

Minimum Income Guarantee and Social Assistance

Benefits for Low Income People and Increasing Low Wages

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SOCIAL ASSISTANCE IN SPAIN

Introduction

Social assistance as the technique providing means-tested income guaranteed financed by general taxation in Spain is composed by different benefits. There is not a only one policy, but different measures oriented to different groups of population and organised by different public administrations. During the last two decades, the different levels of public administration have implemented a set of benefits, which observed together can considered as the Spanish 'safety net'. The main lines of this development has been: a) fragmented in different protection systems (unemployment, pensions, social services), b) subsidiary of the development of these systems and c) decentralized in different levels of public administration (mainly in regional level, i.e. Autonomous Communities)

Developments during the period 1985-2000

According to the Spanish *Carta Magna* (1978), social assistance is a regional power of the 'exclusive competence' of the 17 Autonomous Communities (art. 148; 1.20). Powers concerning the basic legislation and the economic regime of the social security system remained within the domain of the central government. However, the *Comunidades Autónomas* (Autonomous Communities) could exercise executive powers in the running of contributory programmes which could be decentralized to them (art. 149; 1.17). As a consequence of the flexibility of the constitutional provisions, all Autonomous Communities claimed in their Statutes of Autonomy (regional constitutional laws) a large number of services and functions concerning social

assistance, social services, community development, social promotion and welfare policies in general¹.

The implicit assumption was that, according to a comprehensive interpretation, social assistance was an 'exclusive' power of the Autonomous Communities, alongside with the social services². Local governments would carry out the bulk of service provision, but the powers of legislation, planning, and co-ordination with the private and altruistic sectors would rest upon regional executives and legislatures.

The central government during this period passed some acts that included different social assistance benefits (concerning unemployment subsidies: 1980, Basic Employment Act; 1983, Unemployment subsidy for eventual employees registered in the Special Agrarian Regime of the Social Security; and 1984, Unemployment protection -and disable legislation in 1982, LISMI-) and reorganized old social assistance benefits (1981, FAS).

The year 1988 can be identified as the beginning of a cycle of major developments concerning social assistance in Spain, and of a big expansion of social spending. The establishment in 1988 of the Ministry of Social Affairs aimed at the development of a social policy, and area of public intervention which had been 'hidden' within the organisational structure of the Ministry of Labour. The newly created Ministry of Social Affairs pursued a course of action of co-ordination with the mesogovernments in the development of General Plans³. In particular, they paved the way for the future transfer of the social services of the Social Security (*INSERSO*) to the regional systems of social services (the base for social assistance regional policies).

During this period the major reform carried out by the central government was the universalisation of old-age and disability pensions. In 1990, the Law of Non-Contributory Pensions of the Social Security (26/1990) put into effect the awarding of means-tested benefits for old-age and disabled citizens outside the social security system (and the gradual phasing out of the Assistance and LISMI benefits). The 26/1990 Law also established the awarding of means-tested benefits to low-income families for children under 18 years and/or handicapped, and to which both families in the contributory and non-contributory systems were entitled to claim.

The single most innovative contribution in the construction of 'safety nets' in Spain was responsibility of the Autonomous Communities. From 1988 (Basque Country) to 1995 (Balearic Islands), the Autonomous Communities elaborated and implemented their regional programmes of minimum income for insertion (*Rentas Mínimas de Inserción*), as policies directed to fight poverty and social exclusion. These are programmes of

¹ The only services, which remained outside the request of the mesogovernments, were those of the *INSERSO* (Social Security social services). However during the 1990s the executive powers for the running of practically all *INSERSO* social services have also been transferred to the *Comunidades Autónomas*.

² In 1986, a decision of the Constitutional Court (146/1986) established that, despite the 'exclusive' powers of the Autonomous Communities in this field, the central government could also develop programmes of social assistance guaranteeing an equal treatment to all *Comunidades Autónomas*.

³ The most important agreement between the three layers of governments took place in 1987 with the approval of the 'Concerted Plan for the Development of the Basic Provision of Social Services by the Local Authorities' (*Plan Concertado para el Desarrollo de Prestaciones Básicas de Servicios Sociales de las Corporaciones Locales*).

minimum income guaranteed for low-income families, which aim at facilitating social insertion of the recipient families (along the lines of the early principles established by the French *RMI*). Such benefits were intended to provide monetary resources to those citizens potentially active in the labour market confronting situations of need. These minimum income benefits filled in a hole in the social protection system or, in other words, helped to complete the ‘weaving’ of the Spanish ‘safety net’ as it stands now.

Some of the programmes of minimum income were established mainly on the initiative of the regional governments, and as a result of the combined action by both types of policy-makers (elected politicians and executive officials). The institutional factor making relevant the issue of the minimum income guaranteed was precisely the constitutional entitlement for the *Autonomous Communities* to exercise their political autonomy. In some other cases, the pressure exerted by the opposition parties in the regional parliaments was the main factor behind the elaboration of these programmes. Finally, a third path of policy-making was due to the mobilisation of the regional branches of the main trade unions (*CC.OO* and *UGT*)⁴, as well as some significant NGOs, such as Caritas (both at regional level, parish councils, but also nation-wide).

The central Ministry for Social Affairs showed no little reticence with the implementation of the regional programmes of minimum income. Its main reluctance concerned arguments of poverty dependency and labour disincentives. Allegations that these new regional policies could affect territorial solidarity throughout Spain were among its criticisms (Ministerio de Asuntos Sociales, 1989). Within this context, no action to boycott the implementation of the regional programmes of minimum income was to be expected from the Socialist central Government.

The main arguments used by the critics of these regional minimum income guarantee programmes concerned labour passivity and desincentivation, dependency culture, fraud and underground economy and reproduction of old charity beneficence logic. The advocates of the *Rentas Minimas* defended that they grew social cohesion and solidarity, labour integration and new instruments for Social Services. Both positions agreed finally in a new objective for the *Rentas Minimas* (and social policies in general) which is the social (mainly labour) integration. The income guarantee was a subsidiary objective. The result (at least in the paper) was that *Rentas Minimas* were monetary limited and activities (counter-benefits) oriented. The population target was going to be social exclusion, instead the old objective of eradication of poverty. This consensus is going to imprint the new policies during 90’s decade, and it’s going to be main legitimation instrument in the aids oriented to people in active situation (as the unemployment benefits).

The end of this period of expansion for social assistance and services took place precisely when the Ministry of Social Affairs was subsumed in the Ministry of Labour and Social Affairs after the victory of the Popular Party in the 1996 General Elections.

⁴ The main trade unions supported these programmes. They pursued a course of action alternative to the traditional negotiation and eventual agreement at the national level. In fact, the climate of national confrontation between the central government and the trade unions induced these negotiations at the regional level. Note that, between the autumn of 1989 and the spring of 1989, all the pacts subscribed between the mesogovernments and the trade unions (*CC.OO.* and *UGT*) included the establishment of programmes of minimum income.

The former Ministry's powers and competencies were integrated in the lower ranked *Secretaría General de Asuntos Sociales*.

After this period of expansion reforms have concentrated in the consolidation of the system of social protection, especially as concerns financing. Among the main objectives pursued two can be underlined:

1. A clear division between contributory social insurance and universal non-contributory benefits.
2. Pensions (contributory and non-contributory) are to be up-rated annually in line with price increases (and retroactively).

Some policies for a minimum and limited family support have been also implemented in recent years. Some measures have been aimed at facilitating conciliation between family and labour lives (*Ley por la Conciliación de la Vida Laboral y Familiar*, 39/1999), although in a very timid manner due to the low benefits involved. According to Decree-Law (1/2000) benefits for family protection were improved and new cash benefits were created for the birth of a third and successive child, as well as for multiple births (they are one-off payments of a low amount as reproduced in table 4)⁵.

An instance of this is the Individual and Family Minimum allowance (*Mínimo Personal y Familiar*) according to the 1998 Income Tax Act (40/98). This Tax reform implied a change from the threshold system. This *Mínimo* was defined as the disposable income of the taxpayer to comply with his/her basic needs and with those of his/her dependent family members. This minimum implied the inclusion a basic level of income exempted of taxation and the adjustment associated with different family burdens of the taxpayers.

⁵ These policies have a markedly pro-natalist orientation, reacting to the very low birth rate in Spain linked by the policy-makers to the increasing participation of women in labour market.

Table 1: Personal and familiar minima quantities, years 1999 and 2000

	Annual Amount	%MW/annual MW 2000 = 5947.13
Personal minimum		
<65 years	3,305.56	55.6
≥65 years	3,906.57	65.7
Disability between 33% and 65%	5,108.60	85.9
Disability ≥65%	6,911.63	116.2
Single-parent family <65 years	5,409.10	91.0
Single-parent family ≥65 years	6,010.12	101.1
Single-parent family with disability between 33% and 65%	7,212.14	121.3
Single-parent family with disability ≥65%	9,015.18	151.6
Family Minimum		
Supplement head <65 years and income <Minimum Wage, MW	601.01	10.1
Supplement 1st & 2nd child (<25 years) (1)	1,202.02	20.2
Supplement 3° and successive children (<25 years) (1)	1,803.03	30.3
Supplement for school material children between 3 and 16 years	150.25	2.5
Supplement for each child <3 years	300.50	5.1
Supplement for descendent/ascendent with disability 33% and 65% (1)	1,803.03	30.3
Supplement for descendent/ascendent with disability ≥ 65% (1)	3,606.07	60.6

(1) Provided that income is not higher than the minimum threshold established of 6,010.12 exempted the amounts regulated in art. 48 of the Income Tax normative.

Source: Elaboration from Ruiz-Huerta, J., Martínez R., y Ayala L. (2001).

After their implementation, the development of regional minimum guaranteed has been highly irregular. Only few *Comunidades Autónomas* have made evaluations and renewed their programmes (see table 2). If we compare figures through this period a sound increase is noticeable. On observing annual modifications, however, it cannot be inferred a general pattern of change for all of them. Expenditure flows of expenditure and number of beneficiaries do not show a common pattern either. (e.g. Basque Country and Murcia). On the other, they might also be subject to political volatility. As they were implemented in most cases for reasons of legitimacy by the new mesogovernments in the general process of decentralisation in Spain, they could also suffer from a certain degree of discretionary politics in the future.

Table 2: Main legislative dispositions concerning Regional programmes of minimum income

	Elaboration and implementation							Evaluation and reforms					
	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Andalusia		■									■		
Aragon					■								
Asturias		■	■										
Balearics							■						
Basque Country	■	■								■		■	
Canaries			■							■			
Cantabria	■							■					
Castille-La Mancha		■					■	■					
Castille and Leon		■							■				
Catalonia		■							■				
Extremadura		■							■				
Galicia			■								■		
La Rioja		■											
Madrid		■											■
Murcia			■										
Navarre		■									■		
Valencia		■											

3. Social assistance safety net today

As we have pointed out, during the last two decades the development in Spain of different social assistance policies has resulted in a interwoven of mechanism for protecting people without access to other incomes, i.e. has resulted in something that we can call 'safety net'. A look at the tables is very illustrative of the various types of benefits and subsidies (both contributory and non-contributory) which composed the public 'safety net' in Spain in year 2000. As reproduced in tables 3 and 4 the 'non-contributory benefits' system in Spain is grouped as follows:

Table 3: Non-contributory cash benefits for <65 years

			Monthly Amount ⁽¹⁾ €/month	% MW /monthly ⁽¹⁾ MW 2000) = 495.5 €/month	Beneficiaries		
Minimum contributory pensions supplement (Minimum pension)	Disable	Major ⁽²⁾	630.9	127.3	23,571		
		Absolute ⁽²⁾	420.6	84.9			
	Survivors	Widow	60-64 years	369.8	74.6	863,966 ⁽⁵⁾	
			<60 years	295.1	59.5		
		Orphan ⁽³⁾		121.7	24.6		113,567
		Relative in charge ⁽³⁾		121.7	24.6		19,440
Unemployment subsidy			318.6	64.3	367,851		
Agrarian unemployment subsidy			318.6	64.3	224,170		
Active income for occupational insertion			318.6	64.3	3,966		
Assistance pensions			174.8	35.3	68,058		
Minimum income guarantee (disability-LISMI)			174.8	35.3	83,471		
Non-contributory pensions for disabled and old-age			288.1	58.1	471,275		
Differences in regional minimum income schemes ⁽⁴⁾			Maximum: 318.6 Minimum: 238.9	Maximum: 64.3 Minimum: 48.2	78,445		

(1) Annual amount apportioned in 12 payments

(2) Without spouse

(3) Per beneficiary

(4) Household benefit

(5) Includes widows >65years

Source: Elaboration from MTAS (2001b), MTAS (2001c), administrative data provided by General Directorate for Social Action, Minors and Family (*Dirección General de Acción Social, del Menor y de la Familia*) and CES (2001) p.66

Benefits that supplement Social Security coverage ⁶

- a) Social Security Minimum Pension Supplements (*Complementos de Mínimos de Pensiones de la Seguridad Social*). People under 65 can access to pensions for disabled (major and absolute) or survivors (widows, orphans and relative in charge). These are benefits whose function is to top up already provided pensions to a minimum threshold that is established legally. Claimants' monthly income (excluded the amount received as pension) must not be higher than a limit fixed annually. In recent years the number of supplemented pensions has gradually decreased due to the longer contributory biographies of the new pensioners.

⁶ Note that access to these benefits is only possible if here has been a previous contributory trajectory of the beneficiary, despite the possibility that this might has been insufficient to sustain the entitlement.

- b) Social Assistance Benefits for the Unemployed (*Subsidios de desempleo*). Firstly, the means-tested *Subsidio por Desempleo*, which is available to unemployed whose contributory benefit has finished (NB. Especially targeted for those with dependent children, or those over 52 years of age with difficulties to re-enter the labour market). During the year 2000, the mean figure of monthly beneficiaries was 367,851. Secondly, the *Subsidio de desempleo agrario* available to unemployed workers within the Special Agrarian Regime within the Social Security system and living in the poorer regions of Andalusia and Extremadura (224,170 monthly beneficiaries)⁷. Thirdly, the *Renta Activa de Inserción Laboral*, which is a benefit introduced in 2000 on an annual basis. It aims at facilitating labour insertion for long-term unemployed workers over 45 years of age, and who are in needy situations subject to means testing. This *Renta Activa* had a limited impact in 2000, when they were implemented (3,966 beneficiaries). However, it meant the adoption of an insertion criterion for unemployment subsidies similar to that of the regional minimum income schemes.

Non-contributory Social Security benefits

- a) Non-contributory Social Security Pensions for Disable people under 65 years (*Pensiones no Contributivas de la Seguridad Social*, or *PNCs*), Assistance Pensions (*Pensiones Asistenciales*) and LISMI subsidies for the disabled (*Subsidio de Garantía de Mínimos*, *LISMI*). The non-contributory pensions are benefits targeted on households of low-income disabled (with a more of 65% of invalidity). 242,416 was the monthly mean figure of non-contributory pensioners during 2000 (51,4% of total non-contributory pensions). Assistance and *LISMI* subsidies are subject to a gradual phasing out after the implementation of the *PNCs* in the year 1990 (Law 26/1990). They are still available for those beneficiaries who had access to *LISMI* before 1990 and were not included in the provisions of the *PNCs*. However, during 2000 there were 46,599 and 83,471 Assistance (non elderly) and *LISMI* pensioners, respectively, whose benefits would be lower if they were to perceive the later implemented *PNCs*.
- b) Family benefits of the Social Security (*Prestaciones Familiares de la Seguridad Social*). They are low intensity benefits awarded for families with dependent children under 18 years-of-age to low-income families either with or without contributory biographies (pensioners, working or non-working). They are more generous in the case of handicapped children (see table 4). Benefits amounts are higher in the case of children over 18 year with serious disability, and in this respect they can be considered as non-contributory pensions although its concession is incompatible with any other non-contributory benefit. During the year 2000, amounts were increased and other benefits such as one-off payment for the birth of third and successive children, as well as for multiple birth, were also implemented.

⁷ Unemployment reform proposals put forward by the Spanish Government in the year 2002 also include the gradual disappearance of the Agrarian subsidies (*PER-REASS*), and its substitution by a contributory regime for all eventual agrarian labourers similar to the general provisions for the unemployed.

Table 4: Cash benefits for family protection (2000)

Benefits per dependent child		Annual amount	Monthly amount (1)	% MW (1) 495.5 €/month,	Beneficiaries
No disability and younger than 18 years		291.01	24.25	4.9	786,080
Younger than 18 years and disability > 33%		582.20	48.47	9.8	
Older than 18 years and disability > 65%		2,817.06	234.76	47.4	107,853
Older than 18 years and disability > 75%		4,255.65	352.13	71.1	
Third child birth		450.76	One-pay off	---	---
Multiple birth	2 children	4 times M.W	One-pay off	---	---
	3 children	3 times M.W			
	4 children	4 times M.W			
Maximum Income for family protection		7,439.92 (+ 15% per year 2nd and successive children)	619.99	125.1	

(1) Annual amount apportioned in 12 payments

Source: Elaboration from MTAS (2001b).

Regional Minimum Income Schemes (Rentas Mínimas de Inserción)

According to data collected by the Spanish General Directorate of Social Action, Minors and Family (*Dirección General de Acción Social, del Menor y de la Familia*), 78,645 families were receiving monthly these benefits in 2000. The regional programmes of minimum income have distinct characteristics mainly with regard to the intensity of the benefits and the insertion obligations to be complied by the beneficiaries. However, they are quasi-universalistic entitlements, which combine cash benefits with activation policies and programmes of social integration (employment promotion and vocational training courses, primarily). Their main common features can be identified as follows:

- a) Families are the units of reference even though individuals can be single beneficiaries.
- b) Means-tested criteria is related to a threshold of household income under which cash benefits are awarded (around two thirds of the minimum wage).
- c) Residence status of applicants is required.
- d) Periods of extension are available provided that beneficiaries have complied with social insertion activities and social needs remain the same.
- e) Most regional programmes requirements set age limits between 25 and 65 years.

Actually, those regional minimum schemes could be considered the Spanish ‘safety net’. Indeed, policy outcomes have resulted in some visible differences in the intensity of the benefits and, above all, the nature of the ‘insertion’ programmes to be accomplished by the beneficiaries (see table 5). According to these differences three groups of the regional programme of *Rentas Mínimas de Inserción* can be identified in 1995 (Laparra and Aguilar, 1997):

- (a) Those establishing a link between the perception of the subsidy and the aim of insertion;
- (b) Those where insertion takes the form of a job contract, and the benefits are subject to workfare;
- (c) Those discretionary and *ad hoc* social assistance.

As reproduced in table 5, basic amounts for the year 2000 oscillated between a monthly payment of € 238.9 in the Canary Islands and € 318.6 in Extremadura and Navarre. This corresponded to 48.2% and 64.3% of the legal minimum wage, respectively. All programmes offered lower amounts to support a life-style which could be financed were beneficiaries to be in the formal labour market, and had a rather similar level of protection as that provided by the contributory Social Security. In general such amounts do not reflect wide regional disparities, although in order to assess the real protecting intensity family and other supplements awarded to cover specific needs should also be taken into account, as is the case of the Basque Country (Sanzo, 2002).

Likewise, the total number of households that received minima benefits in the year 2000 provides a good indicator of coverage⁸. This indicator shows a greater degree of disparities: while in the Basque Country benefits were received by 2.64% of the total Basque households, intermediate percentages of between 1% and 1.5% corresponded to Canary Islands, Cantabria, Murcia and Navarre, and the rest of the *Comunidades Autónomas* hardly reached 1% of all households.

⁸ Current data on their incidence on regional poverty rates are not available, something which has prevented us from calculating coverage rates of the targeted population. Further to this, data of the General Directorate for Social Action on minimum income beneficiaries are based on estimations. Consequently, the option taken has been to calculate coverage rates of households in the *Comunidades Autónomas*.

Table 5: Regional expenditure and coverage of the programmes of minimum income schemes, 2000

	Regional Expenditure		Population coverage		Protective Intensity		
	Actual spending (million of €) ¹	% Budgetary effort ²	Number of households ³	% of households ⁴	Basic Amount ⁵ (€/month)	% MW ⁶	% N.C.P. ⁷
Andalusia	27,532	0.17	15,962	0.74	263.4	53.1	91.4
Aragon	2,596	0.12	1,396	0.36	254.8	51.4	88.5
Asturias	10,632	0.86	1,512	0.44	282.3	57.0	98.0
Balearics	1,082	0.12	570	0.21	282.1	56.9	97.9
Basque Country	53,238	1.03	16,550	2.64	305.4	61.6	106.0
Canaries	8,024	0.21	5,358	1.12	238.9	48.2	82.9
Cantabria	3,456	0.39	2,340	1.43	249.4	50.3	86.6
Castille-La Mancha	1,947	0.07	813	0.15	297.5	60.0	103.3
Castille and Leon	8,763	0.20	2,814	0.34	260.3	52.5	90.3
Catalonia	36,632	0.28	9,726	0.47	285.5	57.6	99.1
Extremadura	3,119	0.18	1,351	0.40	318.6	64.3	110.6
Galicia	12,699	0.20	4,156	0.51	242.0	48.8	84.0
La Rioja	337	0.08	179	0.22	289.1	58.3	100.3
Madrid	24,912	0.38	7,855	0.49	249.0	50.2	86.4
Murcia	950	0.06	3,478	1.02	240.4	48.5	83.4
Navarre	4,075	0.19	1,820	1.04	318.6	64.3	110.6
Valencia	10,019	0.14	2,565	0.20	298.0	60.1	103.4

¹ Spending data corresponds to the Budget related to minimum income benefit payments.

² Percentage of Expenditure related to Minimum Income Schemes/Initial consolidated Budget of the CCAA. It comes from the Ministry of Public Administration (<http://www.map.es>)

³ The number of households corresponds to the number of benefits. In some cases, data corresponds to the number of households with access to the programme at any moment (ex. during December in Madrid), in some others, data corresponds to the number of households with access to the benefits throughout the year (ex. Basque Country).

⁴ Total number of households of the Autonomous Communities. It comes from the Continuous Survey on Family Budgets, 2nd Trimester, 2001, INE.

⁵ Basic amount corresponds to the basic amount which comes out of adding family supplements (depending on family size and on each CCAA) and of subtracting the incomes received by the family.

⁶ Percentage of the basic amount of the minimum income with regard to the Minimum wage, 2000: 495.5 €/month (annual amount apportioned in 12 payments)

⁷ Percentage of the basic amount of the minimum income with regard to Non-Contributory pensions for Disability and Old-Age, year 2000: 288.10 (for 12 months: annual amount apportioned in 14 payments).

Note: Budget expenditure amount corresponds to the expenditure of the minimum income payments, except for Asturias which also includes social wage expenditure and training.

Source: Elaboration from data provided by the General Directorate for Social Action, Minors and Family (*Dirección General de Acción Social, del Menor y de la Familia*).

In the third place, expenditure figures are also a good measure to assess both regional effort and generosity in financing these programmes. Once again, the special fiscal arrangement in the Basque Country, where there is a ‘quasi-independent system of tax

collection, allowed this *Comunidad Autónoma* in its 2000 Budget to afford up to 1.03% (€ 53,2 millions) for funding its minimum income programme. A group of regions including Andalusia, Catalonia and Madrid also devote sizeable amount to these programmes, In some others, however, the budgetary effort is rather modest: 0.86% in the case of Asturias and no more than 0.4% in regions such as Murcia or La Rioja.

The aim of social insertion is articulated in some programmes as a ‘double entitlement’ and in others as a counter-benefit, reciprocity by the beneficiary towards community. In most cases social insertion is materialised by the incorporation of activities of an economic or labour nature. Much of the programmes for social insertion includes mechanism for financing programmes (social services, education and formation, employment or cooperation) of non-profit organization, in a new kind of relationship of cooperation between public and private sectors.

Balance of the reforms and future challenges for minimum social protection in Spain

The development of different mechanism of social assistance in Spain has generalised a minimum social protection: significant categories of population without a minimum guarantee have acceded to this kind of social protection. However the composed safety net is far to be a universal one: we can observe organising criteria and rationale behind the ‘safety net’ protection in Spain. Note that all these benefits are means-tested, although how this criteria is applied vary in some aspects. It is also noticeable that access to ‘better quality’ benefits is independent of family income (this has to be understood as households or common units of residence), while the lower levels are family benefits, *strictu sensu*. Most of these cash benefits take into account the aggregate level of all-family income (or household) as a criterion for eligibility, although the beneficiary is the individual.

All cash benefits provide a coverage which is lower than the legally established minimum wage (see table 3). In other words, they provide a lower protection to that they could get were they to be active and employed in the labour market⁹. The different benefits are ordered ranging those which offer a better coverage to those more limited (in duration and intensity) and more conditioned to comply with a panoply of activities (mostly related to labour activation), and which are awarded more on discretionary grounds of the providing institution and its respective civil servants.

The contributory principle (and the labour position) is the main criterion around which all different sub-systems are organised (and with a direct relationship with the formal labour market background of the beneficiaries). The relationship between insiders and outsiders can be described more as a gradual continuum instead the existence of a clear border between both realms. All of those who have secured a sufficient contribution to the Social Security can have better contributory benefits (retirement pensions, disability and survivors’, as well as unemployment benefits). Once the contributory record of the claimant has come to a stop (unemployment) or is insufficient (pensions), means-tested benefits are to be supplemented so that a minimum established legally can be reached.

⁹ Note that minimum wage amounts (*salario mínimo interprofesional*) are referred to full-time jobs. In the case of some regional minimum income programmes, and due to added amounts as family supplement s, the total benefit amount can be higher than that of the minimum wage.

In the event of no previous contribution to the Social Security, the hierarchical criterion is set also according to the labour market situation of the claimant (age and degree of invalidity) as happens with contributory benefits. For those workers who are not potentially active (over 65 years and disability over 65%), Social Security non-contributory pensions as well as LISMI and Assistance benefits are also available. Those claimants potentially active (under 65 years and with disability lower than 65%) can also be eligible under the regional programmes of minimum income¹⁰.

Note that this logic is quite similar to the logic behind the Minimum Allowance in recent reform of the Income Tax (1998) (see table 1). Age and disability are used as indicators of a position outside the labour market and, therefore, deserving a slightly higher protection.¹¹

The main line of recent reforms has been the gradual orientation towards the activation of policies targeted towards claimants potentially active in the labour market. This has been coupled with the adoption of a somewhat restrictive criterion towards access to benefits and unemployment subsidies¹². Regional programmes of minimum income have been the most visible orientation of this activation approach. This workfare development has also extended to unemployment subsidies (e.g. active income for insertion, requirements for both agrarian unemployment and general unemployment subsidies, or schemes for 'flexible' retirement). Furthermore, programmes targeted to favour access to the labour are also taking into account incentives for workfare activation of those sectors of population socially excluded¹³. That meant to optimise both policies of labour activation by employment services and those carried by social services for purposes of social insertion. The other side is that the reforms are reproducing the traditional division of deserved and non deserved poor.

This hierarchy of benefits is also coherent with the principle of territorial subsidiarity: the 'better quality' benefits is also the more centralised one. As regards the regional minimum income schemes it has to be pointed out their residual or subsidiary role with respect schemes of insertion mainly of the Social Security system. They are the actual 'safety net' taking on board the consequences of programme reduction, changes and

¹⁰ Age is an important protection marker which groups claimants in different categories. The age of 65 years delimits active and non-active status. However, unemployment subsidies also take into account the specific situation of those claimants over 45 and 52 years of age with a relaxation of the eligibility criteria, the extension of the benefit duration, and related circumstances. At the other end, benefits for needy citizens seem have the family as unit of reference for the protection of claimants under the age of 25 years (exception made of those already in the formal labour market or who have their own family). Note, however, that family benefits for dependent children have as upper limit the age of 18 years.

¹¹ However, the Income tax reform has included also a special consideration for single parent family, which can be interpreted in the line of the lines of family protection included in the last decade.

¹² Access to the latter has been restricted even further regarding previous contributory requirements and benefit duration. In April 2002, the Government made public its proposals to reform unemployment provisions, which have been highly contested by the trade unions and the opposition parties. Among other conditions, the proposals were set to require beneficiaries to accept jobs distant up to 50 kilometres from his/her place of residence. Likewise, beneficiaries would lose their right to the benefit after refusing for the third time to take on a job offered to him/her considered as suitable by the state employment or manpower office (*INEM*).

¹³ Law 12/2001 makes provisions for tax breaks in social contributions to newly hired employees in needy situations (e.g. beneficiaries of minimum income schemes). It also awards status of insertion companies, alongside some fiscal privileges, to those hiring low-income workers. Note that despite the support provided by social agents to establishment of these 'productive' businesses, no legal provisions has so far been implemented to regulate their activities.

insufficiencies from the rest of the protection schemes, not only as regards income maintenance but also policies regarding education, housing or health (Serrano and Arriba, 1998). And, as the last resource, regional minimum income left situations uncovered (that can receive responses from private (non-governmental sector and informal solidarity). Between others, the main problem of regional minima are the big differences in intensity protection and social coverage of these benefits. Besides their limited coverage implied a degree of discretion in their daily functioning.

In all future scenarios, the action by the regional and local government will be of decisive importance for the sustainability of the system of social protection in Spain and, in particular, for the maintenance of effective programmes against poverty and social exclusion. However concerns about regional inequalities have not been seriously considered. Up until now, the ‘mimesis effect’¹⁴ among the *Comunidades Autónomas* has proved to be an effective barrier against open discrimination among them, and a very effective *de facto* equaliser of policy output. Regional minima have proof to be highly vulnerable to political legitimisation strategies (Arriba, 2002). It remains to be seen whether these programmes will continue to be a priority for the regions. The *Comunidades Autónomas* may face a not-too-distant future situation of either requesting co-funding from the central government or containing the coverage scope of their benefits.

Perhaps, if we pay attention to the National Action Plan for Social Inclusion, NAP/inc, (MTAS, 2001a)¹⁵ could foresee some of the challenges of Spanish minima protection. In this sense, continuity can be the way to follow. Contents of the Spanish NAP/inc do not put forward new ideas. It provides with a picture of what is already being carried out by the different social actors and stakeholders involved in programmes of social inclusion. The existing structures of social protection are not scrutinised or even questioned. The main reason for this continuity rationale has to be found in the general principle embraced by most PP Government policies: the ‘zero deficit’. This implied that no extra funding or budgetary provision was to be incorporated to the Plan (or to related policies). However, the very existence of the NAP/inc can be assessed as an

¹⁴ As happened with the passing of the regional acts of social services, similar processes of mimesis took place with regard to the programmes of minimum income. At the horizontal, level the *Comunidades Autónomas* have followed patterns of mobilisation rooted on a self-perceived ‘comparative grievance’: no region wants to be left behind. These perceptions have interacted in a conflictive manner with the ‘differential fact’ claimed by the Spanish ‘historical nationalities: Basque Country, Catalonia and Galicia. These are more interested in maintaining a higher degree of home rule as compared with the rest of the Spanish *Comunidades Autónomas*. The combination of these processes has resulted in a *de facto* policy equalisation and in an incentive for policy innovation in those Spanish regions which have been traditionally lagging behind the ‘modernised’ ones. In fact, the mimesis effect produced by a multiple regional concurrence has arguably been one of levelling out --at least in terms of social policy innovation-- the institutional output of the Spanish mesogovernments. This has resulted in the establishment of a differentiated arena of policy provision *vis-à-vis* the central government.

¹⁵ Following the commitment expressed at the Lisbon European Council (June 2000) and the EU objectives agreed at the Nice European Council (December 2000), the Spanish central Government, under the co-ordination of the Ministry of Labour and Social Affairs, prepared the National Action Plan on Social Inclusion for the period 2001-2003 (MTAS, 2001a). Together with those NAP/incl. (or NAPSI, in our terminology) of other EU country members, the European Commission and the Council were commissioned to submit a Joint Report on Social Inclusion for the Brussels-Laeken European Council of December 2001 (for further information see Ferrera, Matsaganis and Sacchi, 2002).

important asset as it provides the very first synthetic overview of the fight against social exclusion in Spain¹⁶.

Others factors to be taken into account have to do with the fragmented nature and decentralized structure of the system of social protection in Spain. The Spanish NAP/inc locates the main responsibilities in the commitment of elaboration of Territorial Action Plans for Social Inclusion assumed by the 17 *Comunidades Autónomas*¹⁷. So, the fight against social exclusion is left at the regional level and the active involvement of the *Comunidades Autónomas* is crucial. Also, a reference to the importance that mobilization by social actors and stakeholders should have for the future viability of the Spanish NAP/inc is needed. The Plan foresees the establishment of several multi-level committees and commissions, the optimisation in the exchange of information, participation of representatives of the groups involved, together with NGOs, experts, practitioners or media leaders. Resource co-ordination and data systematisation regarding both exclusion dynamics and policies are paramount concerns in a decentralised country such as Spain. The unlikeness of having a hierarchical executive leadership responsible for intergovernmental relations, and which could homogenise unilaterally agreements and practices, makes more plausible the achievement of efficient consociational practices and joint efforts.

¹⁶ As in the process of implementation of the regional *Rentas Mínimas de Inserción*, the activities and directives from European Union could have a crucial role pushing social assistance advances in Spain.

¹⁷ In some of them, TAPSI had already been elaborated (Basque Country, Canary Islands, Castille and Leon, Castille-La Mancha, Catalonia, La Rioja and Navarre). Others were in process of elaboration, such as Madrid. These Plans incorporate as core policy instruments the regional minimum income schemes for insertion (*Rentas Mínimas de Inserción*).

MINIMUM WAGE AND LOW-PAID WORK IN SPAIN

The current system of statutory minimum wages in Spain was established in 1964. The government in consultation with trade unions and employers' organisations sets it. Its stated purpose is to protect wage earners and ensure 'a guarantee of their purchasing power and participation in the economic development of the nation' (Workers' Charter) (Dolado, Felgueroso and Jimeno, 1999). Despite this general aim, the minimum wage has always been kept at a very low level. In 2002, the gross minimum wage in Spain is 516 Euro per month, the third lowest in Europe, after Greece and Portugal. All the other EU countries have a minimum wage above 1000 Euro, that is, approximately double than the Spanish one. Also the United States has a minimum wage over 1000 Euro.¹⁸ The net figures are even smaller: 442 Euro per month, 14.74 Euro per day and 6,190 per year, i.e. less than 2 Euro per hour, while the EU average is 5.65 Euro per hour.

In terms of acquisitive power, the minimum wage has decreased 17.7% over the last 20 years given the fact that inflation has regularly been higher than minimum wage increases.¹⁹ The difference with the Spanish average wage has also increased in the last decades, and now the minimum wage is only 35.5 % of the average Spanish wage, 24.4 points below the level recommended by the European Social Chart²⁰.

However, although the minimum wage has always been low, it is also true that, compared with other EU countries, the number of workers with a minimum wage is very small, around 2 % of the employees (165,600 employees) according to official statistics. Still, trade unions claim that the number of workers directly affected by minimum wages is actually much higher than what official statistics show, half million workers as stated by UGT and CC.OO. These employees' organisations also argue that there are a large number of workers whose income is actually below 600 Euro per month.

Besides, the significance of statutory minimum wage goes well beyond the securing of a legal minimum salary. The minimum wage is a key reference for fixing the amounts and access criteria of public pensions' minimum allowances; minimum income guarantee schemes, and other social benefits²¹. The minimum wage plays also a relevant role in deciding the levels of grants, and in the bargaining of salaries of those employees with a slightly higher salary than minimum wage.

Trade unions have constantly claimed for increases in minimum wage's levels. Their last demand was a 7% increase for 2002, instead of the 2% decided by the government. However, the government has traditionally been reluctant to increase the minimum wage or even to maintain its acquisitive power. The usual arguments to oppose increments of minimum wage are that they might obstacle the creation of employment, especially youth employment. This argument has a special resonance in Spain, given the traditional high unemployment. Nevertheless, the relationship between the minimum

¹⁸ According to Eurostat, quoted in *El Mundo* 17-04-2002; *El Pais* 17-04-2002, 22-12-2001

¹⁹ CCOO. [Http://www.ccoo.es/Publicaciones/DocSindicales/smi.htm](http://www.ccoo.es/Publicaciones/DocSindicales/smi.htm).2002

²⁰ *El Pais* 24-12-2001.

²¹ In fact, the Government has justified recent low increases because of its importance in social policy expenditure (*El Pais*, 06-07-2001).

wage and unemployment is not easy to identify. There are studies that have explored this relation between minimum wages and employment creation in Spain. Dolado, Felgueroso and Jimeno, (1999) for instance, argue that there is not a strong link between minimum wage and unemployment levels, though they suggest that (1999: 146-147): ‘(...) the lack of evidence of the effects of increases in the SMI on the labour supply and on the fixing of minimum agreed wages, makes it very risky to recommend a large upward revision of SMI. (...) If the reason for denying the unions’ petition is a budgetary one (unemployment benefits and other subsidies are linked to the level of minimum wages) then the easiest way is to break those links, introducing in-work-benefits to avoid people falling into a ‘poverty trap’.

In relation with the low-wage sector, the last Employment Report 2001 (European Commission) stressed the high percentages of low paid/productivity and dead-end jobs in Spain. These percentages are among the highest in Europe. The proportion of ‘dead-end’ jobs in the Spanish labour market is the highest in Europe and it is well above 20 % of all jobs, ‘dead-end’ jobs and low paid/productivity jobs together are close to 40 % of the work force. The report also emphasised the difficulties of the employees in these jobs to find transitions into better quality jobs, and to avoid risks of social exclusion. Women, young workers and low-educated individuals are those who suffer more these situations. This document refers to 1996 data, but present reality has not changed much since. According to a survey elaborated by the trade union CC.OO., at the beginning of 2002, Spain was, after Portugal and Greece, the third country with the lowest salaries in Europe²².

The report echoes the wider literature on the topic in the political strategies advised to improve these conditions: to promote qualifications, life long training, career development and working-time reorganisation. Nevertheless, these suggestions and those present in the Employment guidelines of the *European Employment Strategy* do not directly face the problem of how to deal with the social need for unskilled and repetitive tasks, and how to improve the salary and working conditions of those performing them.

Since 1997, European Union’s member states have co-ordinated their employment policies within the framework of the European Employment Strategy, receiving a yearly report that identifies the main reforms carried out and the areas where more efforts are required. For Spain, the Joint Employment Report 2001 reflected:

1. The significant development in the last years of active labour measures;
2. The support of labour demand through reducing fiscal and administrative costs on enterprises and stable job creation;
3. The activation of unemployment benefits;
4. Important measures concerning disincentives to work arising through the benefit system; reduction of the tax burden on labour;
5. Reforms on part-time;
6. Efforts on vocational and continuous training;
7. Legal measures to increase female employment.

²² In several sectors analysed (among them: Public Administration, Health and Computing) the salaries in Denmark and Germany are double those in Spain. For instance, a nurse gets 1252 euros on average in Spain, whereas he gets 2.214 € in Germany and 1.766 € in France; A cashier gets 862 € in Spain, almost a half of what she gets in Germany, 1524 €. (El Pais 11-03-2002 ; El Mundo 17-03-2002)

Nevertheless, in the report, and more explicitly in the EU Council Recommendations (2001; 2002) on the Implementation of Member States' Employment Policies, there is a repeated emphasis on main problems related with low-paid employment and unemployment, and, therefore, more efforts were recommended in these spheres:

1. Modernisation of public employment services;
2. Gender mainstreaming approach of equal opportunities. Measures to promote reconciliation of family and work, childcare and other dependant care, given the high gender gaps in both employment and unemployment;
3. A more ambitious strategy on lifelong learning, given the low levels of educational attainment and participation in further learning, and the absence of a fully coherent and comprehensive approach to lifelong learning;
4. Reduce the share of fixed-term contracts and increase the use of stable part-time;
5. Reduce regional disparities.

There have been important efforts to improve active employment and training measures, as well as to reduce tax burden on low-paid work. The main measures are presented in the Spanish National Plans on Employment required by the European Employment Strategy²³. However, a main problem related with low-paid work remains: most of low-paid work is constituted by vulnerable fixed term contracts. As Huguet (1999) has shown, in Spain a dual labour market is clearly linked to the distinction between permanent and fixed term contracts. This fixed-term/permanent duality does not necessarily mean social segmentation if there are enough transitions between sectors, and it might be a response to the different labour demands of the economy (Toharia, 2000). Nevertheless, if the duality is demand-based, and, thus, relatively independent on regulatory changes - as it seems to be the case given the persistence of high percentages of fixed-term contracts since 1994 despite several reforms; then, the political implications are related to how the costs and benefits of flexibility are distributed between different groups of employees and what the criteria and institutional arrangements are that affect the transitions between sectors.

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²³ Main documents on European Employment Strategy are available at <http://www.eu-employment-observatory.net/src/strategy>.

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