference point, focuses on assessing the effectiveness of the normative solutions provided by the Dutch and Spanish legal orders regarding the protection of part-time workers and the promotion of part-time employment. Attention has also been paid to how these two EU countries have dealt with the gender dimension of part-time work.

The economic analysis covers various issues. First, we focus on how part-time employment has evolved in recent years, and whether differences between the two countries can be established in terms of gender and age. Second, we use data extracted from the European Community Household Panel (1995–2001) to examine and compare the determinants of part-time work in both countries. Third, we analyse whether part-timers are at a disadvantage compared to their full-time counterparts. In particular, we examine whether part-time workers are more likely to be low-paid. Finally, we use the longitudinal aspect of this database to examine the extent to which part-time jobs are used as stepping-stones to full-time positions.

The following section concerns recent trends in part-time employment in both countries. Section 3 focuses on the legal framework for part-time work, while Sect. 3.2 looks at gender differences in part-time employment. Section 4 presents an empirical analysis of different aspects related to part-time employment, based on information extracted from the European Community Household Panel. Section 5 concludes this paper.

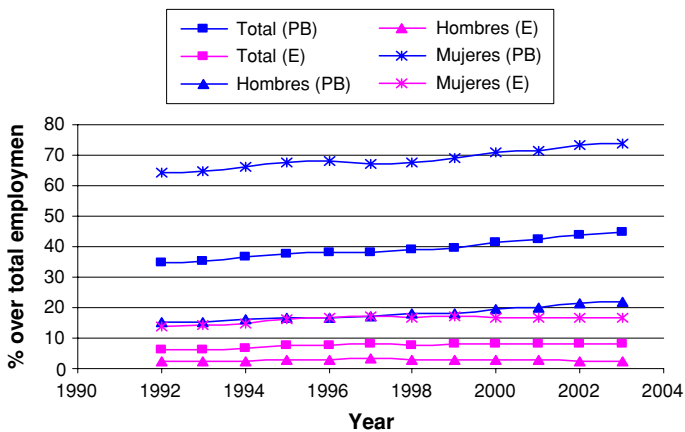
2 Recent trends in part-time employment

Over the last 20 years, there has been an increasing trend in part-time relative to full-time employment, especially in many developed countries. In some cases, particularly in countries that are suffering from high unemployment rates, this is the result of a political decision to promote part-time work. Table 1 and Fig. 1 show that, from a time-dynamic perspective, part-time work has increased both in Spain and the Netherlands. Nonetheless, the rapid expansion of part-time employment has been particularly marked in the Netherlands, and especially amongst women: in

Table 1 Part-time employment (1992–2003)

	Netherlands			Spain			EU-15		
	Total	Males	Females	Total	Males	Females	Total	Males	Females
1992	34.8	15.2	64.4	6.0	2.2	13.8	14.2	4.2	28.8
1993	35.2	15.3	64.6	6.4	2.4	14.5	14.8	4.5	29.6
1994	36.7	16.3	66.1	6.7	2.6	15.0	15.4	4.9	30.4
1995	37.4	16.7	67.4	7.5	2.9	16.4	15.8	5.2	31.0
1996	38.0	16.9	68.1	7.7	3.0	16.7	16.2	5.4	31.4
1997	37.9	17.2	67.3	8.0	3.1	17.1	16.7	5.7	32.1
1998	38.9	18.1	67.6	7.8	2.9	16.9	17.1	5.9	32.7
1999	39.7	18.0	68.9	8.0	2.9	17.1	17.5	6.1	33.1
2000	41.5	19.3	71.0	7.9	2.7	16.8	17.7	6.1	33.3
2001	42.2	20.0	71.3	7.9	2.7	16.8	17.8	6.2	33.4
2002	43.9	21.2	73.1	7.9	2.5	16.7	18.2	6.5	33.5
2003	45.0	22.0	74.0	8.0	2.6	16.8	18.6	6.7	34.1

Source: Employment in Europe 2004, Recent Trends and Prospects
Employment and Social Affairs (European Commission)

**Fig. 1** Part-time employment (1992–2003)

2003, female part-time employment, as a percentage of total employment, was almost 75%. This confirms the well-known fact that the Dutch economy is a part-time economy (Freeman 1998) and that part-time work is mainly ‘female’ work. In the 1980s, social partners (employers and unions) agreed to a reduction of working hours as an instrument to reallocate employment over more workers and to increase the flexibility of labour as a factor of production. Furthermore, the preference of Dutch employees has gradually shifted towards shorter working hours. The growth in the number of part-time workers in the Netherlands was one of the main reasons

for the success of the ‘polder model’ in the 1990s.³ However, it is important to note that the reduction of working hours in the agreement primarily concerned full-time jobs, and that part-time jobs were stimulated only gradually and with the encouragement of the government.

Also in Spain, part-time employment is mainly ‘female’ work: in 2004, female workers represented 81.4% of the total part-time labour market, according to the periodical publication of the Women’ Institute, *Mujeres en cifras*.⁴

One of the reasons for these gender differences in both countries is the lack of sufficient care services in the public sector, which hinders the conciliation of family and working life (Plantenga 1999). This shortage of care facilities makes part-time work the most suitable option for women with young children and women who are in charge of dependants and are entering or re-entering the labour market (Visser et al. 2004).⁵ In the Netherlands, many working mothers exhibit a preference for part-time work as a good way to combine paid work and motherhood. This trend has led to the normalization of part-time work in the Netherlands (Visser and Yerkes 2005).

Women’s preference for part-time work as a form of parental leave explains the impact of maternity and paternity on the working-time patterns of male and female workers.⁶ In all EU-15 countries, it can be observed that when men have dependants, their working hours tend to increase, while the opposite effect can be detected amongst female workers.⁷ Women tend to work on a full-time basis at the beginning of their careers, but when they give birth a high number of them abandon paid work or reduce their working hours (Wetzels 1999). In all EU-15 countries, the female component of the couple has the main responsibility for domestic and care duties.⁸

Several EU Member States have used public policies and subsidies to promote the use of part-time work for female workers as a sort of parental leave, or as a way to conciliate family and work (Tobler 1999). In this context, ‘part time’ becomes a demographic instrument used to combat the decreasing tendency of fertility rates (Valdés Dal-Ré 2000). The Netherlands is a paradigmatic example of the use of part-time work as tool to allow the conciliation of personal and working life. This kind of legislative policy leads to questions concerning the extent to which flexible employment possibilities might serve to reconcile working

³ ‘Polder model’ is the term used for the Dutch model of consensus whereby employers, syndicates and the government get together to make agreements about labour matters. The core of the model is the combination of a quiet and flexible labour market and a solid monetary and fiscal policy, and the introduction of more dynamic markets.

⁴ Source: National Employment Institute—First term EPA (active population survey) 2004.

⁵ EUROSTAT. (2005). *News Release*, 49/2005, 12.

⁶ See, E.C. *Gender Use of Time: Three European Studies*, Office for Official Publications of the European Communities, Luxembourg, 2000 and EC, *Women at Work*, Office for Official Publications of the European Communities, Luxembourg, 1999.

⁷ EUROSTAT (ALIAGA, C.), « Gender gaps in the reconciliation between work and family life », *Statistic in focus, Population and social conditions*, 4/2005.

⁸ European Foundation for the Improvement of Living and Working Conditions.(Burchell, B.), *Gender, Jobs and Working Conditions in the EU*, 2002.

Table 2 Part-time employment by age group (2002)

Age	Netherlands			Spain			EU-15		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
15–24	56.7	71.7	64.0	8.0	21.6	13.4	17.1	31.1	23.5
25–49	11.9	71.2	38.2	2.0	15.9	7.4	3.9	32.3	16.3
50–64	20.8	79.4	42.8	1.6	17.9	6.6	6.7	37.2	19.1
65 and above	82.9	88.7	84.2	7.9	32.1	16.4	45.2	63.3	51.4
15–64	20.6	72.7	43.4	2.5	16.9	7.9	6.0	33.1	17.7
Total	21.5	72.8	43.8	2.6	17.0	8.0	6.6	33.5	18.2

Source: European Social Statistics. *Labour Force Survey 2002*

and family life. In that sense, these possibilities are a potential solution for high levels of female unemployment, they might contribute to the achievement of higher levels of social and economic cohesion, and they might foster the equality of opportunities. In contrast, some flexible work arrangements might have a negative impact on the working conditions of certain groups of marginal workers. Notably, as long as the use of part-time work as a form of parental leave remains a female pattern, women will be segregated on the labour market. Thus, this part-time female employment pattern might give rise to new forms of gender discrimination and thus be detrimental to the quality and the stability of female work. This is because working part time often hinders the development of women's careers and decreases their ability to compete in the labour market on an equal footing with men.

An analysis of part-time employment by age groups shows an uneven distribution of working time over the life course of individuals. Table 2 shows, for 2002, the share of part-time employment over total employment by gender and age groups for Spain, the Netherlands and the EU-15 average.⁹ In general, part-time employment is concentrated at the beginning and the end of people's working lives. However, some country differences are worth mentioning. For the Netherlands, the percentage of women in the 15–24 age group who work part time is very similar to that of those in the 25–49 age group (i.e. around 70%). In contrast, for Dutch males age plays an important role regarding the incidence of part-time employment: while only around 12% of males in the 25–49 age group worked part time in 2002, the corresponding percentage amongst those in the 15–24 age group was above 55%. This can be explained by the increasing trend amongst Dutch males to work part-time during the schooling process. In the Spanish case, however, the part-time employment share is remarkably higher for 15- to 24-year-old workers in comparison with prime age workers (i.e. those in the 25–49 age group). This is observed for both males and females, although it is comparatively stronger for females.

⁹ Source: European Social Statistics. *Labour Force Survey 2002*.

3 Legal framework for part-time work

3.1 Definition of part-time employment

According to a definition proposed by the ILO, part-time work is regular employment in which working time is substantially less than normal. The same idea is expressed in the European Framework Agreement on part-time work, which was signed by the European social partners in 1997. This agreement later became Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC.¹⁰ According to clause 3.1 of this agreement, 'part-time worker' refers to 'an employee whose normal hours of work, calculated on a weekly basis or on average over a period of employment of up to 1 year, are less than the normal hours of work of a comparable full-time worker'. Thus, part-time work is defined in relation to full-time work, with reference to the number of hours usually worked in the type of job in a certain industry or occupation.¹¹ However, the number of working hours in full-time jobs varies both from activity to activity and from Member State to Member State, as it is allowed by clause 2.1 of the above-mentioned Framework Agreement.

The range of cut-offs used in countries to define full-time or part-time work and the existence in other countries of definitions based on assessment by the respondent, obviously gives rise to the issue of the comparability of the estimates obtained from these various definitions. A special report for the OECD on the classification of part-time work (van Bastelaer et al. 1997) argued that setting 30 h as a threshold would lead to a better definition of part-time work for the purposes of international comparisons.

3.2 EU legal framework for part-time employment and gender

The main EC legal instrument dealing with discrimination against part-time workers (Directive 97/81/EC) is intended to combat the assumption that a part-time employment relationship is less valuable than a full-time one. From the gender perspective, part-time work has often been regarded as a devalued form of employment. The principle of equal treatment in its prohibition of indirect discrimination is intended to eliminate this depreciation of women's labour performance (Barnard et al. 2002). It is worth noting that before the approval of Directive 97/81/EC, Community law fought indirect discrimination on the grounds of sex derived from the condition of part-time worker using the existing legislation

¹⁰ OJ L 014 of 20 January 1998.

¹¹ In the ECJ judgment of 12/10/2004, C-313/02, Wippel (Rec. 2004, p. I-9483), the Court of Justice ruled that a worker with a contract of employment under which hours of work and the organization of working time are dependent on the quantity of available work and are determined only on a case-by-case basis by agreement between the parties comes within the scope of the Framework Agreement annexed to Council Directive 97/81/EC, unless a Member State has decided to exclude them, as workers working on a casual basis, wholly or partly, from the benefit of the terms of that agreement (clause 2.2 of the Framework Agreement on part-time work).

prohibiting discrimination between men and women in pay,¹² employment and working conditions,¹³ and social security.¹⁴ There is vast case law prohibiting indirect pay discrimination¹⁵ and discrimination in employment and occupation¹⁶ and in social security¹⁷ when the facts allow the establishment of a case of prima facie indirect sex discrimination against part-time workers. In those cases, the ECJ has adopted a pragmatic, inductive and non-ideological case-by-case method that has led to frequent fluctuations and to a certain degree of incoherence¹⁸ (Caruso 1997).

Directive 97/81/EC is intended to protect part-time workers from discrimination in employment and occupation. The aim is to provide part-timers with the same salary and working conditions as full-timers. However, the Directive merely recommends Member States to promote this kind of employment contract as a formula to conciliate working and family life¹⁹ (Cabeza Pereira 2000). In this sense, the Framework Agreement on part-time work indicates the need to promote part-time work and transfers from part-time to full-time jobs (and vice versa). The purpose is to merely encourage employers to 'as far as possible' facilitate those transfers and establish an information procedure in relation to part-time vacancies in the undertaking or establishment, without imposing an obligation to follow that path.

During the elaboration of the framework agreement that led to Directive 97/81/EC, the social partners discussed the possibility of including social security rights. However, the final result of the bargaining process was the commitment to ensure equality as regards wages, working conditions, employment conditions, and health

¹² Article 141 ECT and Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women. OJ L 45 of 19.02.1975.

¹³ Article 141 ECT and Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. OJ L 39 of 14.02.1976.

¹⁴ Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security. OJ L 6, 10.01.1979 and Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in matters of occupational social security schemes. OJ L 225, 12.08.1986. Amended by Council Directive 96/97/EC of 20 December 1996. OJ L 46, 17.02.1997.

¹⁵ See, inter alia, ECJ judgments of 13/07/1989, Rinner-Kühn/FWW Spezial-Gebäudereinigung, 171/84 (Rec. 1989, p. 2743); of 27/06/1990, Kowalska/Freie und Hansestadt Hamburg, C-33/89 (Rec. 1990, p. I-2591) and of 07/02/1991, Nimz/Freie und Hansestadt Hamburg, C-184/89 (Rec. 1991, p. I-297).

¹⁶ See, inter alia, ECJ Judgments of 04/06/1992, Arbeiterwohlfahrt der Stadt Berlin/Bötel (Rec. 1992, p. I-3589); of 06/02/1996, Kuratorium für Dialyse und Nierentransplantation/Lewark (Rec. 1996, p. I-243); of 02/10/1997, Gerster/Freistaat Bayern, C-1/95, (Rec. 1997, p. I-5253); of 20/03/2003, Kutz-Bauer, C-187/00, (Rec. 2003, p. I-2741) and of 11/09/2003, Steinicke, C-77/02, (Rec. 2003, p. I-9027).

¹⁷ ECJ judgments of 28/09/1994, Fisscher/Voorhuis Hengelo and Stichting Bedrijfspensioenfonds, C-128/93, (Rec. 1994, p. I-4583); of 28/09/1994, Vroeghe/NCIVO, C-57/93, (Rec. 1994, p. I-4541); of 10 February 2000, Deutsche Telekom AG v Agnes Vick (C-234/96) and Ute Conze (C-235/96). Joined cases C-234/96 and C-235/96, (Rec. 2000, p. I-00799) and of 23/10/2003, Schönheit, C-04/02 (Rec. 2003, p. I-12575).

¹⁸ See the contradictory rulings of the ECJ in the similar cases: Judgment of 09/09/2003, Rinke, C-25/02 (Rec. 2003, p. I-8349) and Judgment of 02/10/1997, Kording/Senator für Finanzen, C-100/95, (Rec. 1997, p. I-5289).

¹⁹ Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC. OJ L 145, 19.06.1996.

and safety in the workplace (clause 4 of the Framework Agreement). Nonetheless, exceptions to the equality rule were permitted as regards statutory social security, occupational social security and workers hired through temporary employment agencies. The Framework Agreement also contains the possibility of objective justification of different treatment of part-time workers and the possibility to make access to particular conditions of employment dependent on a period of service, time worked or earnings qualification, where such is justified by objective reasons.

The principle of proportionality is the tool used by the Community legislation to achieve equality between part-time and full-time workers. In Directive 97/81/EC, this principle, in its modality of *pro rata temporis*, is laid down as the general rule. The recourse to the proportionality principle is useful to achieve formal equality between part-time and full-time workers, as it prevents the applicability of the same rule to individuals who are in a different situation. In this sense, proportionality is considered a form of equality (Senovilla 1994). Nevertheless, the strict applicability of the proportionality rule often has a detrimental effect on the position of part-time workers, namely it makes it difficult to reach the necessary thresholds to gain access to certain benefits or pensions (Cabeza Pereiro and Lousada Arochena 1999; García-Perrote Escartín 2000; Valdés Dal-Ré 2002). Reduced working hours lies at the origin of the applicability of the *pro rata temporis* principle to the enjoyment of employment and social security rights. Notwithstanding the objectivity and rationality of this principle, the strict applicability of this criterion might result in the perpetuation of indirect gender discrimination. Therefore, as long as it remains predominantly a female choice and subjected to strict proportionality rules, the configuration of part-time work will be tainted with precariousness (Pérez and Royo 1998) and will reflect, in general terms, a depreciation of the value of women's work performance (Borrajó Dacruz 1978). This situation could be improved by making a stronger reference to the principle of equal treatment between part-time and full-time workers in the text of the Directive, articulating the principle of proportionality as the exception and not as the general rule and cornerstone of the regulation of part-time work. The fact that a strict proportionality rule is considered to be equivalent to the equality principle, might lead to an unfavourable treatment of part-time work.

In general terms, it can be stated that Directive 97/81/EC has contributed to strengthening the position of part-time workers, in the sense that it provides protection for part-time workers against discrimination in comparison with their full-time counterparts. Nevertheless, the provisions in Directive 97/81/EC²⁰ that establish the prohibition of the discrimination against part-time workers are very weak (Jeffery 1998). The main problem is that Member States are under very few obligations concerning equality and some groups of workers are excluded from the protection. Furthermore, such essential matters as social security for and social protection are left to Member States to regulate freely. Another critical point is that the protection offered by Community law to part-time workers is insufficient from a gender point of view because it is strongly based on the principle of *pro rata temporis*. This strategy is not appropriate to eliminate all possible discriminatory situations connected with the impact of the different forms of work on labour market

²⁰ Of 15 December 1997.

segregation, when it is undeniable that this problem has a gender dimension. These shortcomings of the legislation aimed at protecting part-time workers explain the recourse to other EU legal instruments on equal treatment for men and women in those cases where female part-time workers feel discriminated in comparison with their full-time, male, counterparts. Recent ECJ case law clearly shows that the Directives in the field of equal treatment for men and women provide more effective protection for part-time workers than Directive 97/81/EC. This happens especially in relation to social security, as this field is explicitly excluded from the framework of protection of the part-time Directive.²¹

There is a relationship between atypical work, forms of parental leave, and gender discrimination in the labour relations of Member States. While as a flexible employment opportunity part-time work might serve to reconcile work and family life and increase female participation on the labour market, it might also give rise to new forms of inequality. The current regulation of part-time work at EU level has improved the overall quality of part-time work, but fails to guarantee a comprehensive framework of protection from the gender point of view, due to the inefficiency of its provisions to promote a redistribution of family responsibilities between men and women. If a fair division of working and family tasks between men and women is the objective to be achieved, then it is not enough to prohibit formal pay and working conditions discrimination against part-time workers. Creating substantive equality²² between male and female workers means ensuring that those workers who combine part-time work with care responsibilities do not suffer negative consequences in their career prospects, and do not face obstacles in their access to social benefits derived from their decision to reduce their working hours. According to this line of reasoning, policy measures—for example, a minimum social subsistence allowance (Bleijenbergh et al. 2004)—aimed at mitigating the loss of revenue connected with the decision to reduce working hours in order to assume care tasks, are useful in order to achieve a more gender neutral division of paid and unpaid work.

3.3 Regulation of part-time work in Spain and the Netherlands

In the Netherlands, discrimination against part-time workers in the Minimum Wage and Minimum Holidays Act and in the Works Councils Act²³ was repealed in 1993 and 1998, respectively. Furthermore, since 1996, the Act on non-discrimination on grounds of working time (Wet verbod op onderscheid naar arbeidsduur; WOA²⁴)

²¹ ECJ judgment of 11 September 2003, C-77/02, Steinicke (Rec. 2003, p. I-9027).

²² The principle of substantive equality has been acknowledged by the ECJ on several occasions. In the EU context, equality of opportunities is considered equivalent to substantive equality. Thus, all sorts of preferential treatment measures allowed by Community law provisions are considered an exception to the equal treatment rule. In relation to this matter, it can be argued that a positive action measure should be considered the corollary of the Member States' obligation to promote real equality amongst their citizens, from an individual as well as from a collective perspective, by way of removing obstacles that hinder their full participation in political, economic and social life (as in Article 9.2 of the Spanish Constitution).

²³ Wet op de Ondernemingsraden van 29/01/1971, Stb. 1971, 54.

²⁴ Of 03/07/1996, Stb. 391.

prohibits discrimination against part-time workers. The underlying principle of this Act is that part-time work is equivalent to full-time work. The WOA prohibits any sort of discrimination between full-time and part-time employees in working conditions unless there is an objective justification for a different treatment (this law introduced Article 7:648 Civil Code, BW²⁵). The WOA also protects part-time workers from discrimination related to equal access to training and promotion opportunities. Despite the existence of this legal framework of protection, unjustified discriminatory treatment of part-time workers exists in the Netherlands.²⁶ For instance, in 2001, a report from the Labour Inspectorate showed that 15 of the 21 collective agreements studied contained clauses that discriminate against part-time workers. The report recommends that the bargaining partners should ask the Netherlands' Equal Treatment Commission (Commissie Gelijke behandeling) whether new agreements comply with the regulation on part-time work before adopting those agreements.²⁷

February 2000 saw the passing of the Part-time Employment Act (Wet Aanpassing Arbeidsduur²⁸), which gives employees the right to request a decrease or an increase in the number of hours they work. This legislation is weighted in favour of the employee²⁹ (Jacobs and Schidt 2001). As a rule, employers are obliged to grant a working time adjustment request unless there is a substantive business reason to refuse it, and they should arrange the pattern of working time in line with the employee's wishes unless the employer proposes an alternative pattern that would better suit operational needs. In this case, employees should be 'reasonable and fair' in trying to accommodate the employer's request. Moreover, employers are not generally allowed to demand to know the reasons behind the request.

In the Netherlands, the principle of *pro rata temporis* is applicable to statutory labour rights laid down in the Civil Code. Therefore, a part-time worker enjoys pro rata rights to equal pay, equal social benefits, equal paid holidays and leave as those enjoyed by a full-time colleague. In the field of social security, contributions by part-time workers to statutory and occupational social security are calculated on a pro rata basis, and they obtain benefits and build up pensions accordingly. In particular, part-time workers receive unemployment benefits corresponding to 70% of previous gross earnings for the same period and under the same conditions as a full-time worker.³⁰ The same percentage is applicable to sickness benefits, calculated on an annual basis and never under the threshold of the statutory

²⁵ Burgerlijk Wetboek, Wet van 11/12/1958.

²⁶ See, inter alia, Oordeel 2003-7 van de Commissie Gelijke Behandeling 14/01/2003 and Oordeel 2003-155 van de Commissie Gelijke Behandeling 16/12/2003.

²⁷ Ministry of Social Affairs and Employment, *Equal treatment in the Netherlands*, Ministry of Social Affairs and Employment, The Hague, March 2003, p. 24.

²⁸ Of 19/02/2000, Stb. 114.

²⁹ This conclusion can be inferred from the case law interpreting this Act: Rechtbank Zwolle, Sector Kanton, 12/10/200, KG 200, p. 235; Rechtbank Haarlem, sector Kanton, 12/05/2001, JAR 2001, p. 117; Kantonrechter (Ktr.) Groningen 23/03/2001, JAR 2001, p. 87; Ktr. Haarlem 17/05/2001, JAR 2001, p. 117; Ktr. Breda 30/03/2001, JAR 2001, p. 85; Ktr. Maastricht 02/02/2001, JAR 2001, p. 49 and Rechtbank Groningen, sector Kanton, 23/03/2001, JAR 2002, p. 140.

³⁰ See Werkloosheidswet of 19/12/2003. Stb. 544.

minimum salary pro rated (Article 7:629 Civil Code, BW). Part-time workers are also entitled to permanent incapacity benefits for the same period and on the same conditions as full-time workers, with 70% of their last gross wages used as the reference for the calculation.

In Spain, as in other southern European countries, part-time employment was practically unknown until the 1990s, when this type of work underwent an increasing trend. In particular, part-time employment played a crucial role in achieving one of the priority objectives of the 1994 reform (Royal Law Decree 18/1993³¹ and Law 10/1994³²), namely to promote greater flexibility in companies. This occurred thanks to the introduction of an amended definition of part-time work. In the 1980 Workers' Statute, a part-time worker was defined as 'one who works less than two-thirds of normal contractual hours'. The 1994 reform removed this threshold, defining part-timers 'as those who work fewer hours than the normal employment contract.'

In November 1998, the government and the main trade unions signed the national-level Agreement on Promoting Stable Part-time Employment. This agreement laid down regulations to promote stable part-time employment, permanent intermittent employment and replacement contracts combined with early retirement. Still, the Confederation of Employers (CEOE) did not sign it, which helps explain why part-time figures have remained stagnant since 1995 at around 8% on average. This agreement, reproduced in the Royal Law Decree 15/1998 of 27 November 1998, was aimed at bringing state law into line with the provisions of Council Directive 1997/81/EC (Agut García and Yanini Baeza 2002; Ballester Pastor 1998). This domestic regulation sought to combine flexibility with the protection of part-time workers, the voluntary choice of part-timers and the equal treatment of part-timers in comparison with full-timers. The redefinition of the concept of part-time employment was the main change introduced by this legal instrument. According to this Royal Law Decree, part-time work was defined as any work done by an employee that amounts to a number of hours per week, month or year that is less than 77% of the working hours of a full-time employment relationship as fixed in the applicable collective bargaining agreement. If no such collective agreement existed, then the statutory maximum working week was to be taken as the reference norm. This new definition was not in force for very long. In the 2001 labour law reform,³³ the conservative party (PP) government, which had signed the 1998 Agreement, changed important criteria—including the concept of part-time employment—in a new attempt to promote part-time jobs. These changes were in line with employers' preferences, such as the suppression of the ceiling for the number of part-time hours (i.e. 77% of a standard full-time employment contract) and a more flexible distribution of working hours (Article 12 Labour Law, *LET*³⁴).

³¹ Of 03/12/1993, BOE 07/12/1993.

³² Of 14/05/1994, BOE 23/05/1994.

³³ Royal Law Decree 5/2001, of 02.03/2001, BOE 03/03/2001.

³⁴ Ley del Estatuto de los Trabajadores, approved by Royal Legislative Decree 1/1995, of 24/03/1995, BOE 29/03/1995.

The Spanish regulation of part-time work, while generally linked to the rule of proportionality,³⁵ is also informed by the principle of assimilation of part-time into full-time work as regards social protection.³⁶ Therefore, several legislative instruments have included measures designed to diminish the difficulties that part-time workers face in achieving the periods of membership required to get access to labour and social security protection (Roqueta Buj 2002; Morales Ortega 2001). The rulings of the Spanish Constitutional Court have also contributed to extend the framework of protection granted to part-time workers. Constitutional Court judgment 253/2004³⁷ is especially relevant to this matter. The Spanish court ruled that the contributory principle that informs the Spanish statutory social security system justifies that the basis for fringe benefits and pensions are calculated in direct relation to the reference earnings, resulting in more reduced social security payments for part-time workers. On the contrary, the longer periods of membership imposed on part-time workers before they can gain access to social security benefits and pensions, derived from the applicability of the proportionality rule, are seen by the Spanish Constitutional Court as indirectly discriminatory on grounds of sex (gender-disparate effect) and are therefore prohibited. The strict applicability of a *pro rata* criterion to the calculation of these periods is considered to be an unacceptable double penalization. Therefore, this difference in treatment is judged to be arbitrary and disproportionate as it excessively hinders the access of one group of workers—a group predominantly composed of women—to the social security protection system. Consequently, the court declared null and void the second paragraph of Article 12.4 *LET*, in its wording introduced by the Royal Legislative Decree 1/1995, of 24 March. The court ruled that this provision contravened Article 14 of the Spanish Constitution, which prohibits all forms of discrimination on grounds of sex. It is worth mentioning that the practical consequences of this ruling are limited to the case at issue, because at the time of the judgment, the controversial provision (Article 12.4 *LET*) had already been amended by the Royal Law Decree 15/1998 of 27 November.³⁸ Notwithstanding this fact, the relevance of STC 253/2004 resides in its acknowledgment of the difficulties part-time workers face in gaining access to social protection. Above all, this judgment constitutes an attempt to put an end to these difficulties by improving the situation of part-time workers as regards pension rights.

³⁵ In accordance with article 12.4.b *LET*, part-time workers have the same rights as full-time employees and these rights should be acknowledged by the laws, regulations and collective bargaining agreements, when their nature so requires, according to the amount of time worked. Therefore, the very nature of the right will determine whether the principle of *pro rata temporis* should apply or whether it should be enjoyed in the same conditions as those applicable to full-time employees. For instance, proportionality cannot be applied in retributive matters when dealing with non-wage benefits of an indemnifying nature (i.e. accommodation, maintenance or travel allowances).

³⁶ See Additional Disposition 7 of the General Social Security Act of (Ley General de la Seguridad Social, approved by Legislative Royal Decree 1/1994, of 20/06/1994, BOE 29/06/1994) and Royal Law Decree 15/1998, of 27 November, BOE 28/11/98.

³⁷ STC 253/2004, of 22/12/2004.

³⁸ BOE 28/11/98.

In order to attenuate the applicability of the proportionality principle to part-time workers as regards the minimum periods of membership, Royal Law Decree 15/1998, of 27 November, concerning the strengthening and rationalization of the social security system, was approved. Royal Decree 144/1999, of 29 January, has further developed this act. Royal Law Decree 15/1998 changed the wording of Article 12 *LET*. The new provision maintains the rule of taking into account exclusively the hours of work performed to calculate the periods of membership for entitlement to social benefits and pension rights, but introduces a correcting mechanism aimed at facilitating the access of part-time workers to social security protection. The main amendment is the introduction of the concept *día teórico de cotización* (theoretical contribution day), which is equivalent to 8 h of working time or 1,826 h on an annual basis. This new measurement system serves as the formula to calculate the period of membership needed to gain access to old-age, disability and survivors' pensions, as well as to paid maternity leave. In addition, a special correcting rule applies to the calculation of the period of membership required in order to receive a retirement pension or permanent incapability benefits. The rule is that a multiplier coefficient of 1.5% be applied to the theoretical contribution day,³⁹ making it easier for part-time workers to gain access to these social security benefits.

The reform of the formula for calculating the social security rights of part-time workers introduced by Royal Law Decree 15/1998 does not fully equalize the position of part-time workers and full-time workers in relation to those rights, because it does not apply the aforementioned correcting mechanisms to all social security benefits, but only to old-age and permanent disability pensions. Therefore, there is still uncertainty about the full compliance of the current regulation with the constitutional provision establishing the fundamental right to equality and non-discrimination on grounds of sex, as interpreted by the Constitutional Court in STC 253/2004 (Lousada Arochena 2005).

Finally, in Spain the procedure to transform a part-time contract into a full-time one is set out in Article 12.4 *LET*. Following the guidelines of Directive 97/81/EC, this provision urges employers to give consideration to the request made by workers engaged in part-time or full-time jobs to be transferred to full-time or part-time jobs, respectively. In addition, it obliges them to provide information about job vacancies in the company so that employees can apply for voluntary transfer from full-time to part-time work (or vice versa), if they so wish. This norm also encourages social partners to negotiate in the collective agreements how this information should be provided and the procedures for resolving requests of adjustment of working hours. Also in accordance with the part-time Directive, Article 12.4.e. *LET* establishes that any transfers from full-time to part-time work (and vice versa) must always be voluntary and be based on mutual agreement. Therefore, it becomes impossible for the employer to compel an employee to work overtime or to decrease his/her working time. However, in Spain there is no subjective right on the employee's side

³⁹ In order to avoid a misuse of this correcting formula, there is a provision ruling that in any case the number of contributed days obtained by the applicability of this formula can never be higher than the number of contributed days that would be obtained had the work been performed on a full-time basis.

to request a modification of the contracted working time similar to the one enjoyed by employees in the Netherlands. The employer's only obligation is to take into consideration any modifications requested by workers, in so far as that is possible, and in the case of rejection, to issue a notification in writing and to justify the reasons behind that decision.

3.4 Critical evaluation of the regulation on part-time work

The situation of part-time workers, most of whom are women, gives rise to concern because discrimination relates to a wide range of aspects of the employment relationship, from working conditions—including conditions of dismissal—to occupational pension schemes and statutory social security allowances. The vast case law of the European Court of Justice illustrates that discrimination affects mainly low-skilled female workers and derives both from national laws and regulations and from collective agreements signed by trade union representatives. This picture is alarming because discrimination against this type of worker has a gender component and damages the dignity of female employees as a category, impeding women's access to career advancement and equal opportunities. The adoption of Directive 97/81/EC on part-time work was welcomed as a significant step towards the better protection of part-time workers. Nevertheless, the more extensive framework of protection offered by Article 141 of the European Community Treaty and the directives on equality between men and women has proven to be more effective in safeguarding the interests of part-time female workers.

The Community legislation applies the principle of *pro rata temporis* to the rights and benefits granted to part-time workers. The Court of Justice considers this type of policy as being in accordance with the principle of equality for men and women.⁴⁰ Thus, as both the Dutch and the Spanish legal frameworks for part-time work are based on the proportionality principle, it can be argued that they fully comply with the requirements of Directive 97/81. Nevertheless, the rather different approach to the domestic legislation intended to overcome the gender segregation of part-time workers can be inferred from the comparative analysis of these two legal systems.

In the Netherlands, the lack of sufficient public care facilities and services⁴¹ and the high percentage of part-time female workers who have chosen this type of employment relationship as a way to conciliate working and family life, has led to the enactment of an act that, in fact, institutes an individual employee's right to adjust his/her working hours in accordance with his/her wishes (Verhulp and Kuip 2000). Despite the strength of this worker's prerogative, the due respect to the organizational authority enjoyed by the employer, based on the right to property and the freedom of undertaking, is preserved by limiting the exercise of this right if the

⁴⁰ ECJ Judgment of 23 October 2003, joined cases C-4/02 and C-5/02, *Schönheit*.

⁴¹ This situation is exacerbated by the adoption of a new act (Wet Kinderopvang of 09/07/2004, Stb. 2004, 55, 29/10/2004) that transfers to families most of the financial burden of caring for minors. This growth in family expenditure is compensated for by means of tax deductions.

worker's wishes clash with serious and proven business interests (Burri et al. 2003). The Dutch law on working time adjustments is intended to improve the protection of those workers who decide to change their working schedule, regardless of the reasons behind the working time adjustment request. The main aims of this act are to protect female workers who take the decision to reduce their working hours in order to combine professional and care responsibilities and to promote the adoption of this kind of time arrangements amongst male workers. The outcome of this new legislation is a reinforcement of the legal position of the worker as regards the conciliation of working and family life, by means of facilitating the access of male workers to part-time work (Jacobs 2004; Grünel 2001), as well as by supporting the position of women who wish to reduce or increase their working hours.⁴²

The Spanish regulatory approach to part-time is rather different to the one of the Dutch legislator. In contrast to the Dutch situation, part-time work in Spain is still a marginal type of employment relationship. However, as in the Dutch case, the number of female part-time workers exceeds considerably the number of their male counterparts. In 1998, the increased gender dimension of part-time work led to the adoption of a new bill that, by applying correcting mechanisms, is intended to help part-time workers to reach the thresholds of the required period of membership of social security schemes to be entitled to retirement and permanent incapacity pensions. The Spanish legislator has accepted the fact that because women are more likely to work part time for longer periods on their professional careers (so that they can assume care and domestic responsibilities), their ability to build up a full pension is reduced accordingly.

Although the recent Spanish and Dutch legislative changes are informed by the same goal—namely to improve the working conditions and social protection of part-time workers—they have taken divergent paths, clearly influenced by the financial implications of these legislative decisions. In the Spanish case, part-time work is strongly promoted as the best way to achieve conciliation of family and working life, and the legislative measures focus on facilitating the enjoyment of social security rights. Meanwhile, the Dutch legislator has opted to strengthen the position of part-time workers by establishing an individual right to request adjustments in their previous working time contractual terms. Thus, in the Netherlands, ample freedom is given to workers, regardless of their sex, to choose how much time they want to dedicate to family and domestic commitments. The Law on working time adjustment is informed by the expectation that the outcome of the increased freedom to adjust working time will be a more even assumption of paid and unpaid work by men and women, and that the need to assimilate social protection rights for part-time and full-time workers would be reduced by a less gender segregated part-time labour market. The studies and evaluations assessing the success of this legislative policy are not yet conclusive. Some suggest that this legislative policy is succeeding in achieving that goal (Burri 2004). In this sense, it is worth mentioning that the evaluation report of the law presented to parliament in 2004 concludes that the overall effect of this legal instrument has been positive, especially in promoting

⁴² This act is intended to respond to workers' preferences as regards working time adjustments, reflected in some reports about the labour market. See *Trendrapport aanbod arbeid*. OSA, The Hague, 1999.

the labour market participation of women.⁴³ However, a more recent study shows that the number of hours that Dutch women work is not increasing, and that the working hours of men have also not appeared to have varied significantly in recent years.⁴⁴

To conclude this section, it is worth noting that both the Spanish and the Dutch regulatory frameworks for part-time employment are more extensive than the one offered by Community law. This is because both are trying to give accurate legislative responses to the problems posed by the gender dimension of part-time employment. Unfortunately, this gender dimension approach, which is clearly reflected in the Spanish and Dutch legislative framework, is missing from the provisions of Directive 97/81/EC. This Community legal instrument does not reflect sufficiently the need for stronger social protection guarantees for part-time workers. Luckily, the wide range of legal acts in the field of the equal treatment of men and women in employment and occupation⁴⁵ has served to compensate for the shortcomings of the Directive on part-time work.

The following sections are devoted to the comparative economic analysis. In them, we analyse how part-time employment has evolved over time, the main factors that determine the probability of working part time and the extent to which part-time jobs are used as stepping-stones to full-time positions.

4 Empirical analysis

The data used in this section were extracted from the European Community Household Panel (ECHP) for the period 1995–2001. This data set is the most closely coordinated component of the European system of social surveys, which gather information on several socio-economic aspects throughout the European Union. It occupies a central position in the development of comparable social statistics across Member States on income, including social transfers, labour, poverty and social exclusion, housing, health and various other indicators relating to the living conditions of private households and persons. It is therefore a harmonized longitudinal survey, which makes it possible to follow up and interview the same private households and persons over several consecutive years.

We extracted data for Spain and the Netherlands from the 1995–2001 waves of the ECHP. In order to define part-time employment, we combined each respondent's self-judgement with the '30 h per week' rule to differentiate between

⁴³ See Evaluation Wet aanpassing arbeidsduur (Waa), Tweede Kamer, vergaderjaar 2003–2004, 29503, nr. 1. This report was accompanied by two further studies by the labour inspectorate into the impact of the Waa in collective agreements and on the case law related to the Waa.

⁴⁴ According to the study of Portegijs, W., Hermans, B., and Lalta, V., *Emancipatiemonitor 2006*. Den Haag: Sociaal en Cultureel Planbureau/Centraal Bureau voor de Statistiek, the average working hours of female employees has dropped slightly from 25.2 h per week in 2003 to 24.9 h in 2005.

⁴⁵ Most of the existing legislative measures in this field will be repealed by the new recast Directive on the implementation of the principle of equal treatment of men and women in matters of employment and occupation. See the common position of the Council and the European Parliament concerning the recast version of the equal treatment Directive in COM (2006) 108 final.

part-time and full-time work. We first asked workers whether they work part or full time. We then noted the number of working hours per week, so that individuals who worked more than 30 h per week would not be included in the part-time category.

4.1 Part-time employment and discrimination

As part-time employment increases, there is growing concern about the quality of such employment. In this sense, as mentioned in Sect. 3, the Directive 97/81/EC was formulated in order to protect part-time workers from discrimination in terms of employment and occupation. However, since many of the provisions of the Directive are very weak, the protection offered by it to part-time workers is still very limited. In particular, there is still concern that part-timers are more likely to have fewer opportunities for career advancement and to receive lower wages than their full-time counterparts. Part-time employment is commonly associated with low-wage employment. The definition of low-wage employment is in some sense arbitrary, and a range of low-pay thresholds have been suggested in the literature (CERC 1991; OECD 1996, 1997, 1998). Proposed low-pay thresholds are typically expressed as a fraction of either the mean or the median. For each country, we defined workers in low-paid jobs as those who earn less than two-thirds of the median. In addition, low pay is measured in terms of hourly gross earnings. Focusing on hourly earnings has a number of advantages; in particular, it allows both full-time and part-time employees to be included and compared on a meaningful basis.

Hourly earnings are derived using two variables *PI211MG* (*current wage and salary earnings—gross (monthly)*) and *PE005A* (*how many hours (included paid overtime) do you work in your main job or business*) for those working more than 15 h per week. For those individuals working less than 15 h per week we use variable *PE005*—*total number of hours working per week (in main plus additional jobs)*—since variable *PE005A* is not observed for these workers. Using both variables, which are virtually identical, enables us to include those working less than 15 h per week. They play a significant role in low-wage employment but are usually not accounted for in studies based on the ECHP. Once hourly earnings are derived, we compute, from 1995 to 2001, the low-pay and high-pay thresholds, as two-thirds and one-and-a-half times the median earnings, respectively. Therefore, medium-paid workers are defined as those earning in between the two thresholds.

In order to address the issue on whether part-time employment is commonly associated to low-wage employment we carry out a multinomial logit model. The dependent variable is a three-point variable indicating the worker's allocation to one of the three categories within the earnings distribution (low, medium or high-pay). We take medium-paid workers as the reference category, so two sets of coefficients are estimated (see Table 3). To better understand the results, we present them in terms of the Relative Risk Ratios (RRR) instead of coefficients. Furthermore, we account for the presence of repeated observations of the same individual in the pooled sample by using a robust variance estimator. As explanatory variables we include both personal and job characteristics, including a dummy variable indicating whether the individual is employed in a part-time job.

Table 3 Multinomial logit model (Low, Medium, High-pay)

	Spain				The Netherlands				
	Females		Males		Females		Males		
	RRR	<i>t</i>	RRR	<i>t</i>	RRR	<i>t</i>	RRR	<i>t</i>	
<hr/>									
$\frac{\Pr(\text{Low}=1)}{\Pr(\text{Medium}=1)}$									
Age									
16–29									
30–44	0.446	−9.27	0.459	−10.18	0.265	−14.31	0.098	−19.03	
45–64	0.460	−6.61	0.288	−10.81	0.306	−10.65	0.089	−16.49	
Education									
Primary									
Secondary	0.592	−5.84	0.703	−4.12	0.804	−1.34	0.613	−2.39	
Tertiary	0.428	−7.37	0.485	−6.68	0.467	−3.90	0.297	−4.86	
On-the-job training									
Part-time	0.383	−10.80	0.645	−4.69	0.363	−13.37	0.550	−5.98	
Temporary contract	0.859	−0.72	2.147	2.83	1.711	2.52	4.499	4.73	
First job	2.826	14.96	2.147	11.44	3.410	13.57	2.883	9.35	
Occupation ^a									
OC1	1.610	5.54	1.602	5.49	1.650	5.72	1.789	4.92	
OC2	0.542	−0.89	0.472	−1.28	1.064	0.31	1.755	2.94	
OC3	0.488	−3.10	1.036	0.13	0.931	−0.47	1.049	0.26	
OC4	1.295	1.82	0.794	−1.19	1.576	4.14	1.381	1.61	
OC5	2.740	6.81	1.775	3.41	4.024	12.34	2.186	4.30	
OC6	2.719	5.20	1.337	1.73	1.987	2.62	2.461	5.33	
OC7	1.620	2.17	1.282	1.43	3.825	5.91	2.827	5.60	
OC8	2.691	6.57	1.788	3.48	5.257	12.34	2.903	5.66	
Sector of activity ^b									
Industry									
Servic1	1.384	2.21	2.101	7.72	1.783	2.94	1.433	2.47	
Servic2	0.858	−0.99	2.047	6.40	1.568	2.35	1.503	2.87	
Servic3	1.224	1.45	1.108	0.78	1.270	1.29	1.332	1.67	
Part-time × sector of activity									
Part_Industry									
Part_Servic1	0.538	−2.37	0.454	−2.35	0.982	−0.07	0.749	−0.81	
Part_Servic2	0.905	−0.32	0.431	−1.98	0.791	−0.91	0.991	−0.02	
Part_Servic3	0.864	−0.61	0.671	−0.96	0.736	−1.28	0.422	−2.21	
<hr/>									
$\frac{\Pr(\text{High}=1)}{\Pr(\text{Medium}=1)}$									
Age									
16–29									
30–44	3.856	9.87	3.406	11.09	2.891	5.14	6.800	9.66	
45–64	8.326	12.19	7.005	15.10	4.575	6.94	17.245	13.72	

Table 3 continued

	Spain				The Netherlands			
	Females		Males		Females		Males	
	RRR	<i>t</i>	RRR	<i>t</i>	RRR	<i>t</i>	RRR	<i>t</i>
Education								
Primary								
Secondary	2.184	4.51	1.786	6.13	0.972	-0.08	1.370	1.09
Tertiary	2.872	5.79	2.636	9.39	1.857	1.68	3.644	4.35
On-the-job training	1.932	7.44	2.912	16.95	0.972	-0.30	1.450	5.13
Part-time	0.853	-0.33	1.260	0.48	1.144	0.46	2.982	2.88
Temporary contract	0.294	-9.68	0.242	-14.87	0.611	-2.79	0.366	-4.94
First job	0.864	-1.06	0.755	-2.22	1.095	0.54	0.763	-1.71
Occupation								
OC1	3.783	4.64	3.647	7.63	3.107	5.95	2.033	6.83
OC2	5.773	12.04	3.786	9.97	2.252	5.90	1.648	5.04
OC3								
OC4	0.460	-5.65	0.523	-5.41	0.587	-3.11	0.500	-4.62
OC5	0.333	-5.43	0.670	-2.79	0.615	-2.50	0.527	-3.56
OC6	0.124	-3.83	0.368	-8.84	0.477	-1.30	0.152	-9.02
OC7	0.307	-2.40	0.405	-7.48	0.640	-0.92	0.414	-4.13
OC8	0.139	-8.30	0.139	-10.41	0.251	-4.21	0.240	-5.47
Sector of activity								
Industry								
Servic1	0.773	-0.88	0.355	-7.29	0.177	-4.15	0.611	-3.52
Servic2	1.662	2.07	0.996	-0.03	1.086	0.37	1.285	2.40
Servic3	1.194	0.76	0.840	-1.55	0.675	-1.95	0.845	-1.52
Part-time × sector of activity								
Part_Industry								
Part_Servic1	2.274	1.38	4.050	2.23	3.443	2.24	0.698	-0.63
Part_Servic2	1.406	0.57	1.083	0.12	1.185	0.47	0.589	-1.12
Part_Servic3	1.637	0.96	1.846	1.09	1.047	0.15	0.813	-0.48
<i>N</i>	9144		14420		11,934		13,441	
Log-Likelihood	-6123		-9455		-7422		-7843	

^a *OC1* Legislators, senior officials and managers; *OC2* Professionals; *OC3* Technicians and associate professionals; *OC4* Clerks; *OC5* Service workers and shop and market sales workers; *OC6* Craft and related trade workers; *OC7* Plant and machine operators and assemblers; *OC8* Elementary occupations

^b *Servic1* Wholesale and retail trade; repair of motor vehicles, motorcycles and personal/household goods; Hotels and restaurants. *Servic2* Transport, storage and communication; Financial intermediation; Real state, renting and business activities. *Servic3* Public administration and defence, compulsory social security; Education; Health and social work; Other community, social and personal service activities, private households with employed persons, extra-territorial organizations and bodies

Overall, it can be observed that part-time workers are more likely to be in low-paid jobs, thus suggesting that, in general, the protection provided by legal instruments, based of the principle of proportionality and dealing with discrimination against part-timers, has been insufficient. However, some country differences are worth mentioning. In the Netherlands the above result is observed for both genders. This result confirms that, despite of the existence of a legal framework intended to protect part-timers against discrimination since 1996, important differences with respect to their full-time counterparts still remain. In Spain, where part-time employment has remained stagnant since 1995, and at much lower levels compared to the Netherlands, the higher risk of low-wage employment among part-timers is only observed for the male collective.

Comparing the RRR on the part-time variable for the samples of Dutch and Spanish males, we find significant differences. Dutch males working part-time have a risk of low pay around 4.5 times higher than their full-time counterparts. For Spanish males, this value is much lower, slightly above 2 times.

Regarding the effects of other explanatory variables we find that the risk of low pay is reduced with age and the attained level of education and on-the-job training. Also, working on a temporary basis and being at first job increases the likelihood of being in a low pay situation. Finally, the risk of low pay varies across the different occupations and sectors of activity.

4.2 Determinants of part-time employment

This section identifies the major determinants that could affect individuals' decisions on taking part-time jobs, and the differences in determinants that are likely to exist between the two countries.

As mentioned in Sect. 3, in both countries, the legal frameworks for part-time employment are based on the proportionality principle, and it can be said that they fully comply with the requirements of Directive 97/81. Nevertheless, the differences in the domestic legislation might imply, to some extent, differences in the incidence and determinants of part-time employment. The Dutch law has been mainly devoted to improve protection of those workers who decide to adjust their working time, regardless of the reasons behind their request. It is, thus, focused on getting a better conciliation of working and family life by reinforcing the legal position of part-time workers. In Spain, however, part-time work is still a marginal type of employment. These country differences can be appreciated in Table 4, reporting the main reasons for working part time in both countries by gender and age groups. This information was provided by the responses to question pe005b in the ECHP (namely 'What are your main reasons for working less than 30 h per week?'). Five types of reasons are considered: (1) undergoing education or training; (2) looking after children or other persons; (3) personal illness or disability; (4) want but cannot find a full-time job; and (5) do not want to work more hours.

Clear country differences can be seen. Overall, part-time employment in Spain seems to be much more related to the difficulty part-timers encounter in trying to find a full-time job, although some gender differences can also be noticed. For males, the highest value of this category is observed amongst those in the 25–44 age group

Table 4 Main reasons for working part time, by gender and age (ECHP 2001)

Age group	Reasons for working part time	Netherlands		Spain	
		Females	Males	Females	Males
16–24	Education or training	0.884	0.931	0.309	0.595
	Looking after children or other persons	0.028	0	0.127	0
	Personal illness or disability	0.005	0.017	0	0
	Want but cannot find full-time job	0.028	0	0.436	0.286
	Do not want to work more hours	0.005	0.034	0.018	0.024
25–44	Education or training	0.010	0.191	0.066	0.154
	Looking after children or other persons	0.730	0.277	0.336	0
	Personal illness or disability	0.038	0.223	0.008	0.077
	Want but cannot find full-time job	0.014	0.043	0.361	0.481
	Do not want to work more hours	0.142	0.074	0.120	0.058
45–65	Education or training	0.007	0	0	0
	Looking after children or other persons	0.216	0.075	0.389	0
	Personal illness or disability	0.041	0.340	0.019	0.071
	Want but cannot find full-time job	0.019	0.057	0.222	0.357
	Do not want to work more hours	0.591	0.170	0.185	0

(almost 50%), while for females the highest rate corresponds to the 16–24 age group (around 44%). In contrast, workers in the Netherlands seem to voluntarily choose to work part time. These country differences can be partly explained by the fact that, different to the Dutch case, in Spain there is no subjective right on the employee's side to request a modification of the contracted working hours in accordance with their wishes. Nonetheless, remarkable gender and age differences can also be appreciated in the Netherlands. Amongst the youngest workers (16–24 years old), being enrolled in education or training is the main reason for working part time, and there are no significant differences between males and females. However, gender differences are much more evident for the other two age groups. Looking after children or other persons plays a key role in explaining part-time employment amongst Dutch females in the 25–44 age group. More than 70% of these females state that this is the main reason to work part time. For males, the corresponding percentage is less than 30%. In Spain, no males in this age group report working part-time because of this reason, and the corresponding percentage amongst Spanish females is significantly lower (<35%). In contrast, looking after children or other persons seems to be a more important reason for working part time amongst Spanish females in the 45–65 age group, in comparison with their Dutch counterparts. Personal illness or disability seems to be an important factor in explaining part-time employment amongst Dutch males who are older than 25 years (although especially for the 45–65 age group, where this category represents around 35%). The corresponding percentages amongst their female counterparts are much lower (around 4%). In Spain, however, personal illness or disability is much less important in explaining part-time employment, especially for females.

To do a more in-depth analysis on the determinants of female's decisions to work part time, we estimated a multinomial logit model where the dependent variable is a

four-point dummy variable indicating the respondent's allocation to one of the following labour market states: full-time employment, part-time employment, unemployment, inactivity. Full-time workers were taken as the reference group, and three set of coefficients (one for each labour market category other than full time) were estimated.

The probability of being inactive, unemployed or working part time was estimated conditional on a vector of explanatory variables that includes personal characteristics. The full empirical results are given in Tables 5 and 6. Some country differences regarding the females' decision to work part time are worth mentioning. Living in a couple and having children younger than 12 in the household increase a female's probability of working part time in the Netherlands but not in Spain. However, in both countries being the reference person in the household reduces the individual likelihood of working part time, while looking after children or other persons without payment significantly increases the incidence of part-time employment.

Being hampered in the daily activities by any chronic physical or mental health problem, illness or disability significantly increases a female's probability of working part time in the Netherlands but not in Spain. This trend can be partially explained by the nature of the Dutch disability scheme: until 2006, partial disability meant a minimum of 15% disability, whereas in Spain the disability threshold to gain access to a permanent partial disability pension is set at 33%.

Table 5 Multinomial logit: determinants of female part-time employment in the Netherlands (2001)

	Inactive (29.91%)		Unemployed (2.24%)		Part time (39.50%)	
	Coefficient	<i>t</i>	Coefficient	<i>t</i>	Coefficient	<i>t</i>
Household characteristics						
Couple	-0.019	-0.10	-0.609	-1.41	0.313	1.95
Children < 12	0.541	2.97	0.373	1.04	0.557	3.53
Reference person	-0.826	-4.28	-0.308	-0.70	-0.390	-2.45
No. < 16 years in the household	0.391	4.75	0.624	4.05	0.324	4.45
Daily activities looking after children or other persons without payment	0.802	5.80	0.681	2.10	1.365	11.04
Health situation						
Disability	1.241	10.24	0.767	2.84	0.328	2.71
Age						
16-24	-	-	-	-	-	-
25-44	-0.346	-1.59	0.066	0.13	-1.199	-6.79
45-65	2.122	9.65	1.265	2.34	0.122	0.65
Education						
Primary	-	-	-	-	-	-
Secondary	-0.436	-3.37	-0.373	-1.32	0.143	1.13
Tertiary	-1.695	-10.17	-1.499	-3.68	-0.632	-4.31
Constant	-0.593	-3.55	-2.799	-7.58	0.008	0.05

Table 6 Multinomial logit: determinants of female part-time employment in Spain (2001)

	Inactive (50.78%)		Unemployed (9.43%)		Part time (7.92%)	
	Coefficient	<i>t</i>	Coefficient	Coefficient	<i>t</i>	Coefficient
Household characteristics						
Couple	-0.029	-0.25	-0.575	-3.58	-0.114	-0.68
Children < 12	0.135	1.06	0.032	0.18	0.062	0.32
Reference person	-2.150	-13.49	-0.771	-4.04	-0.706	-3.64
No. < 16 years in the household	0.168	2.78	0.071	0.85	-0.019	-0.2
Daily activities looking after children or other persons without payment	0.462	4.06	0.681	4.21	0.471	2.84
Health situation						
Disability	1.470	7.89	0.436	1.47	0.331	1.1
Age						
16-24	-	-	-	-	-	-
25-44	-1.330	-9.72	-0.995	-5.69	-0.372	-1.8
45-65	0.536	3.1	-1.307	-4.76	0.034	0.13
Education						
Primary	-	-	-	-	-	-
Secondary	-0.729	-6.97	-1.102	-6.72	-0.402	-2.51
Tertiary	-1.937	-18.26	-1.022	-7.5	-0.889	-5.99
Constant	1.630	13.29	0.383	2.41	-0.667	-3.44

There are significant differences between the two countries as regards age effects. Taking females in the 16–24 age group as the reference group, it can be seen that in Spain those in the 25–44 age group are significantly less likely to be either inactive or unemployed. In contrast, the corresponding estimated coefficients in the Netherlands are not statistically significant. This result can be explained by two facts, namely that in Spain unemployment is mainly concentrated amongst females and young workers, and working during schooling is not very common. Furthermore, Dutch females in the 25–44 age group are significantly less likely to work part time than those in the reference category are. In Spain, however, the estimated coefficient on the variable ‘25–44’ is also negative but marginally significant.

Regarding education, and taking as the reference category females with only primary education, it can be observed that, in both countries, having a tertiary education significantly reduces the likelihood not only of working part time, but also of unemployment and inactivity. However, some country differences can be observed regarding a secondary level of education: while females with secondary education in Spain are less likely than those with only primary education to work part time, non-significant differences between these two educational levels are observed in the Netherlands.

There are also significant country differences regarding the incidence of part-time employment by sector of activity (see Figs. 2a, 3b). First, in the Netherlands

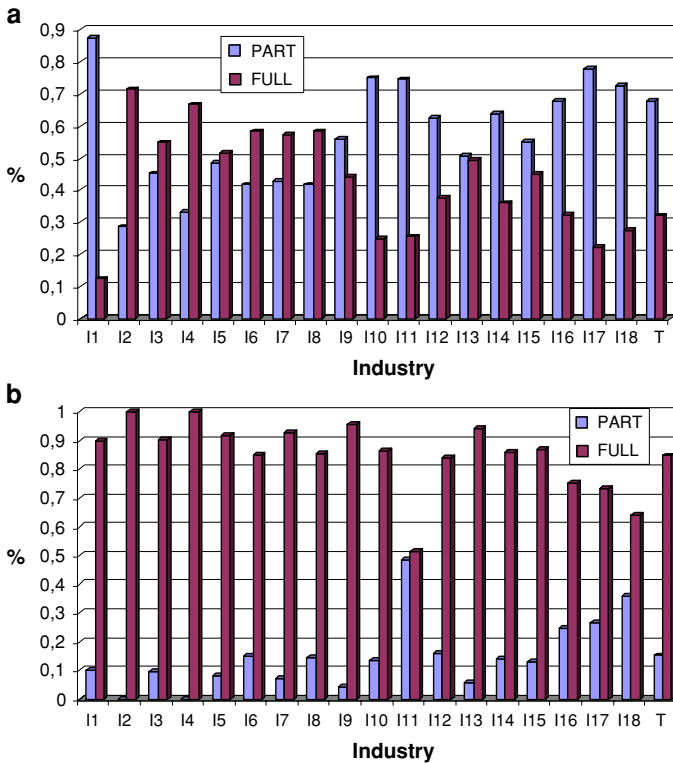


Fig. 2 **a** Percentage of part-, and full-timers (*females*) by industry. Netherlands (2001). **b** Percentage of part-, and full-timers (*males*) by industry. Netherlands (2001). *Sector of activity*: I1 Agriculture, hunting and forestry + Fishing; I2 Mining and quarrying + Electricity, gas and water supply; I3 Manufacture of food products, beverages and tobacco; I4 Manufacture of textiles, clothing and leather products; I5 Manufacture of wood and paper products; publishing and printing; I6 Manufacture of coke, refined petroleum/chemicals/rubber & plastic/... products etc.; I7 Manufacture of metal products, machinery and equipment; I8 Other manufacturing; I9 Construction; I10 Wholesale and retail trade; repair of motor vehicles, motorcycles and personal/household goods; I11 Hotels and restaurants; I12 Transport, storage and communication; I13 Financial intermediation; I14 Real estate, renting and business activities; I15 Public administration and defence; compulsory social security; I16 Education; I17 Health and social work; I18 Other community, social and personal service activities; private households with employed persons, extra-territorial organizations and bodies

the highest incidence of female part-time employment is found in the following activities: agriculture, hunting, forestry and fishing; wholesale and retail trade; repair of motor vehicles, motorcycles and personal/household goods; hotels and restaurants; health and social work, and other community, social and personal service activities; private households with employed persons, extra-territorial organizations and bodies. In all these cases, the proportion of females who work part time is above 70% of total female employment. Amongst Dutch males, part-time employment is especially important in hotels and restaurants, where the proportion of males working on a part-time basis (50%) is remarkably higher than the average (around 13%). In Spain, in contrast, the highest incidence of female part-time employment (>40%) is found in: education; other community, social and personal

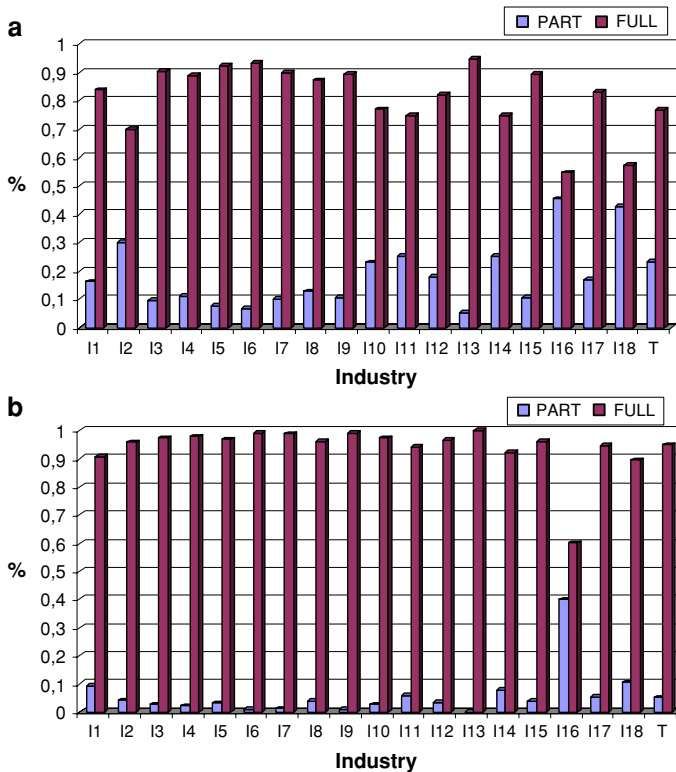


Fig. 3 a Percentage of part-, and full-timers (*females*) by industry. Spain (2001). b Percentage of part-, and full-timers (*males*) by industry. Spain (2001). See sector of activity in Fig. 2

service activities; and private households with employed persons, extra-territorial organizations and bodies. Amongst Spanish males, the education sector has the highest number of part-timers.

Finally, an analysis of the proportions of part- and full-timers by occupation (see Figs. 4a, 5b) shows that, for both Dutch males and Dutch females, part-time employment is especially important in: service work and shop and market sales work (almost 80% of females and 25% of males in this occupation are working part time); and skilled agricultural and fishery work (where the corresponding percentages are 90% for females and almost 30% for males). However, in Spain female part-time employment is more likely amongst professionals and elementary occupations, with a proportion of part-timers of about 30%. For Spanish males, the highest rate of part-time employment is amongst professionals (around 15%).

4.3 Probability of leaving a part-time job

We were also interested in analysing to what extent part-time work is used as a stepping-stone either to a full-time position or to exit the labour market. For that purpose, we estimate a multinomial logit model based on a selected sample of

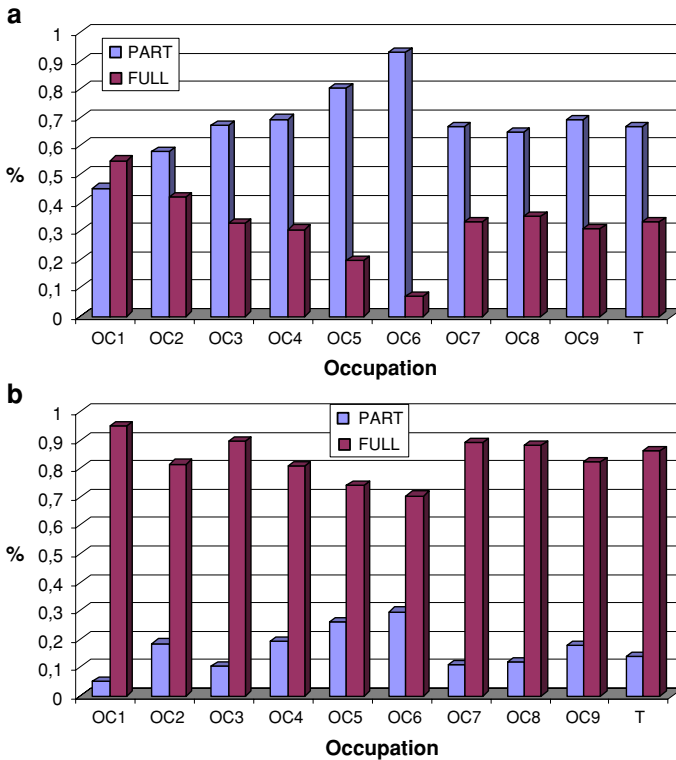


Fig. 4 **a** Percentage of part-, and full-timers (*females*) by occupation. Netherlands (2001). **b** Percentage of part-, and full-timers (*males*) by occupation. Netherlands (2001)

part-time workers. The dependent variable was a three-point variable that took value 0 if the individual remained in part-time employment the next period he/she is observed, 1 if he/she changed to a full-time situation, and 2 if a change from part-time employment to non-employment (unemployment or inactivity) was observed. Taking people who remain in part-time employment as the omitted category, two sets of coefficients were estimated.

The multinomial logit regression results are given in Tables 7 and 8 for the Netherlands and Spain, respectively. To better understand the results, we present them in terms of relative risk ratios (RRR) rather than coefficients. The first four columns of these tables present the estimation results when the following personal and job characteristics are included in the analysis: gender, household characteristics (marital status, presence of children under 12 in the household, number of individuals younger than 16 in the household, and a dummy variable indicating the individual has to look after children or other persons without payment), age, education, type of firm, on-the-job training and a set of occupational dummies. In the last four columns, we also include in the estimation two cross-dummy variables to identify females living in a couple, and females with children under 12 in the household. Some points about these cross-dummy variables are worth mentioning. In Spain, the inclusion of these two

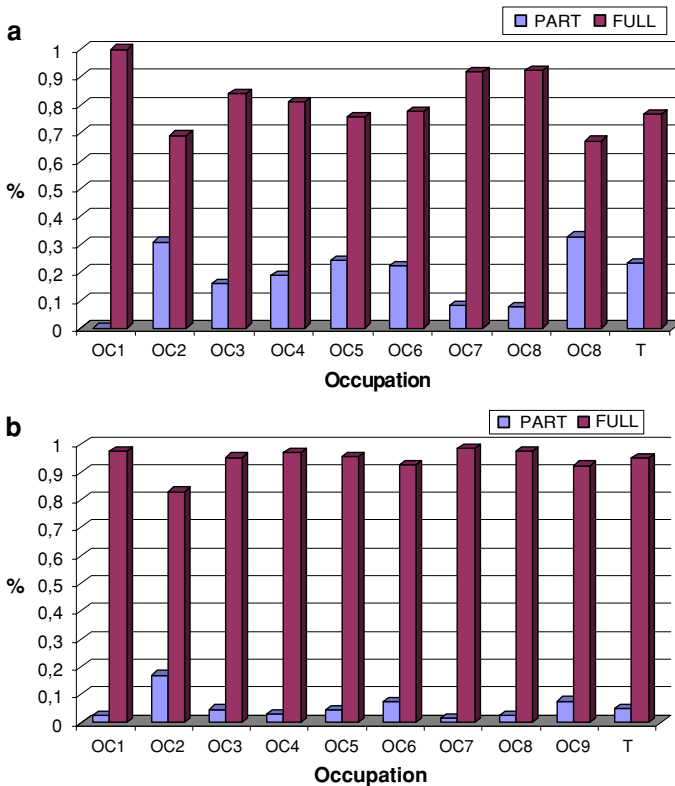


Fig. 5 **a** Percentage of part-, and full-timers (*females*) by occupation. Spain (2001). **b** Percentage of part-, and full-timers (*males*) by occupation. Spain (2001)

dummies does not influence the significance of the effect of being female on the individual likelihood of switching from part-time to full-time employment. In contrast, in the Netherlands being female no longer significantly affects the likelihood of making this type of transition when these two dummies are included in the estimation. These results can be interpreted as follows. In general, Dutch females are not less likely than their male counterparts to increase the number of hours they work. It is the fact of being female and living in a couple, or being female with children younger than 12, that significantly reduces the likelihood of switching from part- to full-time employment. In Spain, in contrast, females in general exhibit a probability 2.6 ($=1/0,384$) times lower than males of switching from part- to full-time employment.

Interesting country differences are revealed by comparing the last four columns of Tables 7 and 8. As can be noticed, household characteristics in the Netherlands play a more significant role in determining the probability of leaving part-time work. First, in both countries, living in a couple exerts a positive and significant effect on the probability of increasing the number of working hours.⁴⁶ However, the

⁴⁶ In particular, those individuals who are living in a couple are about twice as likely to switch from part- to full-time employment.

Table 7 Multinomial logit for the probability of leaving part-time work (Netherlands)

	Part time → full time (11.93%)		Part time → none (9.87%)		Part time → full time (11.93%)		Part time → none (9.87%)	
	RRR	<i>t</i>	RRR	<i>t</i>	RRR	<i>t</i>	RRR	<i>t</i>
Female	0.405	-9.91	0.813	-1.96	0.891	-0.93	0.940	-0.45
Household structure								
Couple	0.733	-2.8	1.208	1.4	1.922	3.84	2.169	3.58
Children < 12	0.747	-2.54	1.037	0.3	1.255	1.22	0.433	-2.99
No. < 16	0.871	-2.67	1.047	0.89	0.860	-2.9	1.061	1.13
Look after	0.702	-3.49	0.647	-3.94	0.734	-3.06	0.632	-4.08
Female × Couple					0.273	-7.53	0.498	-3.34
Female × Children					0.481	-3.78	2.777	3.61
Age								
16–24	–	–	–	–	–	–	–	–
25–44	1.016	0.13	0.617	-3.14	0.914	-0.71	0.580	-3.55
45–65	0.426	-5.56	0.786	-1.54	0.344	-6.89	0.735	-1.95
Education								
Primary	–	–	–	–	–	–	–	–
Secondary	0.997	-0.02	0.909	-0.78	1.020	0.14	0.900	-0.87
Tertiary	1.266	1.44	0.824	-1.14	1.287	1.54	0.792	-1.37
Type of firm								
Public	1.342	2.68	0.466	-4.82	1.288	2.29	0.468	-4.78
Priv1	–	–	–	–	–	–	–	–
Priv2	1.578	3.96	0.663	-2.73	1.558	3.82	0.663	-2.73
Priv3	1.311	2.03	0.512	-3.49	1.309	2	0.511	-3.5
On-the-job	1.033	0.35	0.603	-3.67	1.038	0.4	0.610	-3.58
Occupation								
OC1	1.826	2.68	1.018	0.05	1.638	2.17	0.952	-0.13
OC2	1.425	2.57	1.472	2.13	1.352	2.16	1.458	2.07
OC3	1.076	0.64	0.753	-1.82	1.047	0.4	0.744	-1.89
OC4	–	–	–	–	–	–	–	–
OC5	1.062	0.57	1.240	1.89	1.011	0.11	1.233	1.84
OC6	0.952	-0.18	1.417	1.38	1.001	0	1.451	1.48
OC7	1.225	0.79	1.685	1.95	1.068	0.25	1.646	1.85
OC8	1.245	1.01	1.357	1.27	1.137	0.59	1.314	1.13
OC9	0.714	-2.55	1.815	5.04	0.737	-2.32	1.847	5.18
Log-likelihood	-5,284				-5,229			
<i>N</i>	8,649							

Yearly dummies included

marginal effect of this variable when estimating the probability of going from part-time employment to non-employment is significant (and positive) only in the Netherlands. Second, the presence of children younger than 12 in the household

Table 8 Multinomial logit for the probability of leaving part-time work (Spain)

	Part time → full time (26.82%)		Part time → none (31.80%)		Part time → full time (26.82%)		Part time → none (31.80%)	
	RRR	<i>t</i>	RRR	<i>t</i>	RRR	<i>t</i>	RRR	<i>t</i>
Female	0.261	-8.8	0.388	-6.02	0.384	-4.91	0.402	-4.6
Household structure								
Couple	0.950	-0.36	1.027	0.2	2.133	2.51	0.929	-0.23
Children < 12	0.841	-0.94	1.053	0.31	0.725	-0.87	1.350	0.79
No. < 16	0.965	-0.39	1.000	0	0.951	-0.55	1.001	0.01
Look after	0.914	-0.53	1.005	0.03	0.956	-0.26	1.009	0.05
Female × Couple					0.355	-3.25	1.158	0.44
Female × Children					1.177	0.43	0.752	-0.73
Age								
16–24	–	–	–	–	–	–	–	–
25–44	0.569	-3.42	0.356	-6.44	0.549	-3.67	0.360	-6.36
45–65	0.260	-5.46	0.378	-4.63	0.216	-6	0.383	-4.51
Education								
Primary	–	–	–	–	–	–	–	–
Secondary	0.670	-2.46	0.803	-1.49	0.699	-2.2	0.806	-1.46
Tertiary	0.942	-0.33	0.562	-2.93	0.961	-0.22	0.563	-2.92
Type of firm								
Public	1.615	2.41	0.506	-2.6	1.647	2.48	0.507	-2.58
Priv1	–	–	–	–	–	–	–	–
Priv2	1.030	0.14	0.546	-2.59	1.019	0.08	0.543	-2.61
Priv3	1.141	0.41	0.336	-2.57	1.197	0.56	0.330	-2.61
On-the-job	0.747	-1.58	0.450	-3.29	0.730	-1.69	0.452	-3.28
Occupation								
OC1	0.121	-1.84	1.199	0.25	0.141	-1.72	1.264	0.32
OC2	1.146	0.58	0.811	-0.73	1.102	0.41	0.816	-0.71
OC3	0.824	-0.71	0.663	-1.34	0.824	-0.71	0.675	-1.28
OC4	–	–	–	–	–	–	–	–
OC5	0.661	-2.05	0.894	-0.55	0.656	-2.08	0.895	-0.54
OC6	4.771	1.98	2.552	1.11	4.505	1.9	2.571	1.12
OC7	0.820	-0.62	0.801	-0.67	0.831	-0.58	0.812	-0.63
OC8	0.300	-3.47	0.219	-3.93	0.311	-3.38	0.220	-3.91
OC9	0.551	-2.9	1.121	0.57	0.568	-2.74	1.116	0.55
Log-likelihood	-2,149				-2,140			
<i>N</i>	2,191							

Yearly dummies included

significantly reduces the probability of making a transition from part-time employment to non-employment in the Netherlands, while no significant effects on this variable are observed for Spain. The same occurs when looking at the

marginal effect of the variable ‘look after’. In the Netherlands, the presence of daily activities that imply looking children or other persons without payment significantly reduces the likelihood of leaving part-time employment, while no significant effect on this variable is observed in Spain. Third, females living in a couple in the Netherlands and Spain are 3.6 and 2.8 times more likely, respectively, to increase the number of hours they work than those in the reference category are.

In contrast, only Dutch females living in a couple are less likely to go from part-time employment to non-employment. Finally, being female and having children younger than 12 significantly reduces the probability of making a transition from part-time to full-time employment, and increases the probability of going from part-time employment to non-employment in the Netherlands, but not in Spain.

In both countries, the probability of increasing the number of working hours is lower amongst workers in the 45–65 age group than amongst those in the reference group (i.e. the 16–24 age group). However, while in Spain those in the 25–44 age group are also less likely than the omitted category to switch from part- to full-time employment, this is not observed in the Netherlands. Thus, transitions from part- to full-time employment in Spain are much more common amongst the youngest workers, which might suggest that part-time jobs in this country tend to be used as entry jobs. In both countries, however, the probability of making a transition from part-time employment to non-employment decreases with age.

Educational level does not have a significant effect on the individual likelihood of leaving part-time work in the Netherlands. In Spain, however, individuals with secondary level of education are around 1.5 times less likely to switch from part- to full-time employment than someone with only primary education is. Furthermore, having tertiary education significantly reduces the likelihood of making a transition from part-time employment to non-employment in Spain.

Turning to job characteristics, it can be noticed that the type of firm plays an important role in determining the likelihood of leaving part-time work, especially in the Netherlands. Taking small private firms (<50 employees) as the reference category, we see that working in the public sector or in medium or large private firms reduces the likelihood of making a transition from part-time employment to non-employment in both countries. In the Netherlands, being employed in the public sector or medium or large private firms also increases the likelihood of switching from part- to full-time employment. This might be explained by the fact that in the Netherlands, the law on working time adjustment does not apply to undertakings that employ fewer than ten workers. However, such an effect does not seem likely considering that that legal instrument also explicitly establishes that the right to request adjustments in the organization and duration of working time is also enforceable in these kinds of undertakings. The only difference is that they enjoy more flexibility when setting up the rules for the use of that right.⁴⁷ Nevertheless, this explanation is plausible if one takes into account that for smallish undertakings, the Dutch law on working time adjustment also contemplates the possibility of

⁴⁷ This flexibility has led to a neglected applicability of the right to request an adjustment in the contractual working time in small undertakings. Thus, the report on the evaluation of the *Wet aanpassing arbeidsduur* points out the need to intensify the information provided to those undertakings on that regard.

company agreements restricting the right to request such an adjustment.⁴⁸ In Spain, in contrast, firm size does not play a significant role in determining the probability of increasing the number of working hours.

Receiving on-the-job training significantly reduces the probability of making a transition from part-time employment to non-employment. Finally, occupation plays an important role in determining the probability of leaving part-time employment.

5 Conclusions

As regards the legal framework for part-time employment and the measures taken to ensure the equal treatment of part-time and full-time workers in the two countries under study, it is worth noting that the Spanish and Dutch recent legislative changes are informed by the same goal, namely to improve the working conditions and social protection of part-time workers. Although part-time work in Spain is still a marginal type of employment relationship, such employment is mainly concentrated amongst females, as is the case in the Netherlands. Thus, the gender dimension of part-time employment occupied a central position in this study. In principle, both the Dutch and Spanish legal frameworks for part-time work are based on the proportionality principle, and both fully comply with the requirements of Directive 97/81/EC. However, a comparative analysis of these two legal systems reveals the rather different approach given to the legislation that is intended to combat the gender segregation of part-time employment.

The analysis of the ECHP for the period 1995–2001 provides interesting country differences regarding part-time employment. Overall, part-time employment in Spain seems to be much more related to the difficulty part-timers encounter in finding full-time jobs. In the Netherlands, workers seem to voluntarily choose to work part-time. Furthermore, the results reveal that living in a couple and the presence in the household of children younger than 12 increase a female's probability of working part time in the Netherlands but not in Spain. This result can be explained, to some extent, by country differences in the domestic regulatory frameworks for part-time employment. While in the Netherlands employees have the right to request an adjustment in their working hours, regardless of the reasons behind, this is not the case in Spain. The analysis of the ECHP for the period 1995–2001 provides interesting country differences regarding part-time employment. Overall, part-time employment in Spain seems to be much more related to the difficulty part-timers encounter in finding full-time jobs. In the Netherlands, workers seem to voluntarily choose to work part-time. Furthermore, the results reveal that living in a couple and the presence in the household of children younger than 12 increase a female's probability of working part time in the Netherlands but not in Spain. This result can be explained, to some extent, by country differences in the domestic regulatory frameworks for part-time employment. While in the

⁴⁸ Parliamentary Documents, I 1999–2000, pp. 634–635.

Netherlands employees have the right to request an adjustment in their working hours, regardless of the reasons behind, this is not the case in Spain.

Important country differences are also revealed when analysing the probability of leaving a part-time job: in general, Dutch females are not less likely than their male counterparts to increase the number of hours they work. It is the fact of being female and living in a couple, and being female with children younger than 12, that significantly reduces the likelihood of switching from part- to full-time employment. In Spain, females in general are 2.6 times less likely than males to switch from part- to full-time employment. Household characteristics in the Netherlands seem to play a more significant role in determining the probability of leaving part-time work. Furthermore, transitions from part- to full-time employment in Spain are much more common amongst the youngest workers, which might suggest that part-time jobs in this country tend to be used as entry jobs.

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